

IN THE MATTER OF The *Real Estate Act*, R.S.A. 2000 c. R-5

AND IN THE MATTER OF WAJAHAT CHAWDHRY, then Real Estate Associate registered with Re/Max House of Real Estate, currently a Real Estate Associate registered with Re/Max House of Real Estate

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether the conduct of WAJAHAT CHAWDHRY, at all relevant times a real estate associate registered with Re/Max House of Real Estate ("Re/Max"), currently registered as a real estate associate with Re/Max, is deserving of sanction and/or whether he breached the requirements of the *Real Estate Act* (the "**Act**") or the Rules prescribed pursuant thereto (the "**Rules**").
2. The Executive Director and WAJAHAT CHAWDHRY agree to resolve all matters against WAJAHAT CHAWDHRY on the terms and conditions set out herein.

AGREED STATEMENT OF FACTS

3. On March 10, 2010 in Calgary, Alberta, WAJAHAT CHAWDHRY, cheated while writing an exam for the Real Estate Brokers Course, by consulting with another student taking the same exam and exchanging answers to the questions on the exam.

CONCLUSION

4. By reason of the matters described herein, WAJAHAT CHAWDHRY'S conduct is deserving of sanction in that he:
 - (a) Contravened Rule 41(a) by failing to act honestly; and
 - (b) Contravened Rule 42(g) by engaging in conduct that undermines public confidence in the industry, harms the integrity of the industry and brings the industry into disrepute.

SETTLEMENT TERMS

5. It is agreed that the following mitigating factors are relevant to the assessment of fines in this case:
 - i. Early admission of cheating.

6. It is further agreed that the following aggravating factors are relevant to the assessment of fines in this case:
- i. Conspiring with another member to cheat;
 - ii. Active participation in dishonest conduct;
 - iii. Dishonest conduct took preplanning.
7. In settlement of the foregoing contraventions, it is agreed that WAJAHAT CHAWDHRY is hereby prohibited from applying for a Real Estate Broker's authorization for a period of **5 years** as of the date of ratification of this Consent Agreement.
8. It is further agreed that WAJAHAT CHAWDHRY will pay fines as follows:
- | | |
|---|-------------------|
| (a) for breach of <i>Real Estate Act</i>
Rule s. 41(a) | \$2,500.00 |
| (b) for breach of <i>Real Estate Act</i>
Rule s. 42(g) | \$2,500.00 |
| Total | \$5,000.00 |
9. WAJAHAT CHAWDHRY also agrees to pay costs in the amount of **\$1,000.00**.
10. WAJAHAT CHAWDHRY agrees to complete, within 6 months of the ratification of this Consent Agreement, the **Ethics, Professional Conduct and Risk Reduction** module of a course offered by the Real Estate Council of Alberta or a similar course at the sole discretion of the Executive Director.
11. WAJAHAT CHAWDHRY acknowledges that he has been given an opportunity to seek the advice of legal counsel and acknowledges that he is agreeing to the terms of settlement of his own free will.
12. WAJAHAT CHAWDHRY is aware that a copy of this Consent Agreement will be placed on his file and may be reviewed and considered in any future disciplinary proceedings.
13. WAJAHAT CHAWDHRY is aware that the Real Estate Council of Alberta may publish the contents of this Consent Agreement.
14. WAJAHAT CHAWDHRY hereby waives any rights he may have under the *Real Estate Act* or other legislation or otherwise to a review, hearing, appeal, or other judicial proceeding involving the matter referred to herein.

15. These settlement terms are intended to resolve all matters described herein and, subject to the approval of the Hearing Panel, the Executive Director will take no further action under the *Real Estate Act* or before the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 9 day of May, 2011.

Signed and delivered)
in the presence of)

B.L.)
Witness to the signature)
of WAJAHAT CHAWDHRY)

WAJAHAT CHAWDHRY

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

REAL ESTATE COUNCIL OF ALBERTA

P.F.
Witness to the signature
of Bob Myroniuk

Per:
Bob Myroniuk
Executive Director

Recommendation Approved X
Recommendation Denied

DATED at the City of Calgary in the Province of Alberta this 5th day of July, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Cindy Dubray*
Hearing Panel Chairperson

Cc: Chapman Riebeek LLP
Nancy Bergstrom

Re/Max House of Real Estate
Michael Cain

AFFIDAVIT OF EXECUTION

CANADA) I, B.L. of
)
PROVINCE OF ALBERTA) the City of Calgary, in the Province of Alberta
)
TO WIT:) MAKE OATH AND SAY:

1. THAT I was personally present and did see WAJAHAT CHAWDHRY, named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.

2. THAT the same was executed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said party and he is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City)
of Calgary, in the Province of)
Alberta this 9th day of)
May, 2011.)
))
)) *B.L.*
)) (signature of witness)
))
C.J.)
A Commissioner for Oaths in and)
for the Province of Alberta)