



Private and Confidential

March 1, 2011

**Letter of Reprimand Pursuant to Section. 39 of the
*Real Estate Act***

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 you, [{"Industry Member"}] real estate associate registered to trade with [(the "Brokerage")] at all material times, to issue a letter of reprimand. The evidence giving rise to the Executive Director's decision is as follows:

September 22, 2006, an Advisory Information was sent to you related to advertisements including the trade name [{"Industry Member"}] and Associates" which was not your brokerage's trade name at the time of these events. The Advisory Information stated: "*You may wish to review section 53(a) of the Rules for further information.*"

On January 29, 2007, an Advisory Information was sent to you regarding a flyer you distributed in the Elbow Valley area referencing [{"Industry Member"}] and Associates". The flyer suggested you traded in a name other than the trade name of your brokerage. The Advisory Information stated: "*You may wish to review section 53(a) of the Rules for further information.*"

In the fall of 2009 you placed an advertisement in the "The Echo Newsletter Fall and Winter 2009" edition. The advertisement contained the statement [{"Industry Member"}]& T.R. Your Elbow Valley Experts!" The name of the brokerage did not appear in the advertisement.

The Executive Director believes that this conduct is in contravention of Section 53(a) of the Rules made pursuant to the *Real Estate Act* which sets out that:

53 A real estate associate broker and associate must:

- (a) trade in real estate only in the name that appears on that individual's license and in the name of the brokerage with which that individual is registered;

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 Carla Sasley, Investigator, at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Bob Myroniuk
Executive Director