

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Jacqueline Marie Boston
Boston Appraisals
39511 RR 224.5
Alix, AB T0C 0B0

In accordance with section 83 and the Bylaws of the *Real Estate Act* RSA 2000 c R-5, (Act), the Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion that you, Jacqueline Marie Boston (Ms. Boston), has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of **\$10,000**. The evidence giving rise to the Executive Director's decision is as follows:

On September 30, 2010, your real estate appraiser authorization expired, at which time you were no longer authorized to carry out the activities of a real estate appraiser.

Between October 1, 2010 and January 16, 2011, you continued to carry out activities of a real estate appraiser without the required authorization.

January 17, 2011, you contacted RECA to complete a name change. At this time, you were advised your authorization was not renewed for 2010/2011.

Between January 17, 2010 and March 1, 2011, you completed the renewal process.

For the period of January 18, 2011 to March 3, 2011, you continued to carry on the activities of an authorized real estate appraisals and completed 27 appraisals for which you received remuneration in the amount of \$4,461.

On March 4, 2011, your authorization was renewed by RECA.

During the unauthorized period, you completed 92 appraisals and received a total of \$16,693 in remuneration.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17 of the *Real Estate Act* which sets out that:

17 No person shall

- (a) trade in real estate as a real estate broker,
 - (b) deal as a mortgage broker,
 - (c) act as a real estate appraiser, or
 - (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser
- unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$10,000** against you.

The circumstances of this matter indicate the following aggravating and mitigating factors were considered:

Aggravating Factors

- You have been authorized as a real estate appraiser in the province of Alberta since November, 2008, and ought to have been aware of authorization requirements.
- Your conduct was intentional. You continued to complete appraisals and inspections even though you were aware you were unauthorized.
- You received remuneration for the unauthorized activity.
- Unauthorized activity has an effect on public confidence, and harms the integrity of the industry.
- You took no responsibility for your actions during the period of October 14, 2010 to the date of licensing.

Mitigating Factors

- You have no prior discipline history

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offence in respect of those contraventions.

This sum of **\$10,000** is payable to RECA within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set

out in this notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to RECA.

If you dispute this Notice of Administrative Penalty in accordance with section 83.1 of the Act, you may appeal it to a Hearing Panel. 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 Notice of Administrative Penalty, please contact Carla Sasley, Investigator, at RECA.

DATED this 10th day of January, 2012.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Charles Stevenson*, for
Bob Myroniuk
Executive Director