

ADVOCATES ASSOCIATION of SARAWAK
PERSATUAN PEGUAMBELA² SARAWAK

Date: 15th January 2024

Mr. Robert Ting
Branch Chairman
Malaysia Institute of Estate Agents (MIEA) Sarawak
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Dear Mr. Ting,

Solicitation of Referral Fees or Commission by Registered Estate Agents

We refer to the above matter.

Our members have lodged complaints to us that Registered Estate Agents in Sarawak have been soliciting for Referral Fees or Commission before referring cases to our members for preparation of sale documents. The solicitation by the Real Estate Agents or Unlicensed Brokers have become or is becoming more rampant in many divisions in Sarawak.

We would like to refer you to the following Rules under the Advocates (Practice and Etiquette) Rules, 1988:

Pursuant to Rule 51, an Advocate shall not do so or cause or allow to be done, anything for the purpose of touting directly or indirectly or which is calculated to suggest that it is done for that purpose.

Pursuant to Rule 51, it is unprofessional and improper conduct –

- (a) *For an advocate to divide or agree to divide either costs received or the profits of his business with any unqualified person;*
- (b) *For an advocate to pay, give, agree to pay or agree to give any commission, gratuity or valuable consideration to any unqualified person to procure or influence or for having procured or influenced any legal business and whether such payment, gift or agreement be made under pretext of services rendered or otherwise, but this rule does not prohibit the payment of ordinary bonuses to staff;*

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Our members who breach the above Rules will be referred to the Inquiry Committee and if found guilty, the said members may be struck off the Rolls of Advocates or be suspended from practice. We will not hesitate to refer any Advocates who had breached the said Rules to the Inquiry Committee.

Our Association is very concerned of the potential consequences that may arise if the rampant solicitation of referral fees or commission by Registered Estate Agents is not addressed immediately.

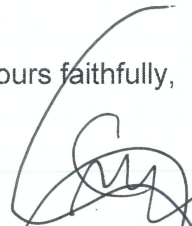
As both our organizations are common stakeholders in the matters of real estate practice, we would like to engage with your organization to discuss ways to address the rampant solicitation of referral fees or commission by Registered Estate Agents in Sarawak.

We take note of your organization's Code of Ethics and Conduct whereby at No. 9, the Registered Estate Agents are not permitted to take any commission from any third party. If we become aware of any Registered Estate Agents who had breached any provisions under the Code of Ethics and Conduct of your organization, we will not hesitate to lodge a complaint against the said Registered Estate Agent for disciplinary proceedings and/or investigations as provided under No. 25 of your organization's Code of Ethics and Conduct.

We have advised and given notification to our members not to engage with Registered Estate Agents in their solicitation (if any) of referral fees or commission for preparation of sale documents. We hereby request that your organization also assist to advise or give notification to all your members not to engage in solicitation of referral fees or commission from the Advocates for preparation of sale documents.

Thank you.

Yours faithfully,



GURVIR SINGH SANDHU
President
Advocates Association of Sarawak



c.c. **Malaysia Institute of Estate Agents (MIEA)**

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