

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Michael I. Spiers, Broker
Argyll & Sutherland Property Management Ltd.
#250, 251 Midpark Blvd SE
Calgary, AB T2X 1S3

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, Michael I. Spiers (hereinafter "Mr. Spiers"), at all relevant times, real estate associate, registered with Roman Real Estate Services (hereinafter "Roman Real Estate"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

While conducting an audit of Roman Real Estate Services, Mrs. Gillian Down, RECA's auditor, noted that the complete trade records were not available at the brokerage for a number of properties that were managed by you on behalf of the brokerage until July 28th, 2009. You did not provide to your brokerage all records associated with the administration of these properties.

The Executive Director is of the opinion that the above noted conduct is in violation of s.53(c) of the Rules made pursuant to the *Real Estate Act* which sets out that:

53 A real estate associate broker and associate must:

- (c) provide to the broker in 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 **\$1,500.00** 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 Veronica Rosito, Investigator, at the Real Estate Council of Alberta.

DATED this October 1, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director