

## REAL ESTATE COUNCIL OF ALBERTA

### NOTICE OF ADMINISTRATIVE PENALTY

To: **Keith Fraser, real estate associate**  
**Maxwell Real Estate Solutions Ltd.**  
**5913 50 Avenue**  
**Red Deer, AB T4N 4L4**

In accordance with s. 39 and 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 there is sufficient evidence of conduct deserving of sanction in regard to you, Keith Fraser (hereinafter "**Mr. Fraser**"), at all relevant times, real estate associate, registered with Ontrack Realty Ltd. o/a Coldwell Banker – Ontrack Realty (hereafter "**Coldwell Banker – Ontrack Realty**"), currently real estate associate registered with Maxwell Real Estate Solutions Ltd., to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

In or around June 2007, advisory information was sent to Mr. Fraser's broker about Mr. Fraser using a trade name in conjunction with the brokerage's trade name and the requirement to clearly disclose the name of the brokerage. Mr. Fraser had published an advertisement in a Red Deer magazine referencing his website as well contained a reference to the "Keith Fraser Team with Sutton Landmark Realty". This advisory information was also provided to Mr. Fraser so that he was aware of the issues. The letter referenced section 53(a) of the Rules.

In or around July 2007, advisory information was sent to Mr. Fraser's broker about Mr. Fraser using a trade name in conjunction with the brokerage's trade name and the requirement to clearly disclose the name of the brokerage. An advertisement was placed in a newspaper. The advertisement referenced "The Keith Fraser Real Estate Team". The advisory information indicated that the advertisements suggested that Mr. Fraser traded in a name other than the trade name of the brokerage. This advisory information was also provided to Mr. Fraser so that he was aware of the issues. The letter referenced section 53(a) of the Rules.

In or around November 2008, a review of Mr. Fraser's website, [www.fraserrealestate.ca](http://www.fraserrealestate.ca), showed "The Keith Fraser Team With Coldwell Banker" advertised in large print in several locations on the home page. The generic Coldwell Banker logo is located next to team name. The logo did not specify what Coldwell Banker brokerage Mr. Fraser and his team were registered with. The reference to "The Keith Fraser Team With Coldwell Banker" was not sufficient to clearly indicate the brokerage with which Mr. Fraser was registered at the time. It is required that real estate associate brokers and associates trade only in the name that appears on their licence and in the name of the brokerage with which

they are registered. This advertisement holds out that “The Keith Fraser Team With Coldwell Banker” is the entity that people would be hiring and not Coldwell Banker – Ontrack Realty, the brokerage with which Mr. Fraser was registered.

The Executive Director is of the opinion that the above noted conduct is in violation of section 53(a) of the Rules made pursuant to the Act which sets out that:

53 A real estate associate broker and associate must:

- (a) trade in real estate only in the name that appears on that individual’s licence and in the name of the brokerage with which that individual is registered;

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act’s Bylaws, an Administrative Penalty in the amount of **\$1,000** has been assessed against you for this contravention.

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. A person who pays an Administrative Penalty may not be charged under the Act with an offense in respect of those contraventions.

This sum of **\$1,000** 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 you fail to pay the amount set out in 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 it 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 in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Victoria Woodworth-Lynas, Case Presenter, Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 22<sup>nd</sup> day of July, 2010.

### **REAL ESTATE COUNCIL OF ALBERTA**

Per: *Kirk Bacon for*  
Bob Myroniuk  
Executive Director

Cc: Kelly Oster, Broker  
Maxwell Real Estate Solutions Ltd.

Cc: Lynn Richardson, Broker  
Coldwell Banker – Ontrack Realty