

## REAL ESTATE COUNCIL OF ALBERTA

### NOTICE OF ADMINISTRATIVE PENALTY

To: **Donald Gray, real estate broker**  
**DMG Asset Management and Realty Ltd. o/a DMG Management**  
**6, 11110 88 Avenue**  
**Fort Saskatchewan, AB T8L 3K8**

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "**Act**"), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Donald Gray (hereinafter "**Mr. Gray**"), at all relevant times, real estate associate, registered with Oakwood Management Ltd. (hereinafter "**Oakwood**"), currently real estate broker registered with DMG Asset Management and Realty Ltd. o/a DMG Management, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

Mr. Gray first became authorized as a real estate associate on September 11, 2007. Between September 11, 2007 and September 16, 2008, Mr. Gray was registered with Oakwood and was authorized to trade in real estate with Oakwood. Between October 2007 and September 2008, Mr. Gray traded in real estate by managing a number of properties through his company 1085556 Alberta Corporation o/a DMG Property Management (hereinafter "**DMG Property Management**"). At all relevant times, DMG Property Management was not licensed to trade in real estate. The property management activities done by Mr. Gray through DMG Property Management included the collection of rent monies for the use of the real estate. Mr. Gray charged and collected fees directly from those individuals whose properties he managed for his trading in real estate through his property management activities.

The Executive Director is of the opinion that the above noted conduct is in violation of section 54(1)(c) of the Rules made pursuant to the Act which sets out that:

54(1) A real estate broker, associate broker or associate, as the case may be, must not:

- (c) accept a commission, referral fee or other remuneration, directly or indirectly, for a trade in real estate except through the brokerage with which he is registered;

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,500.00** 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 offense in respect of those contraventions.

This sum of **\$1,500.00** is payable to the Real Estate Council of Alberta 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 the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty in accordance with s. 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 Victoria Woodworth-Lynas, Case Presenter, or Flora Fok, Legal Services Administrator, at the Real Estate Council of Alberta.

DATED this 20<sup>th</sup> day of July, 2010.

## **REAL ESTATE COUNCIL OF ALBERTA**

Per: *Kirk Bacon for*  
Bob Myroniuk  
Executive Director

Cc: Wayne Land, former broker  
Oakwood Management Ltd.