

Property Agents Tribunal

In the matter of the *Property
Agents and Land Transaction Act
2016* (the Act)

Property Agents Board
(Applicant)

And

Mr Clinton Sippel
(Respondent)

NOTICE OF DECISION and DECISION

UPON A COMPLAINT OF THE PROPERTY AGENTS BOARD

Hearing Date: Written Submissions

Tribunal:

Mr K A M Pitt KC	President
Ms P Corkhill	Member
Mr D Paton	Member

Delivered on: 20 September 2024

Representation:

Applicant: Mr C Groves, Dobson Mitchell Allport

Respondent: Mr M Larcombe, Tamar Legal

Background

1. The following conduct complaint dated 25 August 2022, as amended, was referred to the Tribunal by the Property Agents Board ('the Applicant'):

Complaint 1: Misleading the Property Agents Board by making a false statement in an application to become licensed pursuant to the Property Agents and Land Transactions Act

The Respondent is guilty of professional misconduct as defined in s. 83 of the *Property Agents and Land Transactions Act 2016* (Tas) in that he misled the Applicant by, in an application to become licensed as a property representative which was made by the Respondent to the Property Agents Board on or about 26 May 2021, falsely stating he had not had any occupational license application refused, when in fact on or about 2 April 2021 the Office of Fair Trading Queensland had rejected an application by the Respondent for a real estate sales person registration certificate pursuant to the *Property Occupations Act 2014* (Qld).

2. The Respondent agreed that he was guilty of the conduct detailed in paragraphs 1 to 6 inclusive of the amended complaint. The conduct was detailed in the papers provided to the Tribunal but for the purposes of this determination is adequately summarized in the above complaint).
3. The Applicant and the Respondent consented to the Tribunal making orders in agreed terms, without the Tribunal convening an evidentiary hearing or hearing further submissions unless the Tribunal so wished.
4. The Tribunal is satisfied, having regard to all the facts before it, that the agreed orders it makes will properly protect the public and properly regulate the property agent profession.

Orders

5. The Tribunal makes the following orders:

- (i) The respondent is found guilty of the conduct specified in the Complaint in paragraph 1 above.
- (ii) The Tribunal acknowledges the undertaking dated 21 August 2024 given by the Respondent to the Tribunal, a copy of which is annexed and marked "A", that the Respondent will not reapply to the Applicant to become a property agent for a period of two years from the date of the Tribunal's orders.
- (iii) The Respondent is reprimanded.
- (iv) The Respondent is to pay to the applicant a fine of \$5,000.00, within six months of the date of the Tribunal's orders
- (v) The Respondent is to pay the Applicant's costs of the proceeding before the Tribunal, as agreed or as assessed.

Dated 20 September 2024

A handwritten signature in black ink, appearing to read 'Keyran Pitt', with a large, stylized flourish at the end.

Keyran Pitt KC

President


"A"

Undertaking signed by Mr Clinton Sippel

dated 21 August 2024

UNDERTAKING

I, Clinton David Sippel, undertake to the Tribunal that I will not apply to the Property Agents Board to become a property agent for a period of two years from the date of the orders made by the Tribunal in this matter.

Dated: 21/08/2024


Clinton David Sippel