



REAL ESTATE COUNCIL OF ALBERTA
WANT TO BE A MEMBER OF COUNCIL?
WHAT YOU SHOULD KNOW



**REAL ESTATE
COUNCIL
OF ALBERTA**

Suite 350, 4954 Richard Road SW, Calgary, AB
403-228-2954 • 1-888-425-2754 • Fax 403-228-3065

www.reca.ca

© 2010 Real Estate Council of Alberta

TABLE OF CONTENTS

History of Regulation of Alberta's Real Estate Industry	2
Real Estate Council of Alberta (RECA)	5
Composition of Council	10
Governance Model	13
Mandate, Mission, Vision, Philosophy and Commitment	15
Council Chair	17
Code of Conduct for Council Members	19
Commitment of Council Members	24
Committees of Council	28
Policies of Council	29
Honoraria	30
2009-2010 Council	32

HISTORY OF REGULATION OF ALBERTA'S REAL ESTATE INDUSTRY

The first legislation governing the real estate industry in Alberta was passed in 1906. It was called the *Real Estate Commission Act* (Ch. 139). It was "an Act to prevent Frauds and Perjuries in relation to Sales of Real Property."

In 1929, the province enacted the *Real Estate Agents' Licensing Act* (Ch. 318). It was "an Act to provide for the Licensing of Real Estate Agents and Real Estate Salesmen." At that time, there was no "organized" real estate industry; that is, there were no real estate boards in place. Regulation of this industry was initiated by the government. This statute and its regulations regulated trade in real estate in Alberta and remained in place until the *Real Estate Act* was passed in 1996.

Mortgage brokers were regulated by the *Mortgage Brokers Regulation Act* and Regulations. Responsibility for administering the *Mortgage Brokers Regulation Act* was transferred to Alberta Consumer and Corporate Affairs, from the Alberta Securities Commission, in the early 1980s. Responsibility for both statutes was transferred to Alberta Municipal Affairs in 1994. The administration of these statutes and regulations was carried out by the Superintendent of Real Estate and department staff in the Housing and Consumer Affairs Division until June 30, 1996.

The transition from government regulation to self-regulation did not occur suddenly. In a 1975 Planning Document prepared by Alberta Consumer and Corporate Affairs, four long-term objectives were noted for the real estate program:

- study the feasibility of having the real estate industry take partial or full control of supervising and marking examinations
- review the fee structure to bring it in line with the cost of service
- increase the bond or establish an assurance fund
- research the possibility of self-regulation by the real estate industry

The Real Estate Assurance Fund was created in 1984 and became operational in 1985. The purpose of the Fund is to pay judgments in whole or in part against industry members where the judgment is based on a finding of fraud or breach of trust. The Alberta Real Estate Association (AREA) was responsible for administering the Real Estate Assurance Fund under the *Real Estate Agents' Licensing Act*.

In 1987, in response to initial requests for greater industry autonomy from AREA, the *Real Estate Agents' Licensing Act* was amended to allow the Superintendent of Real Estate to delegate to AREA any or all of the rights, obligations and functions under sections 7, 11 and 13 and the regulations "respecting licensing and the experience, training, education and examination of agents and salesmen ... and ... the maintenance of records containing information supplied under those provisions."

Following this amendment, the authority for administration of licensing and record-keeping was delegated to the Alberta Real Estate Licensing Committee or "Licensing Committee." It consisted of seven members, appointed by AREA, five from the real estate industry and two from the public at large nominated by the Minister of Municipal Affairs. They effectively reported to the Superintendent of Real Estate.

In 1988 the responsibility for administration of educational standards, examinations, licensing and registration in the real estate industry was delegated to the Licensing Committee.

In 1993, responsibility for conducting compliance audits of industry members was also delegated to the Committee. However, staff were functionally supervised by the Deputy Superintendent of Real Estate.

The Licensing Committee was a delegated regulatory organization (or administrative authority) with limited powers. The bylaws, policies, procedures, and forms established by the Licensing Committee were subject to the approval of the Superintendent of Real Estate. The government continued to be responsible for the Regulations and the other aspects of regulation of these industries. The Superintendent of Real Estate and department staff were responsible for the day-to-day administration of the statutes and regulations including the investigations of complaints from consumers and conducting disciplinary hearings.

All fees collected by the Licensing Committee were remitted to the Alberta government. The government returned 80 per cent of the fees collected to the Licensing Committee to cover its costs of operation. These were its only source of revenues.

In September 1994, after a series of consultations and negotiations between the government, AREA and other industry stakeholders, the Honourable Dr. Steven West, Minister of Municipal Affairs, directed the department to prepare legislation for the 1995 Spring Sitting of the Provincial Legislature that would create the Real Estate Council of Alberta (RECA). The policy direction was to establish a self-regulatory model for the industry; specifically, the council would be a non-government agency, be responsible for setting and enforcing the standards and rules governing industry members and totally self-funded. The government would have no direct role in the operations of the council.

Drafting instructions for the *Real Estate Act* were provided to the Legislative Counsel Office in December 1994 by a working group made up of AREA representatives and government officials. In addition to drafting the Act, the working group held ongoing meetings with stakeholders through the fall of 1994 and spring of 1995. On April 10, 1995, Bill 28 was introduced in the Alberta Legislature. On May 17, 1995 the Bill received Royal Assent and became law in Alberta.

On November 1, 1995, the *Real Estate Act* was proclaimed. The *Real Estate Act* combined the regulation of real estate agents, salespersons, property managers, business brokers, and mortgage brokers into one statute. The Act established the Real Estate Council of Alberta and created the statutory position of executive director.

Within defined parameters, the real estate and mortgage broker industry assumed responsibility for self-regulation through RECA by virtue of the *Real Estate Act*. From November 1, 1995 to June 30, 1996, the council worked on the tasks of planning, communication, establishing an organization, and developing the necessary policies and procedures to assume full regulatory responsibility from the Alberta government. The transfer of responsibility occurred on July 1, 1996.

The policy direction of the Alberta government, and the goal of industry, was to establish a model in Alberta of self-regulation by the industry. This would be a model similar to that which already existed in other more traditional professions such as lawyers, doctors and accountants. There was a desire to develop a more professional industry through educational requirements, establishment of standards of conduct for industry members, and an effective investigative and enforcement process.

As indicated, government and industry worked together to further advance professionalism in the business of industry members. A component of professionalism is having industry-based programs designed to enhance consumer protection. In cases where industry members are negligent or commit fraud and consumers suffer a financial loss, mandatory programs are usually put in place to improve the ability of consumers to recover losses. Therefore, mandatory participation in an errors and omissions insurance program (negligence) and an assurance fund (fraud or breach of trust) were carried forward in the *Real Estate Act* and Rules.

In Alberta, the general policy direction of an independent, professional, self-regulatory model is established. Section 3 of the *Real Estate Act* establishes the council as a corporation. Section 4 states the council is not an agent of the Crown. Section 5 states the council has these main purposes:

- to set and enforce standards of conduct for the industry and the business of industry members in order to promote the integrity of the industry;
- to protect consumers affected by the industry;
- to protect against, investigate, detect and suppress mortgage fraud as it relates to the industry;
- to provide services that enhance and improve the industry; and
- to administer the Act, Bylaws and Rules

The initial rules for the council were developed by the Minister and put in place at proclamation. To a great extent these rules were the same as the regulations that were in place at that time under the *Real Estate Agents' Licensing Act* and the *Mortgage Brokers Regulation Act*. The council can amend, rescind or add to these rules as it deems necessary. For example, the Errors and Omissions Regulation which required agents and sellers to obtain E & O insurance was continued by the rules.

The approach of self-regulation that Alberta has taken appears to be unique in North America. The Minister of Service Alberta has been assigned responsibility for the *Real Estate Act* by Order-in-Council pursuant to the *Government Organization Act*. The government is responsible for the enabling statute and the Minister of Service Alberta represents the provincial government in matters related to the *Real Estate Act*. The Real Estate Council of Alberta is established as a corporation and is not an agent of the Crown. Therefore, the Minister has no direct involvement in the ongoing operations of the council. The primary role of the Minister is to amend the legislation or regulations as required and to generally monitor the council. The *Real Estate Act* contains accountability mechanisms. For example, the council must send a copy of its annual report to the Minister. Also, in section 75 of the Act, the Minister has the power to review the conduct of the council and any matter relating to the real estate assurance fund when it is considered necessary in the public interest. After a review, the Minister may order the council to take any action that the Minister considers appropriate in the circumstances.

In other Canadian provinces and in the United States, the regulatory responsibility is either entirely carried out by government (or a government agency) or is shared between government and a delegated administrative body. In one case, the delegated body is the provincial real estate association. This latter model is referred to as "co-regulation" or "self-management." In jurisdictions where there is co-regulation, the degree of industry involvement in regulation varies. For example, the government may retain the responsibility for setting or approving the regulations, may approve the authority's bylaws, may retain the functions of a Superintendent of Real Estate, may conduct investigations and hearings, or may share in licensing and registration revenues.

REAL ESTATE COUNCIL OF ALBERTA (RECA)

The council is responsible for administration of the *Real Estate Act* and is accountable for its conduct to industry members and consumers. It is responsible for:

- the bylaws setting out duties for its members and officers, and dealing with matters pertaining to the business and affairs of RECA;
- setting the rules that govern industry members in the trade of real estate, dealings in mortgages (mortgage brokering) and real estate appraisal services;
- setting the requirements for issuing authorizations (licences) to individuals to be real estate brokers, mortgage brokers, or real estate appraisers, including entry educational requirements, admission exams, mandatory errors and omissions insurance coverage and continuing professional development requirements;
- conducting investigations, establishing a disciplinary process and conducting hearings arising from improper conduct by industry members;
- administration of the Real Estate Assurance Fund (a consumer protection fund); and
- appointing an executive director, setting the philosophy, direction and policies of RECA and submitting an annual report to the Minister.

The executive director is a statutory position established by the *Real Estate Act* and is also the chief administrative officer of the council. This position is responsible for carrying out any powers, duties or responsibilities assigned to it in the *Real Estate Act* and as well as those delegated to it by the Council pursuant to the delegation power in section 15. For example, the executive director is responsible for investigations and the administration of the Real Estate Assurance Fund.

The executive director provides leadership in the establishment and implementation of the mission, principles and values of the corporation. He provides leadership in the setting and implementation of annual strategic goals, objectives and priorities. He provides information, advice and support to enable sound decision-making by council. He is responsible for the day-to-day operations of RECA, ensures prudent stewardship of human and financial resources, and promotes organizational integrity. He ensures the policies of Council are implemented by administration and that the *Real Estate Act* and Rules are administered properly and in accordance with the rules of administrative law.

Specific responsibilities of the executive director include the following:

- administering the program that authorizes industry members to be real estate brokers, mortgage brokers and real estate appraisers, including issuance, suspension and cancellation of authorizations (licences and registrations);
- management of public information services;
- management of consumer complaints, investigations and, upon receipt of sufficient evidence, referral of cases to disciplinary hearings;
- administering a program of compliance audits and inspections of industry members
- administering enforcement proceedings, including: issuing orders to cease carrying on business, obtaining receiving orders and freezing bank accounts; and
- administering the Real Estate Assurance Fund.

RECA Highlights – Historic View

1996 – 1997

- assumed responsibility for the administration of the *Real Estate Act*, and assumed regulatory control over Alberta's real estate and mortgage brokerage industries
- established licensing process
- approved pre-licensing education requirements and mandatory continuing education program
- established disciplinary processes and procedures for conducting hearings and appeals

1997 – 1998

- launched RECA On-line, an Internet-based licensing and registration system
- review of rules and development of code of conduct for industry members
- MOU with the Alberta Real Estate Council (AREA) for continued delivery of the Agent's Licensing Program and Real Estate 1000
- approved *Practice & Procedure Guidelines for Hearing & Appeal Panels*
- implementation of mandatory continuing education requirement of 18 credits

1998 – 1999

- new rules and code of conduct effective October 1, 1999
- MOU with Saskatchewan Real Estate Commission (SREC) to facilitate licensing of industry members in both jurisdictions
- coverage under the Real Estate Assurance Fund for mortgage brokers and agents eliminated the need for these industry members to be bonded (unless additional coverage was desired)

1999 – 2000

- review of current educational standards
- introduction of Mortgage Broker 1000 course
- adopted *Internet Guidelines*
- established new licensing model (brokerage, broker, associate broker and agent)

2000 – 2001

- Real Estate Authorization Recognition Agreement – Alberta, Saskatchewan, Manitoba, Ontario and Nova Scotia
- Licence Recognition Agreements signed with nine US jurisdictions
- published *Interpretations & Guidelines Manual*
- review of educational standards continued with second Discussion Paper distributed to industry

2001 – 2002

- submitted amendments to the *Real Estate Act* to Alberta Legislature
- after consultation with the industry and appraisers, council agreed to work toward regulation of real estate appraisers
- continued participation with several Canadian Real Estate Regulators (CRG) task groups on issues including licensing and regulatory terminology, effect of electronic transactions and technology on regulatory responsibility, and agency (from a regulatory perspective)

2002 – 2003

- plan developed to implement, over three years, the 23 recommendations of the Licensing Education Committee to raise the pre-licensing and post-licensing education standards for the real estate sector
- chaired the Agency Ad Hoc Committee, a national initiative of regulatory jurisdictions across Canada which addressed issues related to agency in the real estate sector
- distributed discussion paper, *Cash Rebates and Referral Fees*, and met with industry members across Alberta
- established the Mortgage Brokers Advisory Committee
- established the Real Estate Appraisers Advisory Committee
- amendments to the *Real Estate Act* were passed that improved RECA's administration of the Act

2003 – 2004

- a potential threat to the viability of the Real Estate Assurance Fund by a banks and mortgage lenders civil suit, related to mortgage fraud, was averted through the strong support of stakeholders and collaboration with stakeholders
- established the Property Managers Advisory Committee

2004 – 2005

- assumed regulation and licensing of real estate appraisers effective October 1, 2004
- many meetings held with industry members and stakeholders throughout Alberta to elicit feedback on implementation of changes to agency
- organized and participated in the Alberta Mortgage Fraud Prevention Strategy
- participated in Stop Marihuana Grow-ops in Calgary and Edmonton
- initiated legislative changes to the *Real Estate Act* to restrict financial and lending institutions from being eligible to make claims on the Real Estate Assurance Fund; reaffirmed the purpose of the Assurance Fund to protect consumers
- updated and redesigned newsletters and website, and increased communication with industry members, stakeholders and the public

2005 – 2006

- tenth anniversary of the Real Estate Council of Alberta
- established the Residential Real Estate Advisory Committee and Commercial Real Estate Advisory Committee

- professional development policy changed to focus on mandatory courses that address issues of regulatory relevance, legislation changes and risk management; 18-credit requirement every two years to be discontinued October 1, 2007
- new Rules effective October 1, 2006 contained extensive revisions to improve licensing standards, reporting and enforcement of rules, to ensure standards of practice are relevant and appropriate and to implement Agency Ad Hoc Committee recommendations related to agency obligations and service agreements
- administrative penalties in RECA Bylaws revised and expanded to cover most Rule breaches
- introduced consent agreement process for industry members subject to disciplinary proceedings
- proposed amendments to the *Real Estate Act* to update and modernize the legislation were provided to the Alberta government
- Bob Myroniuk, RECA's Executive Director, serves as President of ARELLO

2006 – 2007

- Council mandates wording of specific forms related to industry member relationships in residential real estate with clients and customers, agency disclosures, and consumer brochures; RECA forms based on the forms recommended by the Agency Ad Hoc Committee
- Council approves new rules related to designated agency and transaction brokerage and sets dates for implementation of both in 2008
- Council approves a real estate licence authorizing property management only and changes REAP requirements
- RECA On-line licensing became available for appraisers to renew their licences

2007 – 2008

- designated agency became an option for real estate industry members
- transaction brokerage replaced dual agency with limitations
- the amended *Real Estate Act* and *Real Estate Act* regulations were proclaimed. Many of the amendments provided additional tools to assist RECA with respect to mortgage fraud
- Council established a new direction for RECA and licensing education by establishing Core Values and with RECA developing and delivering licensing education courses in the areas that RECA has the expertise in that course content
- many consumer education projects completed including translation of consumer articles on RECA's website and development of the Agency Relationships Guide and video and other supporting documents
- RECA received two ARELLO Education Awards, the first for consumer education with respect to agency relationships and the second for continuing education with the development of the Understanding Designated Agency and Transaction Brokerage course

2008 – 2009

- Council implemented a new licensing reciprocity policy pursuant to the national Agreement on Internal Trade (AIT) and the Trade, Investment and Labour Mobility Agreement (TILMA) with British Columbia
- Council approved an advertising policy change that allows industry members to include other identifiers (i.e. team names, a branding name) in their advertisements
- Published comprehensive Advertising Guidelines book for the real estate and mortgage broker industries

- RECA received a Consumer Champion Award of Distinction from Service Alberta for production of a series of Consumer Tools, which include online and print materials to help consumers make decisions about working with real estate industry members, and with buying and selling residential real estate
- The RECA Online and website server was upgraded. The new server has increased security to protect RECA's licensing information and increased capacity
- RECA introduced online filing of compliance audit forms
- RECA received the Association of Real Estate Licence Law Officials – Consumer Education Award for Agency Relationships
- RECA received the Association of Real Estate Licence Law Officials – Post Licensing Education Course Award – *Understanding Designated Agency and Transaction Brokerage*
- Revised the *Real Estate Act* Bylaws
- Information Barriers developed for all industry sectors
- Delivery of the *Introduction to a Career in Property Management* course
- Consumer research project on service and relationship options with mortgage brokers

COMPOSITION OF COUNCIL

The Real Estate Council of Alberta is composed of twelve members, representing residential and commercial real estate, property management, mortgage brokers, real estate appraisers and the public. Council's responsibilities include determining, setting and enforcing standards of conduct and business practices for industry professionals, providing services that enhance and improve the industry and administering the *Real Estate Act*, Rules and bylaws. An administrative staff, led by the executive director, assists council in fulfilling these duties.

Section 6 of the *Real Estate Act*

6(1) The Council shall consist of 12 members appointed as follows:

(a) the Minister shall appoint one member, who must not be an industry member;

(a.1) repealed 2007 c39 s4;

(b) the Alberta Mortgage Brokers' Association shall appoint one member, who must be a mortgage broker;

(c) the Alberta Real Estate Association shall appoint 6 members as follows:

(i) one member who must be a real estate broker trading in industrial, commercial and investment real estate and who may or may not be active in property management;

(ii) one member who must be a real estate broker trading in residential real estate;

(iii) from nominations received from the Calgary Real Estate Board, one member, who must be a real estate broker;

(iv) from nominations received from the Edmonton Real Estate Board, one member, who must be a real estate broker;

(v) from nominations received from other real estate boards in Alberta, 2 members, who must be real estate brokers;

(d) repealed 2007 c39 s4;

(e) the members appointed under clauses (b) and (c) shall jointly appoint 2 members as follows:

(i) from nominations from industry members who are not members of the Alberta Real Estate Association, one member, who must be an industry member;

(ii) from nominations from the public at large, one member, who must not be an industry member;

(f) the members appointed under clauses (a) to (e) shall jointly appoint 2 members as follows:

(i) from nominations received in accordance with the regulations, one member, who must be a real estate appraiser;

(ii) from nominations received in accordance with the regulations, one member, who must be a property manager.

(1.1) A member appointed under subsection (1), except under subsection (1)(a) or (e)(ii), must be an industry member.

- (2) The term of office of a member appointed under subsection (1) is 3 years.
- (3), (4) Repealed 2007 c39 s4.
- (5) Where a vacancy occurs, the vacancy shall be filled by an appointment for the unexpired portion of the term, to be made in the same manner that the appointment of the member who is being replaced was made.
- (6) If an association fails to appoint a member under this section within the time prescribed by the bylaws, the Council may appoint the member, and the member shall be considered to have been appointed by the association.
- (7) If the members appointed under subsection (1)(b) and (c) fail to appoint a member under subsection (1)(e) within the time prescribed by the regulations, the Minister may appoint the member, and the member shall be considered to have been appointed by those members.
- (8) A vacancy in the membership of the Council does not invalidate the constitution of the Council nor impair the right of members of the Council to act if the number of remaining members is not less than a quorum.

RSA 2000 cR-5 s6;2003 c31 s4;2007 c39 s4

Real Estate (Ministerial) Regulation

Part 3

Nomination of Real Estate Appraiser and Property Manager Council Members

Application

16 This Part applies to the nomination of a real estate appraiser and a property manager for appointment to Council.

AR 124/2008 s6

Request for recommendations

17(1) The executive director shall make a request for recommendations for appointment to Council by sending a recommendation form to each industry member who is a real estate appraiser or a property manager.

(2) The form must be sent at least 90 days prior to the expiry of the term of office.

(3) The form may be sent to the last known electronic address for the industry member in the Council's records.

AR 124/2008 s6

Recommendations

18(1) Two real estate appraisers may recommend a real estate appraiser for nomination.

(2) Two property managers may recommend a property manager for nomination.

(3) A person cannot recommend himself or herself.

AR 124/2008 s6

Submission of recommendations

19(1) A recommendation form must

(a) be completed in the form and manner required by the executive director,

(b) be signed by the individuals making the recommendation,

(c) be signed by the person being recommended, and

(d) include an explanation of the recommended person's qualifications.

(2) The recommendation form must be received by the executive director within the time specified by the executive director.

(3) The executive director may, in extenuating circumstances, extend the time in subsection (2).

AR 124/2008 s6

Committee and nominations

20(1) The Council shall establish a committee to nominate individuals for appointment to the Council for the purpose of section 6(1)(f) of the Act.

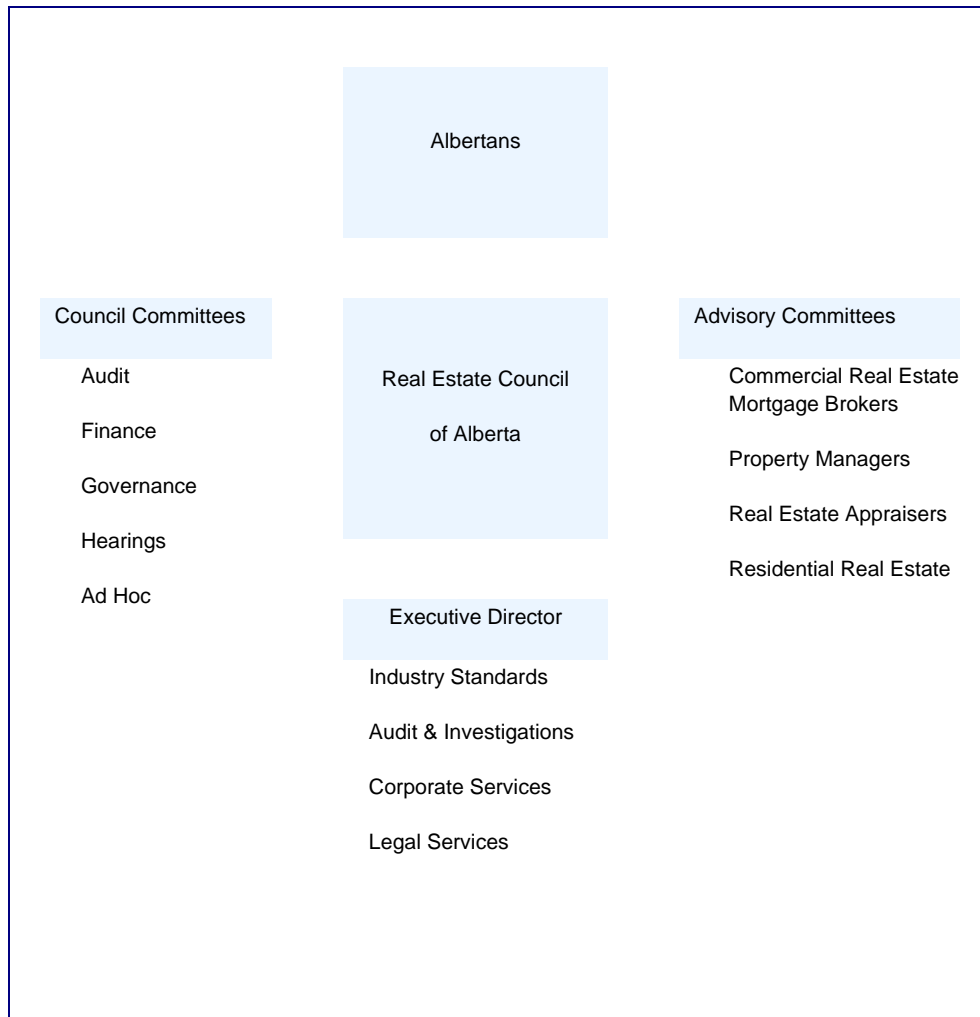
(2) The majority of the committee members must be present or past Council members.

(3) If recommendation forms have been completed and received in accordance with section 19, the committee must nominate individuals who have been recommended.

(4) If a vacancy occurs, subsection (3) does not apply.

AR 124/2008 s6

GOVERNANCE MODEL



Council operates within a model that distinguishes between strategic leadership and operations management. Accordingly, council and the executive director have distinct and complementary responsibilities in advancing the mission of the Real Estate Council of Alberta. Council is ultimately accountable for all aspects of RECA's activities. However, it distinguishes between those aspects of RECA's processes for which it is directly responsible, those aspects it delegates, and those responsibilities assigned to the executive director under the Real Estate Act.

Council provides the overall leadership and strategic direction for the organization. It then delegates authority and responsibility to the executive director in a manner that provides a broad degree of freedom to exercise creativity and judgment to achieve the goals.

Council establishes the policies that guide RECA in the fulfillment of its mission. The policies reflect the values and guiding principles that determine RECA's activities and goals. They provide the appropriate point of departure for the executive director to move forward with the implementation of programs and services.

Council approves the budget to ensure financial resources are allocated in a manner consistent with the business plan, goals and priorities. It is council's responsibility to ensure the stability and endurance of the organization and that there are adequate resources for RECA to achieve its legislated mandate and meet all legal requirements.

In order for council to account for the performance of RECA, council monitors the results that are achieved and evaluates RECA's performance in relation to the strategic direction provided by council.

To assist council with its task of making informed decisions, it has established a model of ongoing feedback and consultation. Five industry advisory committees provide ongoing advice and feedback to council from industry members in each regulated sector on regulatory issues that merit council consideration. Through its regular meetings with industry groups and attendance at industry conferences, council members and staff increase the profile of RECA within the industry and create opportunities for direct dialogue with industry stakeholders. Through its meetings with industry members, newsletters, discussion papers, website, media releases and online surveys, RECA maintains an ongoing system of communication and feedback directly with industry members.

MANDATE

RECA is mandated to protect consumers and to provide services that enhance and improve the industry and the business of industry professionals.

MISSION

RECA creates consumer confidence and trust in the industry professional by:

- setting and enforcing standards of conduct and professional development requirements for the industry to protect the consumer
- providing services that enhance and improve the industry
- promoting the integrity of the industry
- protecting against, investigating, detecting and suppressing mortgage fraud as it relates to the industry

VISION

RECA will create an environment of self-regulation that is recognized in North America as an industry leader.

VALUES

In achieving our mission, RECA will be guided by these key values:

- consultative relationships with industry and public
- open, honest communications
- effective, efficient and responsive service to the industry professional and consumer
- quality professional practice
- continued professional development
- integrity in service delivery

PHILOSOPHY

- to regulate in a responsible, cost-effective manner
- to enhance the professionalism of the real estate, mortgage brokerage and real estate appraisal industries
- to protect consumers through effective investigations and conduct proceedings;
RECA will not turn a blind eye

GOALS

- to stay in tune with industry, consumers and the government
- RECA will be an open organization, that is open to public scrutiny

COMMITMENT TO CONSUMER PROTECTION

The Real Estate Council of Alberta protects consumers through:

- licensing requirements that ensure a standard level of competence and screening, as well as participation in an errors and omissions insurance program
- establishing business standards and industry practices that take into account consumer needs
- effective investigation of complaints
- disciplinary proceedings
- publishing consumer information and media releases
- administration of the real estate assurance fund

COMMITMENT TO CONTEMPORARY STANDARDS

The Real Estate Council of Alberta promotes professionalism and protection of consumers through the establishment of education standards, licensing requirements and industry standards of practice as set out in the Real Estate Act and Rules. Stability of the Rules, i.e. the regulatory environment, assists industry members with their obligation to be aware of, understand and comply with rules governing industry practices.

Self-regulation provides the industry and council with the ability to ensure the Rules are contemporary, relevant and responsive to emerging regulatory issues. Council has the ability to make changes in the Rules within relatively short time frames and thus can be responsive to a changing environment. However, review and revision of Rules is a major undertaking for both RECA and the industry.

Council's challenge is to balance a preference for stability with the responsibility to be a responsive regulator and maintain contemporary standards. It must meet this challenge in the context of its own priorities and available resources. Having considered this challenge, council has adopted the following policy with respect to Rule changes:

- changes to the Rules will be considered in the context of RECA's mandate as outlined in the Real Estate Act;
- events that may prompt council to consider a review of a rule include: a decision of a hearing or appeal panel, a court case, a legal opinion, a change in federal or provincial legislation, or an emerging issue significantly impacting industry practices or consumers;
- a review of the Rules will include a consultation process that invites input from RECA's industry advisory committees, industry organizations, individual industry members, the public and government;
- a review of the Rules or forms will be based on relevant information and will include a consideration of industry research and experience, the research and experience of other regulators, applicable court cases and information from RECA's own experiences in the administration of the Real Estate Act and Rules; and,
- a review of the Rules or forms will be carried out by an ad hoc committee appointed by council and, to the extent possible, the committee will preserve the council philosophy of research, consultation, and an information-based approach to the development of recommendations for change.

COMMITMENT TO SELF-REGULATION

Alberta has one of the busiest real estate markets in North America; it is also home to the most dedicated professionals in the industry, who demonstrate their commitment to consumers and to high standards of service through responsible self-regulation.

The move from government regulation to self-regulation in Alberta arose not only from a desire for more efficient consumer protection, but also from a drive within the industry for greater professionalism. The best interests of both the industry and the public are served when RECA stops unethical or illegal business practice by investigating complaints and conducting disciplinary hearings and implementing initiatives to improve the practice of real estate brokers, mortgage brokers and real estate appraisers in Alberta.

General Function

The chair's paramount responsibility is to provide leadership in maintaining unity of purpose within the governance structure of the Real Estate Council of Alberta, and to provide a holistic and comprehensive view in overseeing the affairs of the organization. In order to fulfill this role, the chair adopts an inclusive perspective on issues or policies under consideration; takes particular concern for the unity of the council; is attentive to the council's processes and its functioning as a leadership team in which all council members are actively engaged. The chair is responsible for ensuring that council meetings are designed and conducted in a manner that facilitates dialogue and effective decision-making in order to fulfill council's responsibilities and the achievement of RECA's mission. The chair ensures the affairs of RECA are properly monitored by the council with respect to the performance of the organization as a whole, including the executive director, staff and volunteers.

Specific Duties

In addition to the duties of a council member, the council chair shall:

1. Fulfill the duties of chair as provided in the *Real Estate Act*, Bylaws, Regulations and Procedure Bylaw.
2. Provide leadership to the council in the conduct of its work within the governance framework adopted by RECA.
3. Encourage the council to remain focused on the core purpose of the organization, ensure the mission is being faithfully pursued and that RECA is uncompromisingly fulfilling its mandate.
4. Prepare, with the assistance of the executive director, the agenda for council meetings.
5. Convene and chair meetings of the council.
6. Ensure council meetings are properly constituted and that during the course of meetings:
 - RECA's *Rules of Procedure* for meetings are followed
 - All council members are encouraged to participate
 - There is inclusion and recognition of different perspectives on issues
 - The potential impact of proposed directions are considered prior to a decision being taken; and
 - Council members avoid discussion of minutia, or issues of an administrative or organizational management nature.
7. Work collaboratively with the executive director regarding governance and macro policy issues.
8. In accordance with the bylaws, appoint committee chairs and members and serve as an ex officio member of council committees.
9. Provide leadership to ensure that effective monitoring mechanisms are in place to review and evaluate the performance of the organization, council and committees.
10. Work with individual members of council to facilitate their effective participation in council.
11. Ensure RECA has an ongoing program of orientation, training and development for council members.
12. As required, sign RECA cheques in accordance with RECA's cheque signing policy.
13. Act as one of the official spokespersons of RECA and represent RECA at meetings, conferences and events as required.

14. Coordinate the selection of council members appointed by council as provided in the *Real Estate Act*.
15. When there is a vacancy, coordinate the hiring of the executive director.
16. Conduct an annual evaluation of the executive director, and report to council on his or her performance and compensation.
17. Perform other duties assigned from time-to-time by the council.

CODE OF CONDUCT FOR COUNCIL MEMBERS

1. Promote the Public Interest

The purpose of the Real Estate Council of Alberta is to set and enforce standards of conduct for the industry and business of industry members in order to promote the integrity of the industry and to protect consumers affected by the industry. In carrying out this mandate, council members should always seek to promote the public interest.

2. Integrity, Impartiality and Independence

Council members should not be influenced by public opinion, partisan interest, fear or criticism. Council members should uphold the principle of independence in decision making and should not be influenced by extraneous considerations.

While council members should maintain positive relationships and open communication with the organizations which appoint them, as council members they are *not* representatives of these organizations. Council members should approach each decision independently: they are under no obligation to represent their appointing organizations' points of view.

3. Freedom from Conflicts of Interest

A conflict of interest is any interest, relationship, association or activity that is incompatible with the member's obligations to the council. For the purpose of this code, a conflict of interest includes both financial and non-financial conflicts. Even the slightest impression of a conflict of interest can have a negative effect. Council members should avoid any real or perceived conflicts of interest with regard to their work with RECA.

Section 9 of the *Real Estate Act* (attached) states that no council member shall:

- act in an official capacity for, be on the governing body of, be an employee of, or otherwise act on behalf of an association in any manner other than as an ordinary member of the association
- engage directly or indirectly in any business transaction or private arrangement for financial benefit of which knowledge was gained from being a council member or from confidential or non-public information gained by being a council member
- act in any manner that results in or creates the appearance of:
 - using the member's position for private gain
 - giving preferential treatment to any person
 - impeding the council from carrying out its purpose
 - foregoing independence or impartiality, or
 - adversely affecting the integrity of council
- represent the council explicitly or impliedly on any matter in which the member has a real or potential personal interest, direct or indirect, in a manner that is compatible with the member's duties
- contract with or accept the services from an industry member or potential industry member on terms that are more favourable than those generally available to the general public
- accept a fee or a benefit for appearing at an event or providing a speech, lecture, or publication (unless approved by the council) if the occasion is part of the official duties of the member for which compensation is being paid by the council
- contravene the Act, the regulations, the rules, or the bylaws

Council members are encouraged to familiarize themselves with which situations could result in a real or perceived conflict of interest. If they have questions or concerns, they are encouraged to speak with the chair.

4. Maintaining Confidentiality

The work carried out by RECA often requires confidentiality and council members are expected to abide by strict confidentiality rules. Any and all information they receive while acting as RECA council members, from any source whatsoever, relating to:

- the business and affairs of RECA
- the business and affairs of all persons with whom RECA may have dealings, and
- all RECA staff, legal counsel or contractors

should be kept strictly confidential and should not be released without first having obtained the prior written consent of the executive director of RECA. RECA council members should not use confidential information for their own personal gain or to benefit persons or entities outside of RECA.

These provisions indefinitely survive the end of a person's term as a RECA council member.

5. Collegial Responsibilities

Preparedness

Council members have responsibility to council as a whole. Members should foster their professional competence and knowledge and perform their official duties and responsibilities fully and diligently by:

- reading information distributed to council members and preparing for meetings and hearings in advance
- making the most of professional development courses and workshops offered to them
- being aware of emerging issues and developments in the industry

Council members should make every effort to comply with the policies and procedures that have been established by council and by relevant legislation.

Availability

Council members owe each other, the chair and the council as a whole a high degree of professionalism. Council members are to make themselves available to the chair on a timely basis when requested to do so. They should make themselves available to other council members for discussion and consultation, and in those discussions they should conduct themselves in a manner which demonstrates respect for others' views and opinions.

Solidarity

Council members should not comment negatively on a council decision or on another council member's conduct during a meeting. When council has made a decision on an issue, all council members should support that decision, act in solidarity, and not undermine any council policies or decisions. Council members should not criticize council policies or procedures publicly, and if they wish to question a decision, they should raise the issue with the chair or vice chair.

6. Relationships with RECA Staff

RECA council members' relationships with the RECA executive director, RECA management and RECA staff should be professional and honest at all times, and council members should act with integrity and openness.

Any work to be done by RECA staff should be directed through the executive director. Council administrative matters may be directed to the council secretary.

7. Stakeholder Relations

Participation in Industry Events

Council members are called upon to attend a number of industry functions, both as representatives of RECA and as industry members. When attending such events, council members should:

- act in a professional and courteous manner
- respect the professional opinion of others
- avoid speaking ill of competitors
- hold confidential RECA matters in confidence
- avoid use of foul or abusive language
- consume alcohol only to the extent that it is situationally appropriate and provided its use does not lead to impaired performance or inappropriate behaviour, endanger the safety of anyone or violate the law

Participation in Committees

When asked to participate on a committee or ad hoc committee as a result of being a RECA council member, council members should first seek the approval of council or the chair. Unless it is a council-mandated activity, council members should avoid any activities that could be viewed as government lobbying, whether on their own personal business or on behalf of RECA.

Statements to the Media and Public Officials

The chair and executive director are the official media spokespeople for council. Council members should *not* speak to the media on behalf of RECA unless authorized by the chair or executive director to do so. Furthermore, when appearing before a government body or contacting a public official, council members should not suggest that they are representing RECA unless they are specifically authorized to do so.

8. Freedom from Harassment

The Real Estate Council of Alberta is committed to providing a collegial working environment in which all individuals are treated fairly and with respect and dignity in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices.

Harassment – whether based on a person’s gender, sexual orientation, race, ethnicity, religion, national origin, citizenship, age, disability, socioeconomic status or marital status – is contrary to RECA’s commitment to providing a respectful, professional and dignified workplace.

Under no circumstances are council members to engage in behaviour which is known, or ought to be known, to be offensive or harassing. Examples of harassment include, but are not limited to:

- verbal abuse or threats
- unwelcome remarks or jokes
- displaying pornographic, racist or otherwise offensive or derogatory pictures or material
- unwelcome invitations or requests


9. Reporting of Unlawful or Unethical Behavior

Council members should conduct the business and affairs of the Real Estate Council of Alberta in a lawful and ethical manner and should not adversely affect the integrity of the council. Members should talk to the chair when in doubt about the best course of action in a particular situation.

10. Accountability

Council members are responsible to the chair for adherence to this code. Council members should inform the chair if they become aware of an allegation of bias or conflict may be raised.

The chair has the authority to interpret and enforce this code, and council members are cautioned that failure to comply may result in the chair's recommendation to Council of the council member in question's reprimand, sanction, or resignation, pursuant to section 9 of the *Real Estate Act*.




Code of Conduct for Council Members

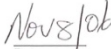
COUNCIL MEMBER DECLARATION

I promise to:

1. promote the public interest;
2. uphold the principle of independence in decision making and not be influenced by public opinion, partisan interest, fear or criticism;
3. avoid any real or perceived conflicts of interest with regard to my work with RECA;
4. keep all confidential information I receive as a RECA council member strictly confidential and not use such information for my own gain or to benefit persons or entities outside of RECA;
5. foster my professional competence and knowledge, prepare fully and diligently for council proceedings, make myself available to the chair and my colleagues as requested, and act in solidarity with the council by not stating opinions that undermine the decisions of the council;
6. be professional and honest in dealing with RECA staff;
7. promote positive industry and public relations, including when participating in industry events or committees, and seek authorization before making statements to the media or public officials;
8. not engage in behaviour which is known, or ought to be known, to be offensive or harassing;
9. conduct the business and affairs of the Real Estate Council in a lawful and ethical manner;
10. be accountable to the chair for my adherence to this code.

This code cannot, and is not intended to, address all situations. In some circumstances council members will need to rely on their own judgment and consultation with the chair to determine an appropriate course of action. In circumstances where a council member suspects conduct that contravenes policy or good conduct, the council member has an obligation to report the conduct to the chair.


Name ERIC STEWART


Date

Approved on 8 November 2006

SECTION 9 – REAL ESTATE ACT

Prohibitions

9(1) No person while a member of the Council shall do any of the following:

- (a) act in an official capacity for an association, be on the governing body of an association, be an employee of an association or otherwise act on behalf of an association in any manner other than as an ordinary member of the association;
- (b) engage directly or indirectly in any business transaction or private arrangement for a pecuniary benefit, knowledge of which is gained from or based on the person's being a member of the Council, or from confidential or non-public information gained by reason of the member's position or authority with the Council;
- (c) act in a manner, whether or not prohibited by this Act, the regulations, the rules or the bylaws, that may result in, or create the appearance of,
 - (i) using the member's position for private gain,
 - (ii) giving preferential treatment to any person,
 - (iii) impeding the Council from carrying out its purposes,
 - (iv) foregoing independence or impartiality, or
 - (v) adversely affecting the integrity of the Council;
- (d) represent the Council, explicitly or impliedly, or act in an official capacity on any matter in which the member has a real or potential personal interest, direct or indirect, in a manner that is incompatible with the member's duties under this Act, the rules or the bylaws;
- (e) contract with or otherwise accept the services of an industry member or applicant to become an industry member on terms that are more favourable than those generally available to the general public;
- (f) unless approved by the Council, accept a fee or benefit from another person on account of an occasion at which the member appears or provides a speech, lecture or publication, if the occasion is part of the official duties of the member for which compensation is being paid by the Council;
- (g) contravene this Act, the regulations, the rules or the bylaws.

(2) Subject to subsection (3), a member who contravenes subsection (1) shall resign immediately on becoming aware of the contravention.

(3) Instead of accepting a resignation under subsection (2), the Council may suspend the member from all or any Council activities for any period of time and subject to any terms and conditions that the Council considers appropriate.

(4) If a member contravenes subsection (2) or any terms and conditions under subsection (3), the Council may apply by originating notice to a judge of the Court for

- (a) an order determining whether the member was never qualified to be or has ceased to be qualified to remain a member under this section, or
- (b) an order declaring the member to be disqualified from membership on the Council.

(5) An application under this section may be made within 3 years of the date on which the contravention is alleged to have occurred, but not after that period.

1995 cR-4.5 s9

COMMITMENT OF COUNCIL MEMBERS

1. General

The Code of Conduct for Council Members states:

"I promise to foster my professional competence and knowledge, prepare fully and diligently for council meetings, make myself available to the chair and my colleagues as requested, and act in solidarity with the council by not stating opinions that undermine the decisions of the council."

2. Time Commitment

An individual appointed to the Real Estate Council of Alberta must be prepared to schedule and set aside sufficient time, in the course of the year, to fulfill their responsibilities as a member of Council. The primary activities that engage council members in RECA business include: council meetings and special events, committee meetings, membership on boards of external organizations, conferences, hearing and appeal panels, and training seminars or courses. The external organizations that a council member may be appointed to are the Real Estate Insurance Exchange (REIX) and the Alberta Real Estate Foundation (AREF).

The amount of time an individual council member spends on council business will vary between council members and will change from year to year. All council members are expected to attend regular and special meetings of council. In addition to these meetings, council members are expected to attend council events. While there is no mandatory requirement to participate on specific council committees, or external organizations, in order to share the workload, council members should anticipate at least two such assignments in any given year. The actual number of assignments will vary for each council member and will depend on a variety of factors including areas of expertise, areas of interest and the ability to serve.

Council members are provided a budget for professional development. This allows council members to attend regulatory or industry conferences, and courses or seminars, to enhance their knowledge, skills and abilities as council members. While there are no mandatory conferences, all council members are encouraged to participate in the Association of Real Estate Licence Law Officials (ARELLO) annual conference and ARELLO's Commissioner College. Participation in provincial and national industry association conferences is also supported.

All council members are required to take the two-day introductory program offered through the Alberta Foundation of Administrative Justice before they sit on a RECA hearing or appeal panel. In addition, all council members are expected to attend an annual one-day seminar designed specifically for RECA hearing panel members.

It should be noted the time commitment of the Chair, Vice-Chair and Past-Chair will be greater as each of these positions has additional responsibilities on Council. The Chair and Vice-Chair have responsibilities to attend several industry conferences as RECA's representatives. The Council Chair is also an ex officio

member of all RECA committees and has the discretion to attend all committee meetings. As a result of these additional responsibilities, the time commitment of these individuals is usually greater than that of other council members.

How much time can an individual expect to commit to the business of a council member in a given year?

The amount of time will vary from individual to individual depending on their council responsibilities, interest in various council issues, and availability to serve. As a guideline, it would be prudent to plan for 2 days per month.

A review of the actual time commitments of council members for a three year period, 2007 to 2009, provides an indication of the type of time commitment that can be expected in each area of responsibility. It should be noted these statistics are shown in the number of days per calendar year and represent averages. The ranges (low to high) are actual days dedicated to the activity in question by various individual members of council over this three-year period and are shown in brackets.

Activity	Average	Actual Range
Council meetings and special events	6.0 days	(low 3 – high 16)
Council Committees	4.5 days	(low 1.5 – high 15.5)
Conferences	5.5 days	(low 0 – high 17.5)
Hearing & Appeal Panels	4.0 days	(low 0 – high 12.5)
Training Courses & Seminars	2.0 days	(low 0 – high 5)
Average Total	22 days per year or 1.8 days/month	

3. Council Meetings

Council meetings are normally held four or more times each year in Calgary at the RECA office.

Meetings are generally held from 9:00 – 3:00 in January, May, July and November.

Agenda packages are couriered, to council members and the management team, a week prior to the meeting. The annual schedule of meetings is usually approved at the November meeting.

Following a council meeting, the secretary to council will distribute meeting minutes to council members. Meeting minutes are prepared in such a way as to eliminate the detail of any discussion. A brief background to an agenda item may be included. The most important part of meeting minutes are the motions made and the decisions made by council. In some cases, instead of a motion being passed, council may receive a report or briefing note as information or provide direction for action by the executive director. That, too, is captured in the meeting minutes.

4. Committee Meetings

Each committee of council will meet at least once a year depending on tasks before them. The meetings are held in Calgary, usually from 10:00 – 3:00. Council members are assigned to committees by the chair and the committee appointments are ratified by council. Generally, council members serve on two or three committees depending on their interests.

Agenda packages for committee meetings are distributed via e-mail except in cases where there is a large amount of documentation.

As with council meetings, summaries of committee meetings are brief and contain decisions or recommendations to council. A record of the discussions is not kept.

5. Hearing and Appeal Panels

Council members are, by way of their appointment to council, eligible to serve on hearing and appeal panels. While every effort is made to minimize time associated with hearing and appeal panel work and to accommodate availability, it is a core function of council members. The number of hours each council member spends on hearing/appeal work is dependant on many variables – training, experience, industry sector, availability, conflict of interest. As well, the conduct proceeding process has and continues to evolve and changes to the process directly impact the amount of time required by council members.

6. Professional Development

RECA will include in its annual budget an amount dedicated to the training and professional development of council members. The amount will be available to each individual council member, to be used at their discretion, to attend approved industry conferences and training programs related to their responsibilities as council members i.e. board governance, regulatory issues and administrative law.

The funds are provided to cover the expenses incurred by the council member for attending the professional development event including all registration, meeting or course fees, honorariums, and travel expenses (e.g. airfare, mileage, accommodation, meals etc.). The expenses will be paid in accordance with RECA's expense claim policies.

Approved industry conferences for the purposes of this policy include the following:

- Association of Real Estate Licence Law Officials (ARELLO) Annual Conference
- ARELLO Commissioner College
- ARELLO Canadian District Meeting
- Council on Licensure, Enforcement and Regulation (CLEAR) Conference
- Banff Western Connection
- Alberta Real Estate Association (AREA) Jasper Leadership Conference
- Alberta Mortgage Brokers Association (AMBA) Annual Conference
- Canadian Association of Accredited Mortgage Professionals (CAAMP) Annual Conference
- Appraisal Institute of Canada (AIC) National and Alberta Conference
- Alberta Assessors Association (AAA) Conference
- Canadian National Association of Real Estate Appraisers (CNAREA) Conference
- Real Estate Institute of Canada (REIC) Conference
- Building Owners & Managers Association (BOMA) Edmonton, Calgary and National Conference
- Foundation of Administrative Justice Conference

Council members are encouraged to include ARELLO Conferences, including the Commissioners College, in their professional development plans for the first two years following their appointment to Council.

When two annual ARELLO Conferences occur in the same budget year, Council may approve individual council members to attend a second ARELLO conference and allocate additional funds for this purpose.

For the Chair and Vice-Chair, the amount available for professional development will be increased to reflect their obligations to attend specific conferences by virtue of their office. These conferences include: ARELLO Annual Conference, Banff Western Connection, AREA Jasper Leadership Conference, AMBA Annual Conference and AIC Alberta Conference.

With the approval of Council, a council member who is selected to serve on an ARELLO Committee is entitled to claim the costs of participating in committee meetings held at times other than the ARELLO Annual Conference.

Any council member attending a conference is expected to provide a written report on the conference. Such a report shall be included in the Council Agenda no later than the second meeting following the conference. A form is available to assist council members in preparing a report.

Any special meetings or events a member of council may be asked to attend to fulfill their council duties (not included in the approved list) would not be included as part of this policy and would be charged as a separate expense. This would include items such as the Administrative Law Course all new Council Members are required to attend before sitting on a Hearing Panel.

The Council Secretary will be available to assist council members with conference registration, travel and accommodations.

7. Administrative Law Training

Upon joining council, council members are expected to complete the *Introduction to Administrative Justice* course offered by the Alberta Foundation of Administrative Justice. The two-day course, offered in Calgary and Edmonton, provides introductory information and exercises that will help council members acquire a better understanding of their broader role, responsibilities and the basic knowledge and skills they need to carry out their roles as members of RECA hearing and appeal panels. The course consists of four segments: *Administrative Law Principles, Professional and Ethical Conduct, Introduction to Hearings and Evidence, Introduction to Decision Making and Decision Writing*. The hearings coordinator assists council members with enrolment. RECA reimburses council members for course fees, travel, hotel and meal expenses.

The Alberta Foundation of Administrative Justice and other organizations offer several other courses that may be of interest to council members. With prior approval, council members may enroll in these courses and may be reimbursed by RECA for the course fees.

Bylaw 12 allows council to establish standing, advisory or ad hoc committees. Council determines the committee's mandate, composition and reporting requirements. Any decision of a committee must be ratified by council prior to being acted on. Council appoints the Audit Committee. Subject to the terms of reference, the Chair appoints council members, industry members and the public to committees.

The council chair and the executive director are ex officio members of all committees. They are non-voting members of all committees unless the committee terms of reference specify otherwise.

Council committees are in place to address issues and make recommendations to council on its responsibilities under the *Real Estate Act*. There are currently four standing committees of council:

- Audit Committee
- Finance Committee
- Governance Committee
- Hearings Committee

The Real Estate Council of Alberta has established five industry sector advisory committees. The primary purpose of these committees is to provide a direct link to industry members and to maintain cooperation, communication and an exchange of information between RECA and the industry sector. Council may ask a committee to explore a specific issue relevant to the specific industry sector and the committee will report its findings to council. The committees may also identify and advise council on trends and issues affecting the industry and consumers, within the industry sector. The committees may also make recommendations to council with respect to its responsibilities under the *Real Estate Act*. There are currently five industry sector advisory committees:

- Commercial Real Estate Advisory Committee
- Mortgage Brokers' Advisory Committee
- Property Managers' Advisory Committee
- Real Estate Appraisers' Advisory Committee
- Residential Real Estate Advisory Committee

In addition to these committees, council may, from time-to-time, establish ad hoc committees to address specific issues usually within specified time lines. Once council has determined the work of the ad hoc committee is completed or there is no further need for the committee, the committee is disbanded.

POLICIES OF COUNCIL

Council, as a whole, is responsible for articulating policies in a number of areas:

Achievement of RECA's mandate

- Goals and objectives
- Priorities
- Business plan
- Resources

Effective governance

- Roles and responsibilities of council members
- Committees
- Council training and development
- Relationship with executive director and staff
- External relations
- Meeting schedule and procedures
- Council honorariums and expenses

Setting professional standards

- Licensing
- Education
- Standards of conduct
- Reporting requirements
- Enforcement

In each of the areas, council moves consistently from the most general policy statements to the more detailed and specific. There is no constraint on how specific council may choose to be on a policy subject. Council is as specific as it needs to be in order to be assured that those involved in the implementation of policy will have a good appreciation of council's expectation.

Council does not engage in developing policies that are administrative in nature. These policies and the overall responsibility for the administration and operations of council are the responsibility of the executive director.

HONORARIA (revised November 2009)

The Real Estate Council of Alberta will reimburse council members, and public members and industry members appointed to committees, as follows:

- more than four hours per day on council meetings and committee meetings, including travel time, \$500 for council, committee and hearing panel chairs and \$350 for council members, public members and industry members.
- four hours or less per day on council meetings and committee meetings, including travel time, \$350 for council, committee and hearing panel chairs and \$250 for council members, public members and industry members.

Council members, and others appointed to hearing and appeal panels, are entitled to receive an honorarium for participation in hearings and appeals as provided in the RECA Hearing & Appeal Panels.

- Schedule of Honorarium below

The honorarium rates are to be reviewed by the Finance Committee on an annual basis. Any changes recommended by the Finance Committee are to be included in the budget proposal presented annually to Council.

RECA Hearing & Appeal Panels – Schedule of Honorarium

Hearing of Consent Agreement

Chair	\$500 (one time flat fee)
Member	\$450 (one time flat fee)

Hearing or Appeal Panel appointment and scheduling

Chair	\$150 (one time flat fee)
Member	\$100 (one time flat fee)

Adjournment Application or Other Procedures

Chair	\$200 (per application)
Member	\$150 (per application)
Chair	\$150 (flat fee)
Other Member	\$100 (flat fee)

Hearing Phase 1: finding on conduct deserving of sanction, and Phase 2: finding on appropriate sanction; including travel time, expenses in accordance with RECA expense policy

	<i>Half day (flat fee for up to 4 hours)</i>	<i>Full day (flat fee for over 4 hours per each day of hearing)</i>
Chair	\$300	\$500
Other Member	\$250	\$350

Appeal (preparation, review of hearing record and materials)

	<i>Half day (flat fee for up to 4 hours)</i>	<i>Full day (flat fee for over 4 hours per each day of preparation)</i>
Chair	\$300	\$500
Other Member	\$250	\$300

Appeal (attendance for submissions)		
	<i>Half day (flat fee for up to 4 hours)</i>	<i>Full day (flat fee for over 4 hours per each day of appeal)</i>
Chair	\$350	\$500
Other Member	\$250	\$350
Decision Meeting		
	<i>Half day (flat fee for up to 4 hours)</i>	<i>Full day (flat fee for over 4 hours per each day of appeal)</i>
Chair	\$300 (one time flat fee)	\$500
Other Member	\$250 (one time flat fee)	\$350
Decision Writing (revised January 27, 2010)		
Member Writer	\$300 (half day)	
	\$500 (full day)	
	More than 1 day at Panel discretion	
Member Reviewer	\$150 (half day)	
	\$250 (full day)	
Hearings Coordinator Writer		
Member Reviewer	\$150 (one time flat fee)	
General Administration Fee (fax and email review and response, etc; review, etc.)		
Chair	\$100 (one time flat fee)	
Other Member	\$100 (one time flat fee)	

2009 – 2010 COUNCIL

Richard Parker, Chair

4327 15th Street S.W.
Calgary AB T2T 4B3
P: 403 243 0645; C: 403 605 2853
E: rkparker@shaw.ca

Richard Parker is a public member appointed by the Minister of Service Alberta and is currently serving his second term on council. Prior to retiring in 2003, Mr. Parker worked with the City of Calgary for 29 years. Mr. Parker is chair of the 2009-2010 council and serves as an ex officio member on all committees. He also acts as council's appointment to the Alberta Real Estate Foundation.

Robert Telford, Vice Chair

Home & Ranch Realty Ltd.
215, 5718-1A Street S.W.
Calgary AB T2H 0E8
P: 403 503 5265; C: 3403 589 0770
E: rtelford@mcnallyland.com

Robert Telford was appointed by the Appraisal Institute of Canada, Canadian Association of Real Estate Appraisers, and Alberta Assessors Association. He is serving his first term on council. Mr. Telford chairs the Real Estate Appraisers' Advisory Committee and the Finance Committee and sits on the Governance Committee and Hearings Committee.

Bill Buterman

Axcess Capital Partners
1410, 10655 Southport Road S.W.
Calgary AB T2W 4Y1
P: 403 225 4575; C: 403 870 4575
E: bill@axcesscapital.com

Bill Buterman was appointed by council and represents industry members who are not members of the Alberta Real Estate Association (AREA). Mr. Buterman is the President and CEO of Axcess Capital Partners and the Axcess Group of Companies. He is the vice chair of the Commercial Real Estate Advisory Committee and sits on the Residential Real Estate Advisory Committee.

Kevin Clark

Re/Max House of Real Estate
#20, 2439-54 Avenue S.W.
Calgary AB T3E 1M4
P: 403 247 4461; C: 403 606 0110
E: Kevin@kevinclark.com

Kevin Clark was appointed by the Alberta Real Estate Association and represents industry members trading in residential real estate. Mr. Clark's term is November 1, 2009 to October 31, 2012. He is vice chair of the Governance Committee and sits on the Education Committee.

Cindy Dubray

#200, 505-3rd Street S.W.
Calgary AB T2P 3E6
P: 403 213 9701; C: 403 615 1871
F: 403 265 9813
E: cdubray@morguard.com

Cindy Dubray was appointed by the Building Owners & Managers Association Edmonton, Building Owners & Managers Association Calgary, Real Estate Institute of Canada and the Institute of Real Estate Management. Ms. Dubray's term is November 1, 2007 to October 31, 2010. Ms. Dubray is the chair of the Property Management Advisory Committee and the Education Committee and vice chair of the Finance Committee.

Sheldon Johnston

Coldwell Banker Johnston Real Estate
200, 10458 Mayfield Road
Edmonton AB T5P 4P4

P: 780 486 8655; C: 780 441 5576

F: 780 486 8654

E:

Sheldon@cbjohnston.hostpilot.com

Sheldon Johnston was appointed by the Alberta Real Estate Association from nominations received from the Edmonton Real Estate Board. His first term is November 1, 2007 to October 31, 2010. Mr. Johnston is vice chair of the Mortgage Brokers' Advisory Committee and the Commercial Real Estate Advisory Committee and sits on the Consumer and Industry Research Committee. He acts as council's appointment to the Real Estate Insurance Exchange.

Connie Leclair

Marketwhys
10728, Mapleshire Crescent S.E.
Calgary AB T2J 1Y9

P: 403 289 4641; C: 403 852 4698

E: connie@resolveclinics.ca

Connie Leclair is a public member appointed by council and is serving her second term on council. Ms. Leclair has more than 15 years' experience in marketing, research and communications. Ms. Leclair is the chair of the Hearings Committee and sits on the Audit and Governance Committees.

Wayne McAlister

Threefour Management Ltd.

102, 279 Midpark Way S.E.

Calgary AB T2X 1M2

P: 403 256 3888; C: 403 815 1410

E: jwayne@shaw.ca

Wayne McAlister was appointed by the Alberta Real Estate Association from nominations received from the Calgary Real Estate Board. He is serving his first term. Mr. McAlister is vice chair of the Property Management Advisory Committee and sits on the Hearings Committee.

Wendy Robson

Royal Lepage Andre Kopp & Associates
Realty

184 McLeod Avenue

Hinton AB T7V 1P4

P: 780 865 2102; C: 780 865 0883

E: wendy7@telusplanet.net

Wendy Robson was appointed by the Alberta Real Estate Association and represents real estate boards outside of Edmonton and Calgary. She is serving her first term on council. Ms. Robson is vice chair of the Education Committee and the Property Management Committee.

Ralph Salomons

Ralph Salomons Commercial Inc.

5212 48th Street Ste. D201

Red Deer AB T4N 7C3

P: 403 343 3023; C: 403 877 0989

F: 403 343 6490

E: ralph@ralphsalomons.com

Ralph Salomons is serving his second term on council. He was appointed by the Alberta Real Estate Association as a broker who trades in industrial, commercial and investment real estate. Mr. Salomons has been active in the real estate industry as a commercial real estate broker since 1984. He is chair of the Governance Committee and the Commercial Real Estate Advisory Committee and sits on the Finance Committee.

Cheryl Schindel

Century 21 – Grande Prairie Realty Inc.

10828- 100 Street

Grande Prairie AB T8V 2M8

P: 780 539 2121; C: 780 831 5447

E: Schindel@telusplanet.net

Cheryl Schindel was appointed by the Alberta Real Estate Association from nominations received from the real estate boards outside Edmonton and Calgary. She is serving her first term. Ms. Schindel is chair of the Residential Real Estate Advisory Committee, vice chair of the Real Estate Appraisers' Advisory Committee and sits on the Governance Committee.

Gary Siegle

Invis Inc.

1535-19th Street N.W.

Calgary AB T2N 2K2

P: 403 508 7800; C: 403 589 0770

E: garysiegle@invis.ca

Gary Siegle was appointed by the Alberta Mortgage Brokers Association and is serving his first term. Mr. Siegle is chair of the Mortgage Brokers' Advisory Committee and the Audit Committee and sits on the Education Committee

