

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Kay Eloise Hurst
1923 Canberra Road NW
Calgary, AB T3G 1M3

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 (hereinafter "RECA") has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Kay Eloise Hurst (hereinafter "Mrs. Hurst") to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On June 18, 2009, Mrs. Carla Sasley, investigator with RECA, left you a voicemail requesting a call back. On May 19, 2009, Mrs. Sasley phoned you and advised you of an investigation; she requested an interview with you. You refused and yelled at Mrs. Sasley that you were no longer licensed and you would not cooperate. On May 21, 2009, Mrs. Sasley sent you a letter citing section 38 of the *Real Estate Act*; the letter stated two interview dates set for Thursday June 11, 2009 and/or June 12, 2009. You did not show up nor did you call to re-schedule. You have not contacted RECA since then.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 38(4)(a) of the *Act* which sets out that:

38(4) A person who is required under subsection (2) to answer the questions of a person conducting an investigation

(a) shall co-operate with the investigator and promptly respond to the questions, and

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 **\$5,000.00** 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 **\$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 Veronica Rosito, Complaint Analyst, at the Real Estate Council of Alberta.

DATED this 9 day of August, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director