

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Michael Koski
CMSI Alberta Inc.
201, 12315 Stony Plain Road
Edmonton, AB T5N 3Y8

In accordance with section 83 and the Bylaws of the *Real Estate Act* (RSA 2000 c R-5, hereinafter the “**Act**”), the Executive Director of the Real Estate Council of Alberta (hereinafter “**RECA**”) is of the opinion that you, Michael Koski (hereinafter “**Mr. Koski**”), contravened section 17(b) and/or (d) of the Act and hereby assesses an Administrative Penalty in the amount of **\$1,000.00**. The evidence giving rise to the Executive Director’s decision is as follows:

Mr. Koski was registered as a mortgage broker with Preferred Realty Capital Inc. between February 9, 2007 to November 21, 2008. On or about January 6, 2009, Mr. Koski became registered as a mortgage broker with Insight Commercial Mortgage Corp. o/a CMSI Alberta Inc. Between November 22, 2008 and January 5, 2009, Mr. Koski was not registered and therefore not authorized to deal as a mortgage broker. As per Mr. Koski’s admission, between November 22, 2008 and January 5, 2009, Mr. Koski performed mortgage activities without being registered which included continuing to work on mortgage transactions that Mr. Koski had initiated while he was still registered as a mortgage broker with Preferred Realty Capital Inc., as well, Mr. Koski contacted a mortgage lender for the purpose of discussing the extension of a mortgage.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17(b) and/or (d) of the Act which sets out that:

- 17 No person shall
- (b) deal as a mortgage broker,
 - (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser

unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$1,000.00** against you.

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 offence in respect of those contraventions.

This sum of **\$1,000.00** 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, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 27 day of July, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Joseph Fernandez* for
Bob Myroniuk
Executive Director