



Government of South Australia

Attorney-General's Department

ASSURANCE
Fair Trading Act 1987
Section 79

Assurance to the Commissioner for Consumer Affairs (SA) given for the purposes of section 79 of the *Fair Trading Act 1987* by:

Mr Brendon Geen T/A Bentley Geen Partners Real Estate

PERSON GIVING THIS ASSURANCE

This Assurance is given to the Commissioner for Consumer Affairs by Mr Brendon Geen trading as Bentley Geen Partners Real Estate in the State of South Australia for the purposes of section 79 of the *Fair Trading Act 1987*.

1. BACKGROUND

- 1.1. Mr Brendon Geen is a natural person.
- 1.2. Section 6 of the *Land Agents Act 1994* ("the Act") requires a person that carries on business, or hold himself or herself out, as an agent to be registered under the Act.
- 1.3. Mr Geen was licensed to act as a land agent on 29 April 2016 and operated as a property manager, trading as Bentley Geen Partners Real Estate from his home address at Valley View, South Australia.
- 1.4. Section 21 of the Act requires that an agent must keep accounts and records of all trust money received by the agent and of any disbursement in a legible written form or so be readily convertible into such a form, for at least five years.

2. CONDUCT OF CONCERN

- 2.1. Mr Geen failed to pay the appropriate land agent registration renewal fee to CBS resulting in his licence being cancelled on 23 June 2017.
- 2.2. Whilst unregistered, between 24 June 2017 and 13 December 2018 Mr Geen continued to hold himself out to be a land agent by managing up to ten rental properties on behalf of three landlords.
- 2.3. Between 2012 and November 2017, Mr Geen failed to ensure that records relating to three rental properties under his management were maintained in a legible written form by failing to rectify a computer issue that caused the dates of trust money payments and landlord invoices to be incorrect.

3. CONTRAVENTIONS

- 3.1. The Commissioner considers and Mr Geen acknowledges that by engaging in the conduct described in paragraph 2 it is likely that Mr Geen may have contravened section 6 and Section 21 of the *Land Agents Act 1994*.

4. COMMENCEMENT OF ASSURANCE

- 4.1. This Assurance comes into effect when:
- 4.2. The Assurance is executed by Mr Geen; and
- 4.3. The Commissioner for Consumer Affairs accepts the Assurance so executed.

5. ASSURANCE BY MR BRENDON GEEN, TRADING AS BENTLEY GEEN PARTNERS REAL ESTATE FOR THE PURPOSES OF SECTION 79 OF FAIR TRADING ACT 1987

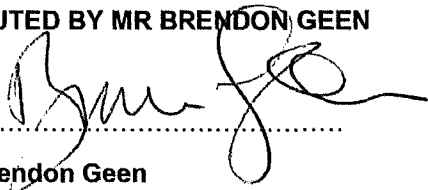
- 5.1 In response to the concerns raised by CBS on behalf of the Commissioner for Consumer Affairs, Mr Brendon Geen hereby provides an Assurance to the Commissioner that:
 - 5.1.1. Mr Geen will not act as a land agent unless registered as required by section 6 of the *Land Agents Act 1994*;
 - 5.1.2. Mr Geen will ensure that he keeps detailed records of all trust money received and disbursed in compliance with section 21 of the *Land Agents Act 1994*.

6. ACKNOWLEDGMENTS

Mr Brendon Geen acknowledges that:

- 6.1 It is an offence to breach an Assurance, as set out in section 79 of the *Fair Trading Act 1987*;
- 6.2 CBS will make this Assurance publicly available including by publishing it on the CBS public register of undertakings on its website;
- 6.3 CBS will, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
- 6.4 This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
- 6.5 This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987* or a related Act.

EXECUTED BY MR BRENDON GEEN


.....
Mr Brendon Geen

Date: 29/07/2020


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Signature of Witness

Witness name: HEATHER MURIL GREEN

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to section 79 of the *Fair Trading Act 1987*



Commissioner for Consumer Affairs (SA)

Date: 4/8/20