



Private and Confidential

June 30, 2011

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

In accordance with s. 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, at all material times, an associate registered with [("the Brokerage")] presently unregistered, to issue a letter of reprimand. The evidence giving rise to the Executive Director's decision is as follows:

On or about April 2007, you represented C.M. and D.M. in a real estate transaction evidenced by Listing Contract 036769. At the time you acknowledge that you agreed to refund the C.M. and D.M. \$699 in relation to services they had been provided by Comfree. You admit that the agreement was not approved in writing by your broker and was not provided to the brokerage.

Information received further indicates between April 2, 2007 and July 26, 2010 the fee was not paid although you agree it was owed to C.M. and D.M.

On or about July 26, 2010 the broker became aware of this arrangement and ensured the fee was paid by the brokerage to C.M. and D.M. including written notification of this issue being provided to RECA.

The Executive Director believes that this conduct is in contravention of Section 54(2) of the Rules made pursuant to the Act which sets out that:

54 (2) A real estate broker, associate broker or associate, as the case may be, must not directly or indirectly, provide an inducement unless the inducement is provided by and on behalf of the brokerage with which the real estate broker, associate broker or associate is registered, details of the inducement are provided in writing and the broker has provided written approval.

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 Corrie Olafson, Investigator at 403-228-2954.

REAL ESTATE COUNCIL OF ALBERTA

Joseph Fernandez, for

Bob Myroniuk
Executive Director