

BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL

[2012] NZREADT 50

READT 037/12

UNDER

Sections 92 and 115 of the Real Estate Agents Act 2008

BETWEEN

**REAL ESTATE AGENTS
AUTHORITY (CAC20006)**

Prosecutor

AND

MS ZOHREH HOMEL AZIMI

Defendant

MEMBERS OF TRIBUNAL

Judge P F Barber - Chairperson
Ms J Robson - Member
Mr G Denley - Member

HEARD ON THE PAPERS

DATE OF THIS DECISION 23 August 2012

COUNSEL

Mr S Wimsett for prosecutor
Mr G Newell for defendant

DECISION OF THE TRIBUNAL

Background

[1] On 30 July 2012 we issued a decision [2012] NZREADT 43 in relation to the prosecutor's application for suspension of the defendant's real estate agents licence No. 10013497 pending the outcome of a hearing for certain substantive charges we set out in that decision. The point of that decision was to comply with s.115 of the Real Estate Agents Act 2008 ("the Act") dealing with suspension of licence pending outcome of hearing and, in particular, to give notice to the defendant pursuant to s.115(2) of the Act of our intention to suspend her licence.

[2] There has been no response from the defendant so that the prosecutor now invites us to formally suspend the defendant's licence in terms of para [17] of our decision reading: "[17] *The proposed period of the suspension is for a period of nine months or until the hearing of the charge under s.91, whichever date is the earlier.*"

[3] We have now decided to suspend the defendant's licence pending the outcome of the substantive hearing for the following reasons:

- [a] The defendant has been charged under s.91 of the Act and we consider that it is necessary or desirable to suspend the defendant's said licence having regard to the interests of the public;
- [b] We consider that the public needs protection in the light of the serious nature of the charges against the defendant namely; allowing a fraudulent loan application to be made in her name to Kiwibank for the purchase of a property at 3185 Great North Road, Auckland; and involvement in a fraudulent mortgage scheme;
- [c] It is in the public interest to ensure that real estate agents maintain standards of honesty and integrity;
- [d] We have followed the procedures required by and set out in s.115 of the Act.

[4] We also refer to and incorporate herein the content of our said decision herein of 30 July 2012 which, inter alia, sets out the detail of the charges against the defendant.

[5] Accordingly, as from and including 29 August 2012 the said licence of the defendant is suspended for a period of nine months or until the hearing of the charge under s.91, whichever date is the earlier.

[6] We record that the defendant has a right of appeal to the High Court under s.116 of the Act.

[7] This decision constitutes written notice to the defendant and to the Registrar of the Prosecutor, under s.115(3) of the Act, of our decision to suspend the defendant's said licence.

Judge P F Barber
Chairperson

Ms J Robson
Member

Mr G Denley
Member