

# PROPERTY AGENTS TRIBUNAL

No 2022-0080T

In the matter of the *Property Agent and Land Transactions Act 2016 (Tas)* ('the Act')

Property Agents Board (Applicant - Board)

And

Ms Jessie Legge (Respondent – Property Agent)

## NOTICE OF CONSENT ORDERS

1. At all material times, the Respondent property agent practiced in Tasmania as a property agent.
2. A conduct complaint against the respondent was referred by the Board to the Tribunal. In its amended form dated 5 December 2022, the complaint was:

**Complaint 1: Not performing her duties to a client as diligently as possible and not carrying out her client's lawful instructions (Code, s. 9(1)(c)).**

The Respondent is guilty of unsatisfactory professional conduct as defined in s.83 of the *Property Agents and Land Transactions Act 2016* in that in June 2020 she was instructed by her client Les Robert Smith to refer a matter to debt collection, and the Respondent failed to effect that referral diligently or within a reasonable or any time.

**Complaint 2: Knowingly conveying to a client a false or misleading impression about any matter related to a transaction (Code, s. 9(1)(g)(i)).**

The Respondent is guilty of unsatisfactory professional conduct as defined in s.83 of the *Property Agents and Land Transactions Act 2016* in that on 14 August 2020 she conveyed to her client Les Robert Smith the impression that a debt collection had been referred to Tasmanian Collection Service when, to the knowledge of the Respondent, that debt collection had not been referred to Tasmanian Collection Service.

**Complaint 3: Failing to take action when required by the Board (Act, s. 97(5)).**

The Respondent is guilty of professional misconduct as defined in s.83 of *the Property Agents and Land Transactions Act 2016* in that on 8 December 2021 she failed to provide written information in response to grounds of complaint, verified by affidavit, when required by notice given to her by the Board dated and on or about 24 November 2021.

**Complaint 4: Failing to take action when required by the Board (Act, s. 101(1))**

The Respondent is guilty of professional misconduct as defined in s.83 of the *Property Agents and Land Transactions Act 2016* in that on 7 June 2022 she had failed to provide written explanation of the conduct when required by letter given to her by the Board dated and on or about 23 May 2022.

3. The Respondent admitted all the facts relevant to the above complaints set out in paragraph 2 and acknowledged that she was guilty of the conduct alleged in all those complaints.
4. At all material times after the referral of the complaint, each of the Respondent and the Board was legally represented. Having regard to the consent of each of the Respondent and the Board and the agreed facts, the Tribunal is satisfied that the Respondent is guilty on each of the above complaints.
5. The Tribunal accordingly finds the Respondent guilty on each of the above complaints.
6. The Respondent's relevant financial and personal circumstances were disclosed. It was uncontested, and the Tribunal is satisfied, that at the times of the conduct complained of, the Respondent was in difficult personal circumstances which are highly unlikely to be repeated. The Respondent is no longer working in the real estate industry and does not intend or wish to return to it.
7. The Respondent has undertaken to the Board that she will not reapply to the Board to become a property agent for a period of three years from the date of the Tribunal's orders.
8. The Tribunal is satisfied that as submitted for the Board, while ordinarily the conduct the subject of the complaints in this matter would call for significantly more onerous orders, the mitigatory circumstances permit an approach which seeks to differently balance the Respondent's personal circumstances with the public protective functions of the Board and the Tribunal.

## ORDERS

The Tribunal orders with the consent of the parties, as follows:

- (i) The Respondent is to pay to the Board a fine of \$5,000.00 within six months of the date of these orders.
- (ii) The Respondent is to pay to the Board its costs of this matter, fixed in the amount of \$3,000.00, within six months of the date of these orders.

Dated 28 September 2023

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

Keyran Pitt KC

President