

**IN THE MATTER OF The *Real Estate Act*, R.S.A. 2000 c. R-5**  
**AND IN THE MATTER OF William Begley, real estate broker registered**  
**with Inland Property Management Ltd.**

**INTRODUCTION**

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether the conduct of William Begley, at all relevant times real estate broker registered with Inland Property Management Ltd. ("**Inland**") is deserving of sanction and/or whether he breached the requirements of the *Real Estate Act* (the "**Act**") or the Rules prescribed pursuant thereto (the "**Rules**").
2. The Executive Director and William Begley agree to resolve all matters against William Begley on the terms and conditions set out herein.

**AGREED STATEMENT OF FACTS**

3. William Begley ("**Mr. Begley**") was, at all relevant times, registered with Inland as a real estate broker. Mr. Begley is currently registered as a real estate broker with Inland. Mr. Begley first became authorized as a real estate broker with the Real Estate Council of Alberta in 1996.
4. Mr. Begley has no prior discipline history with the Real Estate Council of Alberta.
5. As a result of a complaint received from J.K. with Lakeside Village Condominium Corporation, the Real Estate Council of Alberta commenced an investigation into Mr. Begley's conduct.
6. On or about July 7, 2006, Inland entered into a condominium management agreement (the "**Agreement**") with Condominium Plan No. 882 0827 operating as Lakeside Village Condominium Corporation ("**Lakeside**").
7. The terms of the Agreement included the following services to be provided by Inland to Lakeside:

- Collect & deposit all funds due to the condo (pre-authorized payment service available) which included collecting all monies payable by the owners and deposit in a separate account in the corporation's name
  - Pay invoices billed to the condo
  - Maintain financial records & provide financial statements – which included proper, accurate books of account and supporting records and documents to account for all financial transactions involved in the management of the property.
8. The January 2007 invoice from Strathcona County to Lakeside showed a previous balance of \$0.00 with current charges of \$44.01.
  9. On or about January 16, 2007, Inland made a payment to Strathcona County from Lakeside's bank account in the amount of \$44.01.
  10. On or about January 23, 2007, Inland made a payment to Strathcona County from Lakeside's bank account in the amount of \$44.01.
  11. The February 2007 invoice from Strathcona County to Lakeside showed a previous balance of -\$44.01 (credit) with current charges of \$53.37 minus a payment made on February 27, 2007 for \$9.36 with the amount due then being \$46.33.
  12. On or about March 9, 2007, a deposit of \$4,090.28 was made into the Inland pooled trust account.
  13. On or about March 15, 2007, Inland made a payment to Strathcona County from Lakeside's bank account in the amount of \$46.33.
  14. On or about March 27, 2007, Inland made a payment to Strathcona County from Lakeside's bank account in the amount of \$46.33.
  15. The Bank Reconciliation statement for Lakeside as at March 31, 2007 showed total PAC deposits as \$4,090.28.
  16. The PAC deposit of \$4,090.28 were not deposited in the Lakeside bank account from Inland's pooled trust account as of the March 31, 2007 Bank Reconciliation statement for Lakeside.
  17. On or about April 27, 2007, the \$4,090.28 PAC deposit was transferred to the Lakeside bank account for the March condominium fees.
  18. The April 2007 invoice from Strathcona County to Lakeside showed a previous balance of -\$46.33 (credit) with current charges of \$46.33, leaving the amount due at \$0.00. This invoice showed the two payments in the amount of \$46.33 made in March.

**CONCLUSION**

19. By reason of the matters described herein, Mr. Begley’s conduct is deserving of sanction in that he:
- (a) Failed to ensure the business of the brokerage was carried out competently and in accordance with the Act, Regulations, Rules and Bylaws, contrary to section 51(1)(d) of Rules  
(See facts as set out in paragraphs 9-13, 15 and 16)

**SETTLEMENT TERMS**

20. It is agreed that the following mitigating factors are relevant to the assessment of fines in this case:
- i. Mr. Begley admits the conduct alleged
  - ii. Mr. Begley has agreed to forego the time and expense of a hearing, saving witnesses the inconvenience and stress of attending at a hearing of the matter, by entering into the within Consent Agreement
21. In settlement of the foregoing contraventions, it is agreed that the fine is as follows:
- |                   |                |
|-------------------|----------------|
| (a) Rule 51(1)(d) | \$1,000        |
| <b>Total</b>      | <b>\$1,000</b> |
22. Mr. Begley acknowledges that he has been given an opportunity to seek the advice of legal counsel and acknowledges that he is agreeing to the terms of settlement of his own free will.
23. Mr. Begley is aware that a copy of this Consent Agreement will be placed on his file and may be reviewed and considered in any future disciplinary proceedings.
24. Mr. Begley is aware that the Real Estate Council of Alberta may publish the contents of this Consent Agreement.
25. Mr. Begley hereby waives any rights he may have under the *Real Estate Act* or other legislation or otherwise to a review, hearing, appeal, or other judicial proceeding involving the matter referred to herein.

26. These settlement terms are intended to resolve all matters described herein and, subject to the approval of the Hearing Panel, the Executive Director will take no further action under the *Real Estate Act* or before the courts in this regard.



**AFFIDAVIT OF EXECUTION**

CANADA ) I,  R.B.   
of )  
PROVINCE OF ALBERTA ) the City of Edmonton, in the Province of  
Alberta )  
TO WIT: ) MAKE OATH AND SAY:

1. THAT I was personally present and did see William Begley, named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. THAT the same was executed at the City of Edmonton, in the Province of Alberta, and that I am the subscribing witness thereto.
3. THAT I know the said party and he is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City )  
of Edmonton, in the Province of )  
Alberta this 11 day of )  
April, 2011. )  
 ) *R.B.*  
 ) (signature of witness)  
 )  
 )  
A.C. )  
A Commissioner for Oaths in and )  
for the Province of Alberta )