

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

To: **James Edward Radchenko, real estate associate**  
**c/o Excellence Real Estate Edmonton Ltd. o/a Re/Max Excellence**  
**17718 – 64 Avenue**  
**Edmonton AB T5T 4J5**

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, James Radchenko (hereinafter “**Mr. Radchenko**”), at all relevant times, real estate associate, registered with Excellence Real Estate Edmonton Ltd. o/a Re/Max Excellence (hereafter “**Re/Max Excellence**”), to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

On or about February 1, 2009, Mr. Radchenko prepared a Residential Real Estate Purchase Contract on behalf of Canadian Mutual Acceptance Corporation for a property owned by S.H. (the “Seller”) which was accepted by the Seller on the same date. Mr. Radchenko did not provide the documentation related to this trade in real estate to his broker.

The Executive Director is of the opinion that the above noted conduct is in violation of section 53(c) of the *Rules* made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which sets out that:

- 53 A real estate associate broker and associate must:
- (c) provide to the broker in a timely manner all original documentation and copies of original documents provided to the parties or maintained by other brokerages:
    - (i) related to a trade in real estate; and
    - (ii) required under the Act and these Rules;

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 **\$1,000.00** 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 **\$1,000.00** 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 13<sup>th</sup> day of September, 2010.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director

Cc: Ayaz Bhanji, broker  
Re/Max Excellence