

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Stuart S. Pocock, Broker
CMAC Mortgages
#9, 1200 37th Street SW
Calgary, AB T3C 1S2

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, Stuart S. Pocock (hereinafter 'Mr. Pocock'), at all relevant times, mortgage broker, registered with CMAC Mortgages (Alberta) Inc. o/a CMAC Mortgages (hereafter 'CMAC Mortgages'), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On September 30, 2009, C.S., mortgage associate registered to CMAC Mortgages failed to renew his registration. On October 9, 2009, C.S. executed on behalf of M.K. a Mortgage Borrower Disclosure and Consent Form and on November 12, 2009, C.S. uploaded M.K.'s application to Filogix. On December 15, 2009, C.S. became registered with CMAC Mortgages as a mortgage associate.

On October 23, 2009, K.E., unlicensed, executed on behalf of W.B. a Mortgage Borrower Disclosure and Consent Form. On October 28, 2009, K.E. became licenced and registered with CMAC Mortgages as a mortgage associate.

The Executive Director is of the opinion that the above noted conduct is in violation of section 66 (b) of the Rules made pursuant to the *Act* which sets out that:

66 A mortgage brokerage must not:

(b) Employ a person to deal in mortgages unless that person meets the requirements of the Act, Regulations, Rules and Bylaws, and all levies, fees, premiums, fines, administrative penalties and other amounts that are payable under or pursuant to the Act, Regulations, Rules, Bylaws or under any predecessor enactments in respect of that person have been paid;

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 **\$3,000.00** 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 **\$3,000.00** 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 Veronica Rosito, investigator, at the Real Estate Council of Alberta.

DATED this 15th day of October, 2010

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director