

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: **Cher Ewing, Associate Broker**
Calgary First Real Estate Inc.
2116 14 Street NW
Calgary, AB T2M 3N5

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, Cher Ewing (hereinafter “**Ms Ewing**”), at all relevant times, broker, registered with Ewing Developments Ltd. o/a Ewing Properties (hereinafter “**Ewing Properties**”), to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

During a RECA investigation, 41 files relating to trades in real estate that occurred between June 5, 2007 and August 5, 2008 were identified to have been destroyed by you in or around December 2008, prior to three years after they came into existence. The Act requires that these files should have been retained for three years after they came into existence.

The Executive Director is of the opinion that the above noted conduct is in violation of section 25(9)(a) of the Act, which sets out that:

- 25(9) An industry member shall, in accordance with the rules, keep in Alberta records and books of account of the industry member’s business and accounting records, and shall keep those records and books of account
- (a) for a period of 3 years after they came into existence, or
 - (b) ...

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 **\$1,500.00** 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 Victoria Woodworth-Lynas, Case Presenter, at the Real Estate Council of Alberta.

DATED this 31st day of May, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

Cc: Mathew Berrington, Broker
Calgary First Real Estate Inc.