

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Solomon Aloysius Davies
Re/Max Elite
#17 8103 – 127 Ave
Edmonton, Alberta T5C 1R9

In accordance with section 83 and the Bylaws of the *Real Estate Act* R.S.A. 2000 c. R-5, (Act), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Solomon Aloysius Davies, at all relevant times a real estate broker, registered with Solomon Davies and Associates Realtors Inc. o/a Realty Associates (Realty Associates), presently registered with Re/Max Elite, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

July 1, 2009, your brokerage, Realty Associates, ceased operations. You advised RECA your brokerage failed to keep records and books of account from October, 2008 to July, 2009, and you were unable to access brokerage information and files. As a result Realty Associates is in breach of section 25(9) of the Act which requires brokerages to maintain business and accounting records for a period of 3 years after they came into existence.

The Executive Director is of the opinion that the above noted conduct is in violation of 51(1)(k) of the Act which sets out that:

51(1) A real estate broker must:

- (k) ensure all documents and records related to trades in real estate required under the Act and these Rules are maintained or made available by the brokerage for the purposes of a review at the registered business office of the brokerage;

In accordance with section 39 and section 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,500** has been assessed against you for this contravention.

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 **\$1,500** 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 7th day of June, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Joseph Fernandez*, for
Bob Myroniuk
Executive Director

cc: Leroy Warden, Broker
Re/Max Elite