



July 8, 2011

**Private and Confidential**

**Letter of Reprimand Pursuant to Section 39 of the  
*Real Estate Act***

In accordance with section 39 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 there is sufficient evidence of conduct deserving of sanction in regard to you [{"Industry Member"}], at all material times, a real estate associate registered with [{"the Brokerage"}], presently registered with [{"the Brokerage"}], to issue a letter of reprimand. The evidence giving rise to the Executive Director's decision is as follows.

On or about May 25, 2007 you represented the sellers, H.M. and G.M. (the M.'s) in relation to the marketing for sale their property located at 304 29 River Ridge Dr. NW. During this period you were approached by D.B. and C.B., (the B.'s), who indicated they were interested in purchasing the Moore's property.

At the time you entered into discussions with the B.'s in relation to representing them in the transaction. It was later agreed by all parties that you would continue to act as their representative at which time dual agency with limitations agreement was entered into.

You had been told by the M.'s there were potential issues with the properties lift system and that the corporation's board had been discussing the matter. This information was in your possession at the time that the B.'s expressed their interest and prior to the B.'s agreeing to dual agency with limitations.

Prior to the B.'s agreeing to dual agency with limitations you did not tell them that in your role as representative for the seller and buyer you would not be able to disclose to either party this type of information.

The Executive Director believes that this conduct is in contravention of Section 41(e) of the Rules made pursuant to the *Act* which sets out that:

*41 Industry members must:*

*(e) ensure the role of the industry member is clearly understood by their clients and third parties;*

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 section 40.1(2) 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 Letter of Reprimand, please contact Carla Sasley, Investigator at 403-685-7940.

Yours truly,

*Bob Myroniuk*  
Executive Director