

**Private & Confidential**

## LETTER OF REPRIMAND

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 has determined that there is sufficient evidence of conduct deserving of sanction to issue a letter of reprimand to you. The evidence giving rise to the Executive Director’s decision is as follows:

On or about January 1<sup>st</sup>, 2009, [(“ Brokerage A”)] effectively ceased trading in real estate, and transferred its property management operations to [(“Brokerage B”)] as part of a planned winding-up of the corporation.

On or about January 2<sup>nd</sup>, 2009 monies held in the name of [(“ Brokerage A”)] and representing Trust amounts from all the managed properties were transferred to accounts held in the name of [(“Brokerage B”)]

Notwithstanding that [(“Brokerage B”)] began trading on January 1<sup>st</sup>, 2009, a licence was not issued by Council until February 2<sup>nd</sup>, 2009.

Between the period of January 1<sup>st</sup>, 2009 and February 2<sup>nd</sup>, 2009 you traded as broker for, and in the name of [(“Brokerage B”)] notwithstanding that you remained registered with [(“ Brokerage A”)].

The Executive Director believes this conduct is in contravention of section 51(1)(b) of the Rules made pursuant to the *Real Estate Act* which provides:

51 (1) A real estate broker must:

- (a) ...
- (b) trade in real estate only in the name that appears on the individual’s licence and in the name of the brokerage with which the broker is registered;

The Executive Director believes this matter may be dealt with by way of this Letter of Reprimand.

You may appeal this decision in accordance with s. 40.1(2) of the *Real Estate Act*. If you intend to do so, you must provide written notice within 30 days of receipt of this communication. 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 Mark Lancaster, Conduct Enforcement Counsel at the Real Estate Council of Alberta.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director