

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Dennis Smith

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, Dennis Smith (hereinafter “**Mr. Smith**”), contravened section 17(c) and/or (d) of the Act and hereby assesses an Administrative Penalty in the amount of **\$2,500.00**. The evidence giving rise to the Executive Director’s decision is as follows:

At all relevant times, you were not authorized to act as a real estate appraiser and have never held an authorization to act as a real estate appraiser. On or about June 23, 2008, you attended a property located at 10804 108 Avenue, Fairview, Alberta (the “property”) for the purpose of conducting an appraisal of the property. You prepared an appraisal report for J.F. for the property which included an appraised market value of the property. The report showed you as appraiser with Floen and Sloan Appraisals (1985) Ltd.. The name J.M. is included on the report and letter to J.F. with the property’s appraised market value. J.M.’s name is included in the supervisor section of the report, although no signature is included. J.M. is a retired real estate appraiser and did not have a real estate appraiser licence at that time.

You were not employed by or associated with Floen and Sloan Appraisals (1985) Ltd. at this time. During this period, you were not licensed as a real estate appraiser by RECA and as such, you were not authorized to act as a real estate appraiser and perform real estate appraisals.

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

- 17 No person shall
- (c) act as a real estate appraiser,
 - (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 **\$2,500.00** 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 **\$2,500.00** 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, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 6th day of July, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director