

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

To: Graham Mayne, Broker  
c/o Discover Real Estate Ltd.  
201-7909 Flint Road S.E.  
Calgary, Alberta T2H 1G3

In accordance with section 83 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 Graham Mayne has contravened section 51(1)(j) of the Rules made pursuant to the *Act* and as such an Administrative Penalty is warranted. The Executive Director's reasons for this decision are as follows:

Section 51(1)(j) of the Rules made pursuant to the *Act*, states that a real estate broker must ensure proper management and control of documents or records related to licensing, registrations and related regulatory requirements.

As a result of the information received at RECA on September 7, 2010, and September 27, 2010, regarding S.A. and J.G. respectively, a request for information letter was sent to you on May 11, 2011, for further information, allowing the Executive Director to review all relevant information relating to these matters.

On May 30, 2011, as a result of the request for information sent out to you on May 11, 2011, RECA received correspondence indicating the following;

1. You registered J.G. on April 30, 2009, with Discover Real Estate Ltd. incorrectly as an associate rather than an associate broker.
2. You terminated S.A. on September 2, 2010, without a correctly completed associate/associate broker registration cancellation.
3. You renewed J.G.'s registration as an associate on September 6, 2009.
4. You renewed J.G.'s registration as an associate on September 27, 2010.

5. You terminated J.G.'s registration on September 27, 2010, as an associate without a correctly completed associate/associate broker registration cancellation.
6. You registered J.G. as an associate broker on September 27, 2010, with Discover Real Estate Ltd., without correctly completing a new associate/associate broker application for registration.

These activities contravene section 51(1)(j) of the Rules made pursuant to the *Act* and the RECA Online Electronic Filer Agreement you entered into with RECA, which states in part that the broker agrees to follow the procedures and guidelines established for users of RECA Online, and comply with any applicable legislation.

The RECA Online User Manual states in part that before a broker is to proceed with any online licensing transaction, a paper copy of the appropriate form has been completed and commissioned **PRIOR** to processing the application on RECA online. Brokerages must keep completed applications in their licensing files INDEFINITELY.

You failed to adhere to the instructions of the RECA Online User Manual and the terms of the RECA Online Electronic Filer Agreement. This is a contravention of section 51(1)(j) of the Rules and subject to an Administrative Penalty in the amount of **\$1,500.00**.

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 herein.

The penalty 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 the penalty is not paid in accordance with 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 section 83.1 of the *Act*, you may appeal 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 to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Shawna Douglas, Information and Licensing Coordinator, at the Real Estate Council of Alberta.

DATED this 3<sup>rd</sup> day of June, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per:

*Bob Myroniuk*  
Executive Director