

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Michael I. Spiers, Broker
Argyll & Sutherland Property Management Ltd.
#250, 251 Midpark Blvd SE
Calgary, AB T2X 1S3

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, Michael I. Spiers (hereinafter "Mr. Spiers"), at all relevant times, real estate associate, registered with Roman Real Estate Services (hereinafter "Roman Real Estate"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

While conducting an audit of Roman Real Estate Services, Mrs. Gillian Down, RECA's auditor, noted that the complete trade records were not available at the brokerage for a number of properties that were managed by you until July 28th, 2009. On or about August 10, 2009, the property owners signed six letters requesting RECA to return files to them and not authorize to provide copies to M.T. You did not advise these owners that their direction was unlawful and that you were required to provide the trade records to your brokerage.

The Executive Director is of the opinion that the above noted conduct is in violation of s.41(j) of the Rules made pursuant to the *Real Estate Act* which sets out that:

41 Industry members must:

- (j) refuse to provide further services to or on behalf of a client who instruct him to withhold a disclosure required by the Act, Regulations, Rules, Bylaws, or any other laws.*

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 **\$1,500.00** 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 **\$ 1,500** 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 October 1, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per: _____
Bob Myroniuk
Executive Director