



January 4, 2011

Private and Confidential

**Notification of Reprimand Discipline Pursuant to s. 39 of the
*Real Estate Act***

In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "**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”)], real estate associate broker, registered to trade with [(“the Brokerage”)] at all material times, to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

[1] On May 30th, 2007, you, [(“the Industry Member”)], real estate associate broker, registered to trade with [(“the Brokerage”)] completed a conditional Commercial Real Estate Purchase Contract for the property with legal description W4-R23-T48-S5-Q NW on behalf of Granite Man or Assignee. The offer included an initial deposit of \$50,000.00 and the requirement for an additional deposit of \$500,000.00 upon removal of conditions. All the conditions were to be removed before 5 p.m. on the 30th day of September, 2007.

[2] Item 4.3 of the purchase contract states;
“4.3 Subject to clauses 4.1 and 4.2, the Buyer and the Seller may give written notice to the other party on or before the stated Condition Day advising that a Condition will not be waived, has not been satisfied and will not be satisfied on or before the Condition Day. If that notice is given, then this Contract is ended upon the giving of that notice.” [sic]

[3] On September 24, 2007, a Notice (Re: Waiver/Satisfaction of Conditions) as per the Commercial Real Estate Purchase Contract was executed by the buyer. The notice detailed the removal of conditions related to financing and due diligence including notice that all other terms and conditions of the contract remained in place and in full force. The waiver of conditions was not provided to G.K., real estate associate, at all times registered to [(Brokerage B)], before 5 p.m. on the 30th day of September, 2007.

The Executive Director believes that this conduct is in contravention of Section 41(b) of the Rules made pursuant to the *Real Estate Act* which sets out that:

41 Industry members must:

(b) provide competent service;

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 s. 40.1(2) of the *Real Estate 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 Ron Lawson, Investigations Coordinator of Audits and Investigations at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Joseph Fernandez, for
Bob Myroniuk
Executive Director