



Private and Confidential

March 18, 2011

**Letter of Reprimand Pursuant to section 39 of the
*Real Estate Act***

In accordance with section 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"}], at all material times, an associate registered with [{"Brokerage A"}], presently registered with [{"Brokerage A"}], to issue a letter of reprimand. The evidence giving rise to the Executive Director's decision is as follows:

On or around January 13, 2010 you were contacted by L.G. of Team G., a registered associate of [{"Brokerage B"}] of Phoenix, AZ to attend "The Calgary Home Expo Show" (the "Show") under the premise that Team G. was required to engage the services of a licensed real estate brokerage in the Province of Alberta to be present in their booth in order to meet the requirements set out by RECA in compliance of the *Act*.

L.G. of Team G. verbally agreed to pay your airfare and pay you a referral for any business derived from the Show as remuneration for your attendance.

RECA's investigation indicates that between January 15 -17, 2010 you worked alongside L.G., C.S., T.H. and P.O. in a booth identified as Team G. and [{"Brokerage B"}].

[{"Brokerage B"}], L.G., C.S., T.H. and P.O. were not authorized by RECA to trade in real estate as real estate brokers in the province of Alberta.

During January 15 - 17, 2010 you observed L.G., C.S., T.H. and P.O manning the booth, supplying information to the public promoting themselves and Team G. as real estate brokers and soliciting members of the public to consider purchasing properties through their team.

You also handed out information and answered questions in regards to the Arizona marketplace on behalf of Team G. The only time you identified yourself as real estate associate, registered to [{"Brokerage A"}], was when asked and you did not at any time provide your business card identifying yourself as a real estate associate registered to [{"Brokerage A"}], although you stated they were on your person.

On or about May 03, 2010 you were provided remuneration in the amount of \$5,000.00 in relation to a trade in real estate paid to you through your brokerage, [{"Brokerage C"}] in Phoenix, Arizona by L.G. of [{"Brokerage B"}] for your efforts at the Show. The customer name is listed as S.J. or P.H. LLC.

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

42 Industry members must not:

- (b) participate in fraudulent or unlawful activities in connection with the provision of services or in any dealings;

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 section 40.1(2) 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 Letter of Reprimand, please contact Corrie Olafson, investigator at 403-685-7950.

REAL ESTATE COUNCIL OF ALBERTA

Joseph Fernandez, for

Bob Myroniuk
Executive Director