



Ministry of Finance
Office of the Superintendent of Real Estate

Fit and Proper Person Questionnaire

A Fit and Proper Person Questionnaire must be completed by each person specified below to enable the Superintendent of Real Estate to determine whether or not these persons meet the minimum fit and proper criteria specified in 'Schedule 1' of the [Real Estate Brokers' Licensing Act 2017](#).

- This **confidential** pdf fillable form must be completed by:
 - Each person who effectively directs or controls the business of the applicant, including a director, controller or senior executive (refer to definitions in Appendix 1);
 - The Compliance Officer;
 - The Reporting Officer; and
 - All Brokers & Agents.
 - **Please read the questions carefully.** If more space is needed the answers should be typed in the space provided at the back of this questionnaire headed "Additional Information" and clearly identify the question to which the details relate. The form should be completed and signed electronically, using Adobe.
 - As part of the application each person will be required to submit by email a copy of photographic ID and a full CV.
 - After completing this form electronically please forward it with all supporting documents via email to realestatelicense@gov.bm . Attachments must be clearly identified.
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FIT & PROPER QUESTIONNAIRE

I. PERSONAL DETAILS

Name of Real Estate Agency		Position with Agency	
Surname		Forename(s)	
Maiden Name (if applicable)		Any previous name(s)	
Date of birth	Place of birth		Country of citizenship
Residential address			
Nationality* Please include how Nationality was acquired, e.g. by birth, naturalisation or marriage.		Previous nationality* If acquired by naturalisation or marriage, indicate previous nationality.	

II. ROLES & RESPONSIBILITIES

A) Specific responsibilities of the position reflected in **section I** (if any).

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III. EDUCATION & QUALIFICATIONS:

Name of University/Institution/Organization	Years Attended

IV. PROFESSIONAL MEMBERSHIPS/ASSOCIATIONS

Professional Body	Address	Year of Admission



V. AML/CTF TRAINING

Have you received AML/ATF training in the last two years? If so, please LIST.

Subject of training	Organiser/Presenter	Training date

VI. WORK HISTORY Please provide your employment and occupations held during the last 10 years, including the full name and address of the employer, the nature of the business, the position held and the relevant dates (**a full CV should also be attached**).

Name/Address Employer	Nature of Business	Position Held	Relevant Dates



VII. State your percentage of ownership with this business and any other real estate business of which you are (or have been in the last 10 years) a director, controller (10% ownership or above), manager or officer and the countries in which they are registered. If your relationship with the company has ceased, please give the date on which it terminated.

Name of Company	Registration Number	Country of Registration	Type Director, Controller, Manager/Officer	Percentage Ownership

VIII. MISCELLANEOUS INFORMATION If any of the answers to the questions below are yes, please provide details in the space provided in Section IX. Additional Information, including the question number ie. (VIII-c.).

Please check Yes or No for the following questions:	Yes	No
a. Have you ever been associated, in ownership or management capacity, with a company, partnership or other business association that has been refused registration, authorisation, membership or a licence to conduct trade, business or profession, or has had that registration, authorisation, membership or licence revoked, withdrawn or terminated?		
b. As a result of the removal of the relevant licence, registration or other authority mentioned in question a. above, have you ever been refused the right to carry on a trade, business or profession requiring a licence, registration or other authorisation?		
c. Have you, at any time, been convicted of any offence involving fraud or other dishonesty or violence by any court, in Bermuda or elsewhere? If so, please provide information on such convictions in section IX below, including the court by which you were convicted, the offence, the penalty imposed, and the date of conviction. Note: With reference to a Bermuda court, exclude 1. Any offence committed when you were under 18 years unless it was committed within the last 10 years; 2. Any road traffic offence; 3. Any offence that, for the purpose of the Rehabilitation of Offenders Act 1977, should be treated as spent.		
d. Have you, in Bermuda or elsewhere, been censured, disciplined or criticized by any professional body to which you belong, or have belonged, or made the subject of a court order		



Please check Yes or No for the following questions:	Yes	No
at the instigation of any regulatory authority, or have you ever held a practicing certificate subject to conditions?		
e. Have you, or has any company, partnership or unincorporated institution with which you are, or have been associated as a director, controller or senior executive, by reason of any matters relating to it at a time when you were so associated, been the subject of an investigation, in Bermuda or elsewhere, by a governmental, professional or other regulatory body?		
f. Have you ever been a director, partner, or otherwise involved in the management, of a business that has gone into receivership, insolvency or liquidation while you have been connected with that business or within one year after that connection?		
g. Have you, in Bermuda or elsewhere, been dismissed from any office or employment or barred from entry to any profession or occupation?		
h. Has a bankruptcy petition ever been served on you, or any organisation in which you were a shareholder or held the position of director or manager? If pending, give details of the circumstances and, if not pending, how was the matter resolved?		
i. Have you been concerned with the management or conduct of affairs of any institution which, by reason of any matter relating to it at a time when you were so concerned, has been censured, warned as to future conduct, disciplined or publicly criticised by or made the subject to a court order at the instigation of any regulatory authority in Bermuda or elsewhere?		
j. Have you, in connection with the formation or management of a body corporate, partnership or unincorporated institution, been adjudged by a court in Bermuda or elsewhere to have civil liability for any fraud, misfeasance or other misconduct by you towards such a body or company or towards any members thereof?		
k. Are you presently or do you expect to be engaged in any litigation in Bermuda or elsewhere?		



IX. Additional Information (Please state clearly to which questions the details relate)

A large empty rectangular box intended for providing additional information.



CERTIFICATION

I certify that the information given in answer to the questions above is complete and accurate to the best of my knowledge, information and belief and that there are no other relevant facts of which the Office of the Superintendent of Real Estate should be aware.

I undertake to inform the Office of the Superintendent of Real Estate of any changes material to the application, which arises while the Office of the Superintendent of Real Estate is considering the application.

Name

Position held

Signature

Use the Fill & Sign tool to attach your signature

Date

Format: XX Month YYYY



APPENDIX I

DEFINITIONS: THE MEANINGS OF "DIRECTOR", "CONTROLLER" AND "SENIOR EXECUTIVE" are defined in section 11B of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 and Schedule 1 of the Real Estate Brokers' Licensing Act 2017.

1. "Director" in relation to a real estate business, includes any person who occupies the position of director, by whatever name called.
2. "Controller" in relation to a real estate business, means—
 - (a) in the case of a regulated DIHVG which is a company, a managing director of the company, or of its parent entity;
 - (b) in the case of a real estate business which is a firm—
 - (i) if a partnership, the managing partner; or
 - (ii) if an unincorporated association, a member of the firm;
 - (c) in the case of a real estate business which is neither a company nor a firm, a sole proprietor;
 - (d) a chief executive of a real estate business or of its parent entity; and
 - (e) a person who—
 - (i) holds ten percent or more of the shares in a real estate business which is a company, or in its parent entity;
 - (ii) is entitled to exercise or control the exercise of ten percent or more of the voting power in the real estate business or in the parent entity; or
 - (iii) is able to exercise a significant influence over the management of the real estate business or the parent entity by virtue of the voting power in the real estate business or the parent entity; and
 - (f) a person in accordance with whose directions or instructions the following persons are accustomed to act—
 - (i) the directors of the real estate business;
 - (ii) the directors of the parent entity of the real estate business; and
 - (iii) persons who are controllers by virtue of paragraph (e).
3. "Senior executive", in relation to a real estate business, means a person who, under the immediate authority of a director or chief executive of the real estate business —
 - (a) exercises managerial functions; or
 - (b) is responsible for maintaining accounts or other records of the real estate business.