

May 10, 2010

Private and Confidential

LETTER OF REPRIMAND

Re: Investigation by the Real Estate Council of Alberta – File

In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to the brokerage, [(the “Brokerage”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

Prior to October 1, 2006 you submitted sufficient funds to renew C.D. however her registration was not fully completed.

From October 1, 2006, to June 11, 2007 C.D. was employed by [(the “Brokerage”)]) to trade in real estate and carried out the activities of a real estate associate while unauthorized.

[(The “Brokerage”)]) employed or allowed a person to trade in real estate as a real estate broker on its behalf without authorization.

[(The “Brokerage”)]) paid commissions or remuneration to a person in relation to real estate services when the person did not hold the required authorization issued by Council.

The Executive Director believes that this conduct is in contravention of Sections 50(b) and 50(c) of the Rules made pursuant to the *Real Estate Act* which sets out that:

50 A real estate brokerage must not:

- (b) employ a person to trade in real estate unless that person meets the requirements of the Act, Regulations, Rules and Bylaws, and all levies, fees, premiums, fines, administrative penalties and other amounts that are payable under or pursuant to the Act, Regulations, Rules, or Bylaws or under any predecessor enactments in respect of that person have been paid;
- (c) pay a commission or other remuneration, directly or indirectly, in connection with a trade in real estate except:

- (i) to a broker, associate broker or associate employed by the brokerage or to not more than one corporation of which that broker, associate broker or associate as the case may be, owns not less than fifty percent (50%) of the shares issued by that corporation;
- (ii) to a brokerage that is licensed under these Rules or under similar legislation in a jurisdiction outside of Alberta; or
- (iii) to an auctioneer qualified under the regulations under the *Fair Trading Act*, where the trade in real estate is made in the course of and as part of that person's duties as an auctioneer;

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate 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 Letter of Reprimand, please contact Joseph Fernandez, Director of Audit and Investigations at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director