

## REAL ESTATE COUNCIL OF ALBERTA

### NOTICE OF ADMINISTRATIVE PENALTY

To: Dean L. Truant, Broker  
Roman Real Estate  
#165, 6223 – 2<sup>nd</sup> Street SE  
Calgary, AB T2H 1J5

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, Dean L. Truant (hereinafter “Mr. Truant”), at all relevant times, real estate broker, registered with Roman Real Estate (2009) Ltd. o/a Roman Real Estate (hereafter “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, RECA’s auditor, noted that a number of properties that were managed by one of your associates, did not have records available at the brokerage. You stated to the auditor that the associate was managing properties from elsewhere other than the brokerages registered business office. You also stated that you were aware that the associate hadn’t provided you with the trade records.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 51(1)(e) of the Rules which sets out that:

*51 (1) A real estate broker must:*

*(e) ensure there is an adequate level of supervision for associate brokers or associates, as the case may be, within the brokerage and employees who perform duties on behalf of the brokerage;*

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, complaint analyst at the Real Estate Council of Alberta.

DATED this 16<sup>th</sup> day of August, 2010.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director