

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Collin Bruce, Broker
Dominion Lending Centres Mortgage Mentors
107 10903 23 Avenue
Edmonton, Alberta T6J 1X3

In accordance with s.83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c.R-5 (the "*Act*"), the Executive Director of the Real Estate Council of Alberta has determined that Collin Bruce has contravened section 67(1)(i) of the Rules made pursuant to the *Act* and as such an Administrative Penalty is warranted. The Executive Director's reasons for this decision are as follows:

Section 67(1)(i) of the Rules made pursuant to the *Act* states that a mortgage broker must ensure proper management and control of documents or records related to licensing, registrations and related regulatory requirements.

On January 28, 2011, an audit was completed at your brokerage. As a result of the audit, documents related to licensing were located and found to have been improperly managed.

According to the RECA Online Activity Log your brokerage registered D.N. on September 27, 2010 online at the brokerage. However the 2010/2011 associate/associate broker application for registration for D.N. was signed and acknowledged by you on September 29, 2010, after it was processed online.

The 2010/2011 associate/associate broker application for registration for T.D. was completed on a printout of the RECA Online screen form. This is not a valid application form.

The 2010/2011 associate/associate broker application for registration RECA Online screen form printout for T.D. was signed by you on December 1, 2010, yet the associate swore the affidavit on January 14, 2011.

These activities are in contravention of s. 67(1)(i) of the Rules made pursuant to the *Act* and the RECA Online Electronic Filer Agreement you entered into with RECA on August 17, 2009, which states in part that the broker agrees to follow the procedures and

guidelines established for users of RECA Online, and comply with any applicable legislation.

The RECA Online User Manual states in part that brokers must ensure that a paper copy of the appropriate form has been completed and commissioned PRIOR to processing the application on RECA online and that you are using valid application forms. Remember that registration forms are updated yearly following renewals. Brokerages must keep completed applications in their licensing files INDEFINITELY.

You failed to adhere to the instructions of the RECA Online Renewal Procedures and the terms of the RECA Online Electronic Filer Agreement. This is a contravention of s. 67(1)(i) of the Rules and subject to an Administrative Penalty in the amount of **\$1,500.00**.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the *Act* will be taken against you in respect of the contravention herein.

The penalty is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If the penalty is not paid in accordance with this notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty in accordance with s.83.1 of the *Act*, you may appeal to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Shawna Douglas, Information and Licensing Coordinator, at the Real Estate Council of Alberta.

DATED this 29th day of June, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

