

# Case Summaries April 5 - May 1, 2011

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## Letters of Reprimand

April 2011

- Making representations or carrying on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act* Rules]. (2)
- Failure of a brokerage to immediately notify the Executive Director in writing of any circumstances where the broker is no longer able to perform the duties and responsibilities of a broker outlined in these Rules [s.32(a) of the *Real Estate Act* Rules].
- Failure of a brokerage to immediately notify the Executive Director in writing of a change in the address of a brokerage's registered business address [s.32(d) of the *Real Estate Act* Rules].
- Failure to 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 [s.53(a) of the *Real Estate Act* Rules].

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## Administrative Penalties

**Larry Zachow**, mortgage associate, Asset Capital Mortgage Corporation

- 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]
- Criminal charges were laid against Mr. Zachow on January 17, 2008 and he failed to notify RECA until September 2008.
- \$1,000

**Larry Zachow**, mortgage associate, Asset Capital Mortgage Corporation

- Failure to notify immediately, in writing, the Executive Director when the industry member is convicted of any criminal offence under any law of any country, province or state excluding provincial or municipal highway traffic offences resulting in only monetary fines and/or demerit points [s.40(1)(h) of the *Real Estate Act* Rules]

- Mr. Zachow was convicted of a criminal offence on June 3, 2010 and failed to notify RECA until September 2010.
- \$1,000

**Harold Wayne Clemmer**, real estate associate, The Real Estate Company

- Failure to notify immediately, in writing, the Executive Director when the industry member is the subject of any bankruptcy proceedings [s.40(1)(e) of the *Real Estate Act Rules*]
- Mr. Clemmer became the subject of bankruptcy proceedings on June 2, 2010 and failed to notify RECA until September 2010.
- \$1,000

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## Disciplinary Action

**Brandon Antonini**, mortgage associate, currently registered with Mortgage Architects and formerly registered with Westcor Mortgages

Issues:

- Industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act Rules*].

Facts:

- Mr. Antonini indicated on a mortgage application to a prospective lender that the purpose was “refinance.”
- Mr. Antonini prepared a mortgage summary with the comment “insured refinance of existing principal residence for the purpose of investing”.
- Mr. Antonini was aware that the applicants were considering tearing down an existing home and rebuilding on the lot and failed to inform the prospective lender.
- No funds were issued by the lender.

Results:

A Hearing Panel accepted an Admission of Conduct Deserving of Sanction from Mr. Antonini and ordered him to pay a fine of \$10,000; costs of \$3,000 and complete an education requirement.

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## Suspensions

### **Rajwant Kaur Banwait – Mortgage Associate Authorization Suspended**

On April 7, 2011, pursuant to section 38(4.2) of the *Real Estate Act*, the Executive Director of the Real Estate Council of Alberta suspended the authorization of Rajwant Kaur Banwait, who was not registered with an Alberta mortgage brokerage at the time of the suspension.

As a result of this suspension, Rajwant Kaur Banwait may not deal in mortgages in Alberta at this time.

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## Council Members 2010-2011

### **BILL BUTERMAN**

Appointed from non-AREA industry members

### **KEVIN CLARK**

Appointed from residential real estate industry members

### **CINDY DUBRAY**

Appointed from the property management sector

### **GORDON GRAYDON**

Appointed from the public

### **CONNIE LECLAIR**

Appointed from the public

### **WAYNE MCALISTER, CHAIR-ELECT**

Appointed from the Calgary Real Estate Board

### **KEN MCCOY**

Appointed from the Edmonton Real Estate Board

### **WENDY ROBSON**

Appointed from boards outside of Calgary and Edmonton

### **RALPH SALOMONS, PAST CHAIR**

Appointed from commercial real estate sector

**CHERYL SCHINDEL**

**Appointed from boards outside of Calgary and Edmonton**

**GARY SIEGLE**

**Appointed from the mortgage brokerage sector**

**ROBERT TELFORD, CHAIR**

**Appointed from the real estate appraisal sector**

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## **Contact RECA**

Case Summaries is published by the Real Estate Council of Alberta. Please forward your comments and suggestions to [communications@reca.ca](mailto:communications@reca.ca).

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Director of Audit and Investigations - Joseph Fernandez

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Director of Education – Kirk Bacon

Director of Industry Standards – Charles Stevenson

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