



Private and Confidential

June 1, 2011

**Letter of Reprimand Pursuant to Section 39 of the
*Real Estate Act***

In accordance with section 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (Act), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, [(“The Industry Member”)], at all material times, a real estate associate broker registered with [(“Brokerage A”)], presently registered with [(“Brokerage A”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows.

On or around October 2009, [(“Brokerage A”)] offered a brokerage incentive program whereby it offered a free 32” LCD TV to buyers or sellers represented by [(“Brokerage A”)], or for a client referred to [(“Brokerage A”)].

On or about October 28, 2009, you listed the property located at 141 Stafford Blvd N, Lethbridge, AB (the property).

Along with the “For Sale” sign, a separate sign was placed on the property with the following advertisement: “Get a free 32” LCD TV”. There was no indication of the restrictions or conditions for this incentive.

On or about March 3, 2010, an offer was accepted for the purchase of the property. The buyer was represented by H.S. associate registered to [(“Brokerage B”)].

The buyer and H.S. requested the free TV and were advised the buyer would not be eligible to receive a TV as he was not represented by [(“Brokerage A”)].

The Executive Director believes that this conduct is in contravention of Section 42(a) of the Rules made pursuant to the *Act* which sets out that:

42 Industry members must not:

- (a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with section 40.1(2) 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 Letter of Reprimand, please contact Carla Sasley, Investigator at 403-685-7940.

REAL ESTATE COUNCIL OF ALBERTA

Joseph Fernandez, for
Bob Myroniuk
Executive Director