

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Ali H. Menhem, Associate
Real Estate Professionals Inc.
8B, 34 Edgedale Drive NW.
Calgary, AB T3A 2R4

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, Ali H. Menhem, (hereinafter "Mr. Menhem"), at all relevant times, associate, registered with Real Estate Professionals Inc. (hereafter "Real Estate Professionals"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

The building located at 127 – 25 Avenue SW, Calgary, AB. was owned by 1287870 Alberta Ltd. On May 4 ,2009, you executed two residential listing agreements for the units #101 & #102 of 127 – 25 Avenue SW, Calgary, AB on behalf of 1395529 Alberta Ltd. and 1287870 Alberta Ltd. The listing agreements were signed only by Directors of 1395529 Alberta Ltd.; the Director of 1287870 Alberta Ltd. did not sign the listing agreements. You failed to obtain written verification of 1395529 Alberta Ltd interest in the property.

On July 22, 2009, you executed a residential real estate purchase contracts for unit #101 and #102 on behalf of R.M., the buyer and 1395529 Alberta Ltd and 1287870 Alberta Ltd, as the sellers. The purchase contract indicates that you witnessed the buyer's signature. You stated that you have never met the buyers nor witnessed their signatures.

The Executive Director is of the opinion that the above noted conduct is in violation of Rule 42 (a) pursuant to the *Act*, which sets out that:

42 Industry members must not:

- a) *make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;*

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 **\$2,000.00** has been assessed against you for this contravention.

Payment of **\$2,000.00** 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 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 Veronica Rosito, complaint analyst, at the Real Estate Council of Alberta.

DATED this 2 day of September, 2010

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

- c. Kenneth G. Lamb, Broker
Real Estate Professionals Inc.