

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Sterling Preddie, Broker
Sterling Real Estate
11155 65 Street
Edmonton, Alberta T5W 4K2

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 Sterling Preddie has contravened section 51(1)(j) 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 51(1)(j) of the *Real Estate Act* Rules (the Rules) states that a real estate broker must ensure proper management and control of documents or records related to licensing, registrations and related regulatory requirements.

On December 8, 2010, an audit was completed at your brokerage. As a result of the audit, multiple documents related to licensing were located and found to have been improperly managed.

It was determined that during the 2010/2011 renewal period two of the 2010/2011 associate/associate broker application for registration's were not dated, one 2010/2011 associate/associate broker application for registration was signed by you on page three, before the associate swore the affidavit and one 2010/2011 associate/associate broker application for registration was signed by you after the associate was registered online, by your brokerage.

These activities are in contravention of s. 51(1)(j) 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 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 User Manual and the terms of the RECA Online Electronic Filer Agreement. This is a contravention of s.51(1)(j) 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 11th day of July, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk, Executive Director