

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Fredrica Henry

In accordance with section 83 and the Bylaws of the *Real Estate Act* (RSA 2000 c R-5, hereinafter the “**Act**”), the Executive Director of the Real Estate Council of Alberta (hereinafter “**RECA**”) is of the opinion that you, Fredrica Henry (hereinafter “**Ms Henry**”), contravened section 17(b) and/or (d) of the Act and hereby assesses an Administrative Penalty in the amount of **\$5,000.00**. The evidence giving rise to the Executive Director’s decision is as follows:

At all relevant times, Ms Henry was not authorized to deal as a mortgage broker and has never held an authorization to deal as a mortgage broker. Ms Henry advertised herself as an Executive Credit Consultant with MCG – Monolog Consulting Group and an Account Executive – Edmonton with Accredited Home Lenders Canada Inc. In or around July 2008, B.C. (the “Borrower”) met with Ms Henry for the purpose of discussing and arranging for a mortgage for the purpose of purchasing a property. During the meeting with the Borrower, Ms Henry collected information from the Borrower for the mortgage and requested an initial payment of \$2,000 to secure the mortgage. The Borrower provided a money order in the amount of \$2,000 to Ms Henry on or about July 24, 2008. The Borrower then provided a second money order on or about August 11, 2008 in the amount of \$1,450 to Ms Henry to secure a Visa for the Borrower to improve the Borrower’s credit. After the Borrower provided the money to Ms Henry, the Borrower was unable to contact her and never heard from her again. Ms Henry never returned the money to the Borrower.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17(b) and/or (d) of the Act which sets out that:

17 No person shall

- (a) ...,
- (b) deal as a mortgage broker,
- (c) ..., or
- (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser

unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$5,000.00** against you.

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 offence in respect of those contraventions.

This sum of **\$5,000.00** 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, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 27th day of July, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Joseph Fernandez* for
Bob Myroniuk
Executive Director