

REAL ESTATE AGENTS LICENSING BOARD

No. 2009/ 653

IN THE MATTER

of an application under
s99 of the Real Estate
Agents Act 1976

APPLICANT

**REAL ESTATE
INSTITUTE OF NEW
ZEALAND INC.**

RESPONDENT

**KAR CHONG WONG
(also known as Peter
Wong)**

HEARING: 4 February 2009

DECISION: 4 February 2009

APPEARANCES: S. Haszard for the Applicant
No appearance for the Respondent

DECISION OF THE REAL ESTATE AGENTS LICENSING BOARD

Hon W P Jeffries (Chairperson), P Dudding, M Giera, J Harnett-Kindley and D Russell

INTRODUCTION

The Real Estate Institute of New Zealand Incorporated ["the Institute"], following a complaint made by the Principal Officer of Edwards Realty Limited trading as Century 21 Edward Realty, on 8 September 2008 instituted these disciplinary proceedings under S. 99 of the Real Estate Agents Act 1976 ["the Act"] in relation to Kar Chong Wong also known as Peter Wong.

Mr. Wong was sentenced to a term of imprisonment in September 2008. The document from legal process services Docuserve New Zealand Limited reveals that this application was served on Mr. Wong on 18 November 2008. Mr. Haszard, Counsel for the Real Estate Institute of New Zealand Inc., ["the Institute"], informs the Real Estate Agents Licensing Board ["the Board"] that at the time of service Mr. Wong would have been informed of the statutory processes available under the Penal Institutions Act for an inmate to secure leave to attend a proceeding such as this if certain criteria are met. There is no appearance of Mr. Wong so the Board reasonably assumes that he has chosen not to appear today.

Section 99 stipulates grounds whereby the Board may cancel the certificate of approval of a salesperson. Subsection 1(a) of section 99 only deals with crimes of dishonesty which is rather restrictive and not applicable to this case. However, the second part of this section vests wide discretion in the Board. If the Board is satisfied that there has been conduct on the part of a salesperson of such a character that it is in the interests of the public that that certificate of approval be cancelled then the Board can so act.

Accordingly the Institute has founded its case upon the facts of the deception in relation to the former employers who when they realised the deceit that had been practised upon them by their former employee terminated his employment. Reference is also made to the fact of conviction and the fact that the employee is presently serving a penal sentence. The Board is satisfied that there is sufficient evidence from which it can conclude that it is in the public interest that this certificate of approval be cancelled and accordingly the application is granted.



Hon W P Jeffries
Chairperson