

September 8, 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 you, [(the “Industry Member”)], real estate associate, registered to trade in real estate 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:

You stated that you have been married for more than 35 years and that you are known in your community by your husband’s last name. You also stated that [(“Name”)] is your short name.

A review of your 2009/2010 application form with [(the “Brokerage”)] indicates that the portion where you are required to disclose all the names you have been known as was left blank. This application was made by way of sworn affidavit.

A review of an advertisement in the Volume 6 No. 279 of [(“a magazine”)] shows that your last name is described as [(“Last Name”)] and your first name is described as [(“Name”)].

The Executive Director believes that this conduct is in contravention of Section 42(a) and Section 53(a) of the *Rules* made pursuant to the *Real Estate Act* which sets out that:

42 Industry members must not:

- (a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;

53 A real estate associate broker and associate must:

- (a) trade in real estate only in the name that appears on that individual’s licence 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 Joseph Fernandez, Director, Audit and Investigations at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director