

Case Summaries Sept-Nov 2010

Letters of Reprimand

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September/October

5 Letters of Reprimand

- 1 breaches – failure to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- 1 breach – failure to disclose to a client, at the earliest practical opportunity, how an industry member will be paid for their services [s.41(c) of the *Real Estate Act Rules*]
- 1 breach – failure to ensure the role of the industry member is clearly understood by their clients and third parties [s.41(e) of the *Real Estate Act Rules*]
- 1 breaches – 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*]
- 1 breach – engaging in conduct that undermines public confidence in the industry [s.42(g) of the *Real Estate Act Rules*]
- 1 breach – 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*]
- 1 breach – failure to provide to the broker in a timely manner all original documents and copies of original documents provided to the parties or maintained by other brokerages related to a trade and required under the *Act* and the *Rules* [s.53(c) of the *Real Estate Act Rules*]
- 1 breach – failure to keep the broker informed of the activities being performed by the associate broker or associate on behalf of the brokerage [s. 53(d) of the *Real Estate Act Rules*]

Administrative Penalties

Audit administrative penalties

August 2010

Solidfinance Capital Corp o/a Centum Solidfinance

The brokerage failed to submit to the Real Estate Council of Alberta the required accounting documents not later than three months after the end of the brokerage's fiscal year. [s.91 (4) of the *Real Estate Act Rules*]
\$1,500

October 2010

1156377 Alberta Ltd. o/a Realty Executives North

The brokerage failed to submit to the Real Estate Council of Alberta the required accounting documents not later than three months after the end of the brokerage's fiscal year. [s.91 (4) of the *Real Estate Act Rules*]
\$1,500

administrative penalties

August 2010

James Mercier

- Trading in real estate while unauthorized [s.17(a) and(d) of the *Real Estate Act*]
- Mr. Mercier's authorization to trade in real estate was suspended by RECA on June 24, 2009. On or about July 26, 2009, Mr. Mercier performed activities and held himself out as a real estate associate in relation to a property.
- \$25,000

September 2010

Michael R. Holmes, broker Larlyn Property Management Ltd.
(*This Administrative Penalty is currently under appeal*)

- Failure to disburse money received or held in trust in respect of a dealing or trade in the business of the industry member in accordance with the rules and terms of the trust governing the use of that money [s.25(1)(d) of the *Real Estate Act*]
- Larlyn Property Management entered into a Condominium Management Agreement with a Condominium Corporation. Larlyn, on behalf of the Condo Corp., employed two resident managers and a cleaner to work exclusively for the Condo Corp. The two resident managers terminated their employment in or around November 30, 2007 and between December 14 and January 14, 2008; Larlyn transferred funds equal to the amount that would have been paid to all

former employees from the Condominium Corporation's trust account to its own account.

- \$3,000

Vittorio Antonio Oliverio, mortgage broker, Centum Professional Mortgage Group Inc. o/a Centum Professional Mortgage Group

- Failed to ensure proper management and control of documents or records related to licensing, registrations and related regulatory requirements [s/67(1)(i) of the *Real Estate Act Rules*]
- Mr. Oliverio submitted an outdated Mortgage Agent Registration Application from to RECA. When Mr. Oliverio submitted a new Associate/Associate Broker Application, he did not sign the application under section "I", Broker Acknowledgement.
- \$1,000
- Failed to ensure the business of the brokerage is carried out competently and in accordance with the Act, the Bylaws and these Rules [s.67(1)(e) of the *Real Estate Act Rules*]
- Mr. Oliverio submitted an outdated Mortgage Agent Registration Application from to RECA. Mr. Oliverio submitted a new Associate/Associate Broker Application and advised the associate that a prior conviction for driving while impaired for which the associate receive a fine and license suspension, was not a criminal conviction and to answer "no" to question 20 on the application.
- \$1,000

Ali H. Menhem, real estate associate, Real Estate Professionals Inc.

- Made representation or carried on conduct that was reckless or intentional and that misled or deceived an person or was likely to do so [s.42(a) of the *Real Estate Act Rules*]
- Mr. Menhem executed two residential listing agreements for 2 units in a building owned by Company A. Company B had an interest in the property. The listing agreements were only signed by the directors of Company B. Mr. Menhem failed to obtain written verification of Company A's interest in the property. Mr. Menhem executed a residential real estate purchase contract for both units with a Buyer. The purchase contract indicated that Mr. Menhem witnessed the Buyer's signature but. Mr. Menhem stated he never met the buyer nor witnessed his signature.
- \$2,000
- Failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- \$1,500

Warren Zmud, real estate associate, Mountain View Real Estate Inc. o/a Re/max Real Estate (Mountain View)

- Failed to notify the Executive Director, in writing, when proceedings pursuant to the Criminal Code were commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Mr. Zmud was charged with breaching two sections of the Criminal Code of Canada on or about January 31, 2009 and did not notify the Executive Director until he completed his 2009/2010 application for registration on or about September 2010 when he answered 'yes' to the question concerning criminal code charges
- \$1,000

James Edward Radchenko, real estate associate, Excellence Real Estate Edmonton Ltd. o/a Re/Max Excellence

- Failed to disclose as soon as possible, the nature of the services the industry member would provide, whether the industry member is acting in the trade on behalf of another person, any conflict of interest and any other facts that may be likely to influence the person's decision [s/55(1)(a)(b)(c)(d) of the *Real Estate Act* Rules]
- Mr. Radchenko attended a property with a prospective Buyer. While there Mr. Radchenko elicited and received confidential information from the Seller, who was not represented by a licensed industry member, concerning the Seller's motivation and financial information. Mr. Radchenko failed to disclose his role in the transaction before receiving this information. Mr. Radchenko then prepared a Residential Real Estate Purchase Contract on behalf of the Buyer with an offer to purchase the Seller's property. The Seller accepted the offer on the same date.
- \$1,500
- Failed to provide documentation relating to the above trade to his broker [s.53(c) of the *Real Estate Act* Rules]
- \$1,000

Raymond Horyn, associate broker, Alpine Realty 2003 Inc o/a RE/Max Alpine Realty

- Failed to keep his broker informed of his activities being performed on behalf of the brokerage [s.53(d) of the *Real Estate Act* Rules]
- Mr. Horyn discussed with his broker a possible tenant dispute regarding damage deposit but failed to keep his broker informed when he along with the brokerage was served with a civil claim by a former tenant. Mr. Horyn did not inform the broker that he filed a notice of dispute against the former client nor did he keep him informed of the court proceedings, the judgment and his payment to the tenant following the judgment.
- \$1,000

October 2010

John Verbitsky, broker, Innisfail Realty Ltd. o/a Realty Executives Innisfail

- Participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings [s.42(b) of the *Real Estate Act* Rules]
- When a real estate associate, registered with Mr. Verbitsky's brokerage, notified him that he/she was transferring to another brokerage, Mr. Verbitsky failed to confirm that the associate's new brokerage was authorized to trade in real estate in Alberta before he transferred trust funds for clients.
- \$1,000
- Failure to disburse money received or held in trust in respect of a dealing or trade in the business of the industry member only in accordance with the rules and with the terms of the trust governing the use of the money [s.25(1)(d) of the *Real Estate Act*]
- Mr. Verbitsky did not have written authorization from clients to transfer trust money to the associate's new brokerage.
- \$2,000

Michael I Spiers, former associate registered with Roman Real Estate Services and currently broker, Argyll & Sutherland Property Management Ltd

- Failure to provide to the broker in timely manner all original documentation and copies of original documents provided to the parties or maintained by other brokerages; i) related to a trade in real estate and ii) required under the *Act* and these Rules [s.53(c)(i)(ii) of the *Real Estate Act* Rules]
- Mr. Spiers did not provide complete trade records to his broker for a number of properties that were managed by him on behalf of the brokerage
- \$1,500
- Failure to refuse to provide further services to or on behalf of a client who instructs him to withhold a disclosure required by the *Act*, Regulations, Rules, Bylaws or any other laws [s.41(j) of the *Real Estate Act* Rules]
- When property owners signed letters requesting RECA to return files to them and not provide copies to the broker, Mr. Spiers failed to advise the owners that their direction was unlawful and that he was required to provide the trade records to his brokerage.
- \$1,500

Anthony Massink-Wttewaall, real estate associate, Unison Realty Group Ltd.
(*This Administrative Penalty is currently under appeal*)

- Failure to fulfill his fiduciary duties to a client [s.41(d) of the *Real Estate Act* Rules]
- Mr. Massink-Wttewaall was informed by the associate representing the seller in a transaction, that the property had had water in the basement from a storm the previous spring. Mr. Massink-Wttewaall failed to disclose this information to his client, the buyer.

- \$1,500

Suritam S. Rai, real estate associate, Rai Realty Ltd.

- Engaging in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute [s.42(g) of the *Real Estate Act Rules*]
- Mr. Rai entered into a partnership with the buyer and purchased a restaurant together. The buyer intended to operate a sub sandwich restaurant which Mr. Rai knew prior to the buyer looking at any business properties. Mr. Rai did not confirm with the landlord of the commercial property where the restaurant was located that the buyer could operate a sub sandwich business at that location in advance of the Buyer's purchase of 50% of the business. Mr. Rai failed to ensure the partnership agreement between him and the buyer was clear to the buyer and in writing. Mr. Rai represented to the buyer that all equipment that was being transferred to the buyer as per the agreement was in good working condition and this was not accurate
- \$1,500

Lucia Arnieri, real estate associate, Century 21 A.L.L. Stars Realty Ltd.

- Failure to notify, in writing, the executive director when proceedings pursuant to the Criminal Code were commenced against her [s.40(1)(g) of the *Real Estate Act Rules*]
- Proceedings pursuant to the Criminal Code were commenced against Ms Arnieri on or about May 4, 2010. Ms Arnieri's broker provided this information to RECA on or about July 21, 2010.
- \$1,000
-

Stuart Pocock, broker, CMAC Mortgages

- Employed a person to deal in mortgages that did not meet the requirements of the *Act, Regulation, Rules and Bylaws* [s.66(b) of the *Real Estate Act Rules*]
- An associate who failed to renew his registration executed a Mortgage Borrower Disclosure and Consent Form and Mr. Sinclair uploaded the application to Filogix. A second associate, while unlicensed, executed the same form.
- \$3,000
- Failure to ensure proper management and control of document or records related to licensing, registrations and related regulatory requirements [s.67(1)(i) of the *Real Estate Act Rules*]
- Mr. Pocock processed a renewal application for registration with section 1, the broker acknowledgment section being signed and later signed an affidavit stating he had neglected to sign under the broker acknowledgment section. Mr. Pocock also signed an affidavit stating an associate's online renewal was processed with

the understanding that the associate had commissioned the application was forwarding the same to Mr. Sinclair's office

- \$1,500

Daryl R. Hillman, broker, Sundance Realty & Management Inc.

- Trading in real estate without proper authorization [s.17(a) of the *Real Estate Act*]
- Sundance Realty & Management accepted transferred trust fund money from another brokerage and at the time were not authorized through the Real Estate Council of Alberta to do so.
- \$3,000

Khider El Kadri, associate, CMAC Mortgages

- Trading in real estate without proper authorization [s.17(a) of the *Real Estate Act*]
- Mr. Kadri executed a Mortgage Borrower Disclosure and Consent Form for a client when he did not have the proper authorization from the Real Estate Council of Alberta.
- \$1,00

Perry Gereluck, appraiser

- 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 [s.41(g) of the *Real Estate Act* Rules]
- Mr. Gereluk reviewed and signed 5 appraisal reports prepared by an unlicensed candidate and failed to confirm his licensing status.
- \$1,500

Christopher D. Sinclair

- Trading in real estate without proper authorization [s.17(a) of the *Real Estate Act*]
- After failing to renew his registration, Mr. Sinclair executed a Mortgage Borrower Disclosure and Consent Form and uploaded it to Filogix.
- \$1,000

Shamon Kureshi, broker, Hope Street Real Estate Corp.
and
Hope Street Real Estate Group Inc.

- Trading in real estate without proper authorization [s.17(a)(b)(c)(d) of the *Real Estate Act*]
- \$5,000

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*]

- Failure to keep the broker informed of the activities being performed by the associate broker or associate on behalf of the brokerage [s.53(d) of the *Real Estate Act Rules*]
- \$1,000
- Hope Street has never been authorized to trade in real estate or applied for authorization, nor has it ever been authorized to advertise or hold itself out as a real estate brokerage.
- At all material times, Shamon Kureshi acting on behalf of Hope Street entered into contracts for property management services which included marketing and advertising, leasing, collection of security deposits and rent monies and holding same in trust.
- Mr. Kureshi, on behalf of Hope Street accepted fees from the owners for the property management services provided.
- Mr. Kureshi admitted that Hope Street was unauthorized to provide property management services and that he did not advise potential clients that Hope Street was not authorized to provide property management services.

Simon M.T. Evison, mortgage associate, TMG The Mortgage Group Alberta o/a TMG

- Failure to ensure the role of the industry member is clearly understood by their clients and third parties [s.41(e) of the *Real Estate Act Rules*]
- A mortgage specialist at a bank forwarded information on eight clients to Mr. Evison to obtain mortgages on their behalf from different lending institutions.
- Mr. Evison did not meet with, nor had discussions with any of these eight clients.
- Mr. Evison filled out the mortgage borrowers' disclosures and provided them back to the specialist to be signed by the alleged borrowers.
- While Mr. Evison received the signed borrower disclosures, it was not known whether those disclosures were signed by the borrowers and if signed by the borrowers, whether those documents were properly explained to them or understood by them.
- \$3,000
- Failure to meet fiduciary obligations [s.41(d) of the *Real Estate Act Rules*]
- Mr. Evison provided borrow disclosures to the applicants through the mortgage specialist.
- The borrower disclosures stated that he, as an intermediary, would act competently and honestly and disclose all relevant information associated with mortgage dealing.
- \$3,500
- Made representations or carried on 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*]

- When Mr. Evison noticed discrepancies in information in one of the files, he notified the lending institution who contacted him and informed him they were cancelling all the files as they were of the opinion that the applications were fraudulent.
- Mr. Evison requested the remaining institutions to cancel all files he submitted to them and was provided to him by the mortgage specialist.
- \$3,000

CDR Capital Ltd. o/a Montrose Mortgage Residential

- Failure to notify immediately, in writing, the executive director when the name of the industry member changes [s.40(1) of the *Real Estate Act* Rules]
- Montrose Mortgage Ltd. changed its name to CDE Capital Ltd. o/a Montrose Mortgage Residential on January 15, 2010 and RECA was not informed until September 3, 2010.
- \$1,000

Diem Le, real estate associate, Impact Real Estate Group Ltd. o/a Residential One Real Estate

- 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]
- Diem Le commenced bankruptcy proceedings on May 14, 2010 and RECA was not informed until October 1, 2010.
- \$1,000

Stephen Mitchell, real estate associate, Real Estate Advantage Ltd. o/a Re/Max Advantage

- Failure to notify immediately, in writing, the executive director when the proceedings pursuant to the Criminal Code are commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Mr. Mitchell was charged with a criminal offense under the Criminal Code on March 27, 2010 and RECA was not informed until September 7, 2010.
- \$1,000

Kenneth Loder, real estate associate, Challenge Realty Ltd. o/a Realty Executives Challenge

- 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. Loder commenced bankruptcy proceedings on March 31, 2010 and RECA was not informed until September 9, 2010.

- \$1,000

Irene Brautigam, real estate associate, Rocky Mountain Realty (1996) Ltd. o/a Royal Lepage Rocky Mountain Realty

- Failure to notify immediately, in writing, the executive director when the proceedings pursuant to the Criminal Code are commenced against the industry member [s.40(1)(g) of the *Real Estate Act* Rules]
- Ms Brautigam was charged with a criminal offense under the Criminal Code on January 15, 2010 and RECA was not informed until September 10, 2010.
- \$1,000

Brian Mooney, mortgage associate, Bayfield Mortgage Professionals Ltd.

- 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. Mooney commenced bankruptcy proceedings on March 22, 2010 and RECA was not informed until September 22, 2010.
- \$1,000

Barry Munro, real estate broker, 921325 Alberta Limited o/a Century 21 Platinum Realty

- Failure to disburse money received or held in trust in respect of a dealing or trade in the business of the industry member in accordance with the rules and with the terms of the trust governing the use of that money [s.25(1)(d) of the *Real Estate Act*]
- Mr. Munro became aware that a purchase of property by Company A from Company B was not going to complete because each claimed entitlement to deposit money paid by Company A that was being held in trust by Century 21 Platinum.
- As per the purchase contract provisions for disputes over entitlement, Mr. Munro wrote to the lawyers representing both companies stating he could not clearly determine entitlement of the deposit being held in trust and that he was paying the deposit held in trust into a lawyer's trust account.
- Mr. Munro was aware of the dispute in November 2007 but he failed to disburse the money to the lawyer's trust account until March 14, 2008.
- \$1,500

Consent Agreements

Laurent (Lawrence) Cote, real estate associate registered with Elite Ownershop Ltd. o/a Re/Max Elite.

Issues:

- Failed to fulfill fiduciary duties while in a dual agency [s.41(d) of the *Real Estate Act Rules*]
- Failed to assure that all relevant documentation met the legislative requirements found under the Act, Rules and Bylaws [s.53(b) of the *Real Estate Act Rules*]
- Failed to disclose to his clients, at his earliest opportunity, any conflict of interest he acquired during the course of providing services [s.41(f) of the *Real Estate Act Rules*]

Facts:

- Mr. Cote provided advice and counsel to his seller respecting the terms of a counter offer, including that the buyer may be prepared to accept a price higher than that disclosed in the offer to purchase.
- The written service agreement, "Exclusive Listing Contract", misstated the services to be provided by the brokerage, indicating that the property would be marketed through the MLS system, which was not the intention of the parties to do.
- Mr. Cote failed to advise all parties to the trade of the interest in the land acquired by Mr. Cote through the registration of a caveat on the title of the subject land prior to the closing of the transaction, and failed to refer the seller to independent advice prior to acquiring the interest.

Results:

By way of a Consent Agreement that was ratified by a Hearing Panel, Laurent Cote was ordered to pay fines totaling \$4,500, costs of \$500 and to complete an educational requirement as a condition of his authorization to trade in real estate.

Castle Ka-Sau Kwan, formerly registered with Remoex Group Inc. as a mortgage associate and formerly registered with Urban realty.ca as a real estate associate.

Issue:

- Made representations or carried on 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*]
- Participated in a fraudulent or unlawful activity in connection with the provision of services or in any dealings [s.42(b) of the *Real Estate Act Rules*]

Facts:

- Mr. Kwan created a false Notice of Assessment and provided it to a financial institution in order to meet the financial requirements for a transfer of his personal mortgage.

Results:

By way of a Consent Agreement that was ratified by a Hearing Panel, Castle Ka-Sau Kwan's authorization to trade in real estate was suspended for a period of 1 year. As well, Mr. Kwan was ordered to pay a fine in the amount of \$10,000, costs of \$500 and to complete an educational requirement as a condition of his authorization to trade in real estate.

Suspensions

Mrs. Shahinaz Zulfikar Merali - Real Estate Associate Authorization Suspended

On September 16, 2010, 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 Mrs. Shahinaz Zulfikar Merali, real estate associate with ReMax Real Estate (Central) of Calgary, Alberta.

As a result of this suspension, Mrs. Shahinaz Zulfikar Merali may not trade in real estate in Alberta at this time.

Castle Ka-Sau Kwan –Real Estate and Mortgage Associate License Suspended

On August 31, 2010, Castle Ka-Sau Kwan's authorization to trade in real estate and mortgages was suspended by an order of a Hearing Panel of the Real Estate Council of Alberta (RECA) for a period of one year. Mr. Kwan was also ordered to pay a fine in the amount of \$10,000, costs in the amount of \$500 as well as complete educational requirements.

Mr. Kwan was formerly registered as a mortgage associate with the Mortgage Alliance Company of Canada and REMOEX Group Inc. and as a real estate associate with UrbanRealty.ca

Mr. Kwan acted contrary to the Real Estate Act and the Real Estate Act Rules when he created and presented a false Notice of Assessment to a financial institution in order to meet the financial requirements for a transfer of his personal mortgage.

Lifetime Withdrawals

Harrison Tse

On November 3, 2010 Harrison Tse, currently unregistered but most recently registered to Twin Oakes, Real Estate 1993Inc. o/a Re/Max House of Real Estate, applied to the Real Estate Council of Alberta (RECA) to withdraw from industry membership, in accordance with s.54 of the Real Estate Act (REA). At the time of his application, Mr. Tse was the subject of conduct proceedings to determine whether he:

- Failed to act honestly [s.41(a) of the Real Estate Act Rules]
- Participated in fraudulent or unlawful activities in connection with the provision of services or any dealings [s.42(b) of the Real Estate Act Rules]

At the time of the withdrawal application approval, there had been no disciplinary hearing, admissions or findings of fact. By virtue of operation of Part Three of the Real Estate Act, conduct proceedings are discontinued. Mr. Tse's application to withdraw was approved by the Real Estate Council of Alberta and results in a voluntary lifetime prohibition from industry membership.

Janine Y. Kaddoura

On November 3, 2010 Janine Y. Kaddoura, currently unregistered but most recently registered with Vision Realty Inc. o/a Century 21 Bravo Realty applied to the Real Estate Council of Alberta (RECA) to withdraw from industry membership, in accordance with s.54 of the Real Estate Act (REA). At the time of her application, Ms. Kaddoura was the subject of conduct proceedings to determine whether she:

- Failed to act honestly [s.41 of the Rules]
- Participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings [s.42(b) of the Rules]
- Failed to ensure that all trades in real estate and the relevant documentation meet legislative requirements found under the Act, Regulations, Rules and Bylaws [s.53(b) of the Rules]

At the time of the withdrawal application approval, there had been no disciplinary hearing, admissions or findings of fact. By virtue of operation of Part Three of the Real Estate Act, conduct proceedings are discontinued. Ms Kaddoura's application to withdraw was approved by the Real Estate Council of Alberta and results in a voluntary

lifetime prohibition from industry membership. • Upon request from any person, be justifiable by the industry member using factual and solid proof.

Bradley O'Neil

On November 3, 2010 Bradley O'Neil, real estate associate, previously registered with Century 21 Terrace Real Estate Ltd. and currently unlicensed, applied to the Real Estate Council of Alberta (RECA) to withdraw from industry membership in accordance with s.54 of the Real Estate Act (REA).

At the time of his application, Mr. O'Neil was the subject of conduct proceedings to determine whether he:

- Failed to notify, in writing, the executive director when proceedings to the Criminal Code were commenced against him and when he were convicted of a Criminal Code offence [s.40(1)(g) and (h) of the Real Estate Act Rules]
- Engaged in conduct that undermined public confidence in the industry, harms the integrity of the industry or brings the industry into disrepute and made representations or carried on conduct that was reckless or intentional or that misled or deceived a person or was likely to do so [s.42(a) and (g) of the Real Estate Act Rules]
- Directly or indirectly, advertised, communicated or offered to any person an incentive except an incentive that is provided by and on behalf of the brokerage with which you were registered [s.54(1)(d) of the Real Estate Act Rules]

At the time of the withdrawal application approval, there had been no disciplinary hearing, admissions or findings of fact.

By virtue of operation of Part Three of the Real Estate Act, conduct proceedings are discontinued. Mr. O'Neil's application to withdraw was approved by the Real Estate Council of Alberta and results in a voluntary lifetime prohibition from industry membership.

Heather Liska

On November 3, 2010 Heather Liska, associate, currently unregistered but most recently registered with The Mortgage Alliance Company of Canada applied to the Real Estate Council of Alberta (RECA) to withdraw from industry membership in a accordance with s.54 of the Real Estate Act (REA).

At the time of her application, Ms. Liska was the subject of conduct proceedings to determine whether she:

- Failed to act honestly; failed to provide competent service; failed to fulfill her

fiduciary duties; failed to ensure her role as an industry member was clearly understood; failed to disclose any conflict of interest; failed to adhere to the Act, Regulations, Rule and Bylaws; failed to cooperate with an investigation [s.41(a)(b)(d)(e)(f)(g)(h) of the Real Estate Act Rules]

- Made representations or carried on conduct that was reckless or intentional; participated in fraudulent or unlawful activities; used confidential information for personal gain; engaged in conduct that undermines public confidence in the industry [s.42(a)(b)(c)(g) of the Real Estate Act Rules]

At the time of the withdrawal application approval, there had been no disciplinary hearing, admissions or findings of fact.

By virtue of operation of Part Three of the Real Estate Act, conduct proceedings are discontinued. Ms Liska's application to application to withdraw was approved by the Real Estate Council of Alberta and results in a voluntary lifetime prohibition from industry membership.

Ronan Kamdar

On November 3, 2010 Ronan Kamdar, associate, currently unregistered but most recently registered with Sterling Realty (Alberta) Ltd. o/a Sterling Real applied to the Real Estate Council of Alberta (RECA) to withdraw from industry membership, in accordance with s.54 of the Real Estate Act (REA).

At the time of his application, Mr. Kamdar was the subject of conduct proceedings to determine whether he:

- Failed to properly deposit and disburse money held in a trust account [s.25(1)(b) and (d) of the Real Estate Act.]
- Failed to ensure that the terms of the trust governing the use of the money were in writing and agreed to by the industry member and the client and any other parties [s.25(2) of the Real Estate Act]
- Failed to ensure that all transactions and the relevant documentation met legislative requirements found under the Act, the Bylaws, and these Rules; failed to provide all documentation required to the broker and failed to keep the broker informed of activities [s.23(d) (e) and (f) of the Real Estate Act Rules]
- Paid a commission or other remuneration, directly or indirectly, to any person resulting from or in connection with a trade in real estate or a deal in mortgages [s.24(1)(b) of the Real Estate Act Rules]
- Failed to act in the client's best interests [s.2(a) of the Code of Conduct]

By virtue of operation of Part Three of the Real Estate Act, conduct proceedings are discontinued. Mr. Kamdar's application to withdraw was approved by the Real Estate Council of Alberta and results in a voluntary lifetime prohibition from industry membership.

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

Contact RECA

Case Summaries is published by the Real Estate Council of Alberta. Please forward your comments and suggestions to communications@reca.ca.

Executive Director - Bob Myroniuk

Director of Audit and Investigations - Joseph Fernandez

Director of Corporate Services – Dale Cawsey

Director of Education – Kirk Bacon

Director of Industry Standards – Charles Stevenson