



Fines for real estate agent and unregistered sales representative

A licensed real estate agent has been reprimanded and both he and his agency have been fined for employing an unregistered sales representative.

On 27 February 2015, **Kirsten Leigh Hopla** was fined a total of \$3,200 and ordered to pay costs of \$948 by the Perth Magistrates Court for carrying out the functions of a real estate sales representative without a certificate of registration. Magistrate Maughan fined Ms Hopla \$500 for not being registered and \$300 on each of the nine charges of holding out that she was a sales representative while involved in transactions with landlords between December 2013 and February 2014, in breach of the *Real Estate and Business Agents Act 1978* (the REBA Act).

On 23 January 2015, the agency was fined \$1,500 and ordered to pay costs of \$654 by the Perth Magistrates Court after pleading guilty to employing Ms Hopla while she was not registered.

In a separate matter in the State Administrative Tribunal on 16 January 2015, the agency's licensee admitted that he failed to ensure that Ms Hopla complied with the requirements of the REBA Act and agreed to a reprimand, a fine of \$2,000 and costs of \$374.

Commissioner for Consumer Protection Anne Driscoll said licensed real estate agents have an obligation to ensure that prospective employees possess the proper documentation before they start work, but this requirement doesn't stop there.

"Agents need to ensure that all their existing employees continue to hold a current licence and triennial certificate or certificate of registration as the case may be," Ms Driscoll said.

"Equally, sales representatives have an obligation to ensure their licenses and certificates are current at all times while being involved in real estate transactions.

"The licensing or registration of real estate salespeople ensures that they are properly trained and qualified to be able to handle the buying and selling of what is usually someone's most valuable asset.

"It is therefore essential that licensed agents carry out the proper checks and avoid breaking the law which may result in serious consequences such as Court penalties and damage to the agency's reputation in the community. The agency may also put their licence at risk."

Agents should check the status of their employees' authorisations, as well as any conditions which may apply, using Consumer Protection's online licence search: www.commerce.wa.gov.au/CP/licencesearch. More information on the obligations of real estate agents and sales representatives is available from: www.commerce.wa.gov.au/cp/realestate.

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