

Friday 16th November 2007

LAND AGENT CAUGHT DIPPING INTO TRUST ACCOUNT

A land agent has been caught dipping into his client's trust account to purchase items for himself, including a motorcycle.

This week in the Magistrates Court, Mr Spiros Simeonakis of Seaton and Smart Choice Realty Pty Ltd were convicted of numerous offences against the *Land Agents Act 1984* and the *Fair Trading Act 1987*. Smart Choice Realty Pty Ltd was fined \$20,000 and Simeonakis was fined \$12,000 plus costs of \$400.

Minister for Consumer Affairs, Jennifer Rankine said, "This result sends a strong message to land agents about unlawful behaviour."

Simeonakis carried on business as a land agent without being registered under the business name 'Smart Choice Real Estate'. In January 2004, Simeonakis provided the Commissioner for Consumer Affairs an assurance that he would refrain from carrying on business as a land agent without the registration. However, he continued working as a land agent.

While acting as a land agent, he dipped into the trust account for his own private purposes including the purchase of a \$5000 motorcycle. He also failed to keep accurate trust account records.

He also falsely misrepresented he had an affiliation with the Real Estate Institute of South Australia, which he did not have.

"Simeonakis has demonstrated a complete disregard for the licensing system and his clients who entrusted him with their money," Ms Rankine said.

He was found guilty of offences which included carrying out business as a land agent without being registered, acting contrary to an assurance accepted by the Commissioner for Consumer Affairs, failing to keep accurate trust account records, inappropriately withdrawing trust account money from his trust account and failing to deposit trust money into the trust account that he received on behalf of clients.

To verify that a person or company is registered as a land agent, people are encouraged to visit the Licensing Public Register at www.ocba.sa.gov.au or contact OCBA on 8204 9686.