

Case Summaries July 18 - August 8, 2011

Administrative Penalties

Sanja Dutta, real estate associate, Re/Max First

- Failure to notify immediately, in writing, the Executive Director when proceedings pursuant to the Criminal Code are commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Proceedings pursuant to the Criminal Code were commenced against Mr. Dutta on or about February 23, 2011 and he did not notify the Executive Director until May 10, 2011.
- \$1,000

Paul Cazabon, mortgage associate, Pro-Link Mortgage Inc.

- Failure to notify immediately, in writing, the Executive Director when the industry member is the subject of bankruptcy proceedings [s.40(1)(e) of the *Real Estate Act* Rules]
- Mr. Cazabon became the subject of bankruptcy proceedings on March 4, 2011 and he failed to notify the Executive Director until April 5, 2011.
- \$1,000

Corey Singh, broker, Edmonton Real Estate Group

- Failure to ensure proper management and control of documents or records relating to licensing, registrations and related regulatory requirements [s.51(1)(j) of the *Real Estate Act* Rules]
- As the result of an audit on the brokerage, documents relating to licensing were reviewed and found to have been improperly managed.
- \$1,500

Paul Jones, real estate associate, Ayre & Oxford Inc.

- Failure to notify immediately, in writing, the Executive Director when proceedings pursuant to the Criminal Code are commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Proceedings pursuant to the Criminal Code were commenced against Mr. Jones on or about December 3, 2009 and he failed to notify the Executive Director until September 24, 2010.
- \$1,000

Kirby Nantias, real estate broker, Buffalo Realty Inc.

- Failure to notify immediately, in writing, the Executive Director when proceedings pursuant to the Criminal Code are commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Proceedings pursuant to the Criminal Code were commenced against Mr. Nanas on or about March 11, 2011 and he failed to notify the Executive Director until April 18, 2011.
- \$1,000

Ronald Mercier, real estate broker, Fullcorp Realty and Property Management; mortgage broker, Pinehurst Financial Corp.

- Failure to notify immediately, in writing, the Executive Director when judgments are rendered against the industry member in relation to the provision of services or sale of goods [s.40(1)(c) of the *Real Estate Act* Rules]
- Mr. Mercier had judgments rendered against him on or about June 30, 2009, December 16, 2009 and July 26, 2010 and he failed to notify the Executive Director until September 29, 2010.
- \$1,000

Consent Agreements

Chloe Anne Cartwright

Real estate associate, registered with Century 21 the Professionals Ltd. at all material times and currently registered with Century 21 Bravo Realty

Issues:

- Engaged in conduct that was reckless or intentional and that misled or deceived any person or was likely to do so [s.42(a) of the *Real Estate Act* Rules]
- Engaged in conduct which undermined the public confidence in the industry, harmed the integrity of the industry or brought the industry into disrepute [s.42(g) of the *Real Estate Act* Rules]

Facts:

- Ms Cartwright forwarded website domain names that a reasonable person would conclude would provide information respecting another industry member to a website that provided information respecting Ms Cartwright.
- Ms Cartwright created a circumstance where internet users may reasonably conclude there was an affiliation between Ms Cartwright and another industry member when there was not.

Results:

By way of a Consent Agreement ratified by a Hearing Panel of the Real Estate Council of Alberta, Ms Cartwright agreed to pay fines in the amount of \$4,000, costs of \$500 and complete educational requirements.

Gerald Bradley Williamson

Real estate associate, ArTeam Realty Inc. o/a Royal LePage ArTeam Realty

Issues:

- An industry member must only act for one party in a transaction, unless there is full disclosure to all parties and the dual agency is agreed to in writing [s.3(b) of the Code of Conduct (1999)]
- Failure to provide all documentation and trade records to the broker [s.23(e) of the *Real Estate Act* Rules (as they were then)]
- Participated in the creation of a contract or document that the member knew or ought to have known was confusing or did not reflect agreements already in place [s.6(c) of the Code of Conduct (1999)]

Facts:

- Mr. Williamson failed to obtain written dual agency consent prior to engaging in negotiations between his client and a client of a co-associate at his brokerage.
- Mr. Williamson failed to remit offers to purchase and all comparative market analysis documents in real estate transactions to his broker.
- Mr. Williamson created documents that did not properly reflect that there were two purchasers of a property.
- Mr. Williamson did not clearly document an agreement between the parties that, as a condition to selling the property, the seller would be able to rent the property from the buyers for a period of one year.

Results:

By way of a Consent Agreement ratified by a Hearing Panel of the Real Estate Council of Alberta, Mr. Williamson agreed to pay fines in the amount of \$3,000, costs of \$500 and complete educational requirements.

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Appointed from non-AREA industry members

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Appointed from residential real estate industry members

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Appointed from the property management sector

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