



Permanent ban and \$20,000 fine for raiding trust account (Jenelle Maslin)

A former property manager working for a Shenton Park real estate agency has been banned permanently from working in the industry and fined \$20,000 for making illegal withdrawals from the agency's trust account.

Jenelle Lee Maslin of Innaloo, who was a registered real estate sales representative, made 14 unauthorised withdrawals from the agency's trust account amounting to almost \$30,000 between January 2012 and August 2013. The money, mostly bond and rent payments from tenants, was illegally withdrawn from the agency's trust account and then deposited into her personal bank account, in breach of the *Real Estate and Business Agents Act 1978* (the REBA Act).

The money was listed as being lodged with the Bond Administrator or as unpaid rent in the agency's records. The missing money wasn't discovered until after Ms Maslin's employment with the agency had ceased and the licensee had to reimburse the trust account for the full amount taken by Ms Maslin.

On 6 March 2015, the Perth Magistrates Court imposed a \$20,000 fine and ordered Ms Maslin to pay costs of \$902. A criminal conviction has been recorded against her.

In handing down his decision, Magistrate Heany said he took into consideration Ms Maslin's personal circumstances at the time, that she had no prior record and that the money had been paid back. However, he said that the amount taken was a significant sum and the offences were very serious.

On 10 March 2015, the State Administrative Tribunal issued an official reprimand, cancelled Ms Maslin's registration as a sales representative and placed a permanent ban on her obtaining a registration in the future. She was ordered to pay costs of \$390 in this additional matter.

Commissioner for Consumer Protection Anne Driscoll condemned the conduct of Ms Maslin who betrayed the trust that the community places in those who work in the real estate industry.

"The level of cover-up by Ms Maslin made it extremely difficult to detect the illegal withdrawals but when discovered by the licensee, he acted appropriately to firstly rectify the shortfall in the trust account and then bring the matter to the attention of Consumer Protection," Ms Driscoll said.

"Real estate agencies hold large amounts of money in trust for tenants and property owners – that's why there are strict rules surrounding the handling of those funds and regular auditing of trust accounts.

"Agents and their employees should be aware of the procedures relating to the handling of bond and rent payments from tenants and make sure there are systems in place to ensure the funds are handled in accordance with the law."

Information on the obligations of real estate agents and sales representatives is available on the Consumer Protection website: www.commerce.wa.gov.au/cp/realestate or enquiries can be made by email: consumer@commerce.wa.gov.au or by calling **1300 30 40 54**.