

Case Summaries March 7 - 21, 2011

Letters of Reprimand

March 2011

- Failure to 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 [s.53(a) of the *Real Estate Act Rules*]
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Hearing Panel Decision

Appeal of an Administrative Penalty

Perry N. Gereluk, appraiser

Issues:

- On October 13, 2010, Perry N. Gereluk was issued an Administrative Penalty in the amount of \$1,500 for breach of s.41(g) of the Real Estate Act Rules, failure to practice in strict accordance with the Act, Regulations, Rules and Bylaws and any other laws that govern trading in real estate, mortgage transactions or appraisals in Alberta. Mr. Gereluk appealed the Administrative Penalty on the basis that although he did not confirm the licence registration of a candidate appraiser online, he did not breach s.41(g) of the Rules.

Facts:

- Mr. Gereluk was an authorized appraiser employed by Colliers International.
- Mr. Gereluk supervised a candidate appraiser who was also employed at Colliers, who was authorized from August 15, 2006 until September 30, 2007.
- During the 2007/2008 licence renewal procedure, the candidate failed to properly complete the procedure and although he thought he was licensed with RECA, in fact he was not.
- Mr. Gereluk was aware that the candidate had obtained a receipt and had printed licensing documents for the 2007/2008 licensing period.
- Mr. Gereluk did not check online to confirm that the candidate was licensed.
- The candidate learned he was unauthorized on November 5, 2007 and advised the broker at Colliers on or before November 7, 2007.
- There is no evidence Mr. Gereluk was informed of this.
- The candidate rectified the problem and was licensed as an appraiser candidate on

November 21, 2007.

- During the time the candidate was unauthorized, Mr. Gereluk signed three appraisal reports prepared by the candidate.

Results:

By order of a Hearing Panel of the Real Estate Council of Alberta, the Administrative Penalty was quashed.

Disciplinary Action

Harpal Mangat, real estate associate

Registered with Ashmont Realty at all material times and most recently registered with Vision Realty Inc.

This Hearing Panel Decision is currently under appeal.

Issues:

- Making false or contradictory statements [s.38(4) of the Real Estate Act]
- Marketing a property without the seller's knowledge or consent [s.4(b) of the Code of Conduct]
- Concealing any latent defects or pertinent facts in relation to a property [s.4(c) of the Code of Conduct]

Facts:

- Mr. Mangat did not inform the buyers or the buyers' agent that a property contained an illegal suite and was the subject of a City of Calgary removal order.
- There were two owners of the property but only one name and signature appeared on the listing and purchase contracts.
- Mr. Mangat failed to cooperate by not providing documents to RECA investigators, in a timely manner.

Results:

A Hearing Panel found Mr. Mangat had conduct deserving of sanction in all three allegations. The Hearing Panel ordered Mr. Mangat to pay fines totaling \$8,500; costs in the amount of \$15,585; complete an education requirement. The Hearing Panel also ordered a two-month suspension of Mr. Mangat's licence.

On March 17, 2011, a Hearing Panel granted a stay of this Hearing Panel suspension and other monetary orders pending the outcome of Mr. Mangat's appeal to a RECA Appeal Panel. As such, Mr. Mangat is authorized and may trade in real estate as a real estate associate in Alberta.

Suspensions

Charles Aschenbrenner - Real Estate Associate Licence Suspended

On March 7, 2011, pursuant to Section 38.1 of the Real Estate Act Rules, the Executive Director of the Real Estate Council of Alberta suspended the licence of Charles Aschenbrenner, real estate associate registered with Residential One Real Estate of Calgary. The licence suspension resulted from Charles Aschenbrenner's failure to comply with a condition attached to his licence.

Jessica Eaton – Real Estate Associate Licence Suspended

On March 18, 2011, pursuant to Section 38.1(1)(a) of the Real Estate Act Rules, the Executive Director of the Real Estate Council of Alberta suspended the licence of Jessica Eaton, real estate associate most recently registered with Century 21 Lloydminster Realty. The licence suspension resulted from Jessica Eaton's failure to comply with a condition attached to her licence.

As a result of these suspensions, Charles Aschenbrenner and Jessica Eaton may not trade in real estate in Alberta until their suspension has been lifted.

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