

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Rogers Associate Financial Partners Inc
Charles Arthur Mitchell, Broker
#701 1177 11 Avenue SW
Calgary, Alberta T2R 1K9

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 Rogers Associate Financial Partners Inc (the Brokerage) has contravened section 90 of the Rules made pursuant to the Act (the Rules) and an Administrative Penalty is warranted. The evidence giving rise to the Executive Director's decision is as follows.

Pursuant to section 90 of the Rules, the Brokerage is required to report to Council at their fiscal year end with regard to the operation of its accounts in which money is held in trust.

The fiscal year end of the Brokerage as reported by the Brokerage to RECA is April 30, 2011, and in accordance with section 90, the Brokerage is required to file a section 90 report within 3 months of that date.

The Brokerage failed to report the operation of its accounts in which money is held in trust to RECA. This is a contravention of section 90 of the Rules made pursuant to the *Real Estate Act* and is 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 the brokerage 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 the brokerage fails 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 the brokerage disputes this Notice of Administrative Penalty in accordance with section 83.1 of the Act, the brokerage may appeal it to a Hearing Panel. The brokerage 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, Professional Conduct Review Officer at RECA.

DATED this 6th day of January, 2012.

REAL ESTATE COUNCIL OF ALBERTA

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