

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Donna Marie Van Lier-Grieve, Associate Broker
Re/Max Real Estate (Edmonton) Ltd.
o/a Re/Max Real Estate
#102, 4245 – 97th Street
Edmonton, AB T6E 5Y7

In accordance with section 39, section 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 (“RECA”) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Donna Van Lier-Grieve, to assess an Administrative Penalty in this matter. The evidence giving rise to the Executive Director’s decision is as follows:

1. You were the registered broker of Reflex Realty Inc., operating as National Home Registry (“NHR”), during a period of time including October 1, 2005 to January 22, 2007.
2. RECA conducted investigations into the conduct of R.K. who was a registered associate with NHR from March 10, 2006 to May 29, 2006 (the “Investigations”). The Investigations into the conduct of R.K. were centered on two real estate transactions that had occurred during his time with NHR. The first transaction was a real estate transaction that was completed through NHR (the “Completed Transaction”). The second transaction involved a purchase and sale agreement that ultimately failed and did not go through NHR (the “Voided Transaction”).
3. At the time of the Investigations, you had knowledge of the Completed and Voided Transaction.
4. On December 18, 2007, at the request of a RECA investigator, you faxed to RECA a letter and release with respect to the Voided Transaction. You advised this was all the documentation you could locate at the time.
5. On December 18 and 27, 2007, the RECA investigator emailed you asking if it was possible for you to track down any further documentation. You advised on December 27, 2007 that you were unable to find anything else.
6. On December 27, 2007, the RECA investigator requested information pertaining to the Completed Transaction. On January 4, 2008, you advised the RECA

investigator that you were not going to release files unless RECA provided a legal reason to do so.

7. On January 3, 2008, the RECA investigator spoke with J.W., who was at that time the registered broker of NHR, and requested a copy of the broker files relating to the Completed Transaction and the Voided Transaction. On January 4, 7, and 11, 2008, the RECA investigator left voicemails for J.W. regarding same.
8. On January 16, 2008, the RECA investigator sent a letter to J.W., again requesting a copy of the broker files relating to the Completed Transaction and the Voided Transaction.
9. You were aware of the RECA investigator's requests to J.W. because on January 22, 2008 you responded to the RECA investigator advising you were not going to send files to RECA because the Voided Transaction never existed and because NHR was closing its doors.
10. The requested documentation pertaining to the Completed Transaction was either in your possession or could have reasonably been obtained by you; however, you failed to use reasonable efforts to obtain and provide the documentation requested by the RECA investigator.

The Executive Director is of the opinion that the above noted conduct is in contravention of section 41(h) of the *Real Estate Act* Rules which provides as follows:

41 Industry members must:

- (h) cooperate fully with, and provide any information requested to, any representative of the Council carrying out their duties and responsibilities under the Act

In accordance with s. 39 and s. 83 of the Act, and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$1,500.00** against you for this contravention.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of such contraventions and no further proceedings under Part 6 of the Act will be taken against you concerning same. A person who pays an Administrative Penalty may not be charged under the Act with an offence in respect of such 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, you may appeal it to a Hearing Panel in accordance with section 83.1 of the *Act*. You will be given full opportunity, consistent with procedural fairness and natural justice, to present evidence before the Hearing Panel and make representations in relation to the contraventions in question.

If you have any questions concerning this Notice of Administrative Penalty, please contact Stefanie Erickson of Parlee McLaws LLP by telephone at (403) 294-7087 or by email at serickson@parlee.com.

DATED this 31st day of March, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Kirk Bacon*, for
Bob Myroniuk
Executive Director

cc: Patrick Rudiger, RE Broker
Re/Max Real Estate