



April 30, 2010

**Private and Confidential**

## **LETTER OF REPRIMAND**

**Re: Investigation by the Real Estate Council of Alberta – File**

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In accordance with s. 39 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, [(the “Industry Member”)], broker, registered to trade in real estate with [(the “Brokerage”)] at all material times, to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

The fiscal year end of the Brokerage as reported by the Brokerage to RECA is December 31, 2009, and in accordance with section 91(4) of the Rules, the Brokerage is required to file a section 90 report within 3 months of that date.

As of April 6, 2010, the required document was still outstanding. Subsequently, a fax was sent to the brokerage. RECA was informed that the accountant sent the report to RECA’s old address which had been changed since 2006. The report was later forwarded to RECA.

The Executive Director believes that this conduct is in contravention of Section 91(4) of the *Rules* made pursuant to the *Real Estate Act* which sets out that:

91(4) A brokerage’s accounting shall be filed with the Council not later than 3 months after the end of the brokerage’s fiscal year and shall cover the fiscal year or, where the brokerage did not carry on business for the entire fiscal year, that part of the fiscal year for which the brokerage carried on business.

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate 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 Letter of Reprimand, please contact Winnie Leung, Audit Administrator at the Real Estate Council of Alberta.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director