

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Raymond Macklem
c/o Dominion Lending Centres-The Mortgage Hub
100 Wood Buffalo Way
Fort McMurray, Alberta T9K 1W5

In accordance with s.83 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 Raymond Macklem has contravened s.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.

As a result of Information provided to RECA on September 9, 2010, RECA requested you provide a statement in your own words explaining why on September 24, 2010, you processed the registration for the brokerage and yourself when aspects of the brokerage had been modified.

On May 25, 2011, as a result of the request for information sent out to you on May 13, 2011, RECA received correspondence indicating you sent RECA a copy of the 2010/2011 brokerage licence application for renewal and/or amendments as notification of the changes.

The application used to process the renewal of the brokerage and the application you forwarded to RECA for the amendments were one and the same.

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On September 24, 2010, according to the RECA Online activity log, you processed the renewal for Dominion Lending Centres - The Mortgage Hub online at the brokerage.

This activity was 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, 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 Renewal Procedures states in part if there have been any changes to the information under Section C. Legal Entity, or Section D. Brokerage Information, contact RECA for further direction. **Do not process the brokerage/broker renewals online until you have received direction from RECA to do so.**

Additionally, the 2010/2011 brokerage licence application for renewal and/or amendments states in section C, to contact RECA if any changes have been made to the brokerage information since the date of the brokerage's last application. **DO NOT** proceed with online renewal.

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 3rd day of June, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director