



## INDUSTRY MEMBER INTERFERENCE IN RECA COMPLAINT, INVESTIGATION AND DISCIPLINE PROCESSES MAY BE CONDUCT DESERVING OF SANCTION

**Summary: An industry member must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute. [see *Real Estate Act Rules*, section 42(g)]**

The Executive Director considers industry member interference with the RECA complaint, investigation and/or disciplinary process to be unacceptable and conduct deserving of sanction. In the event that RECA becomes aware of evidence demonstrating industry member interference in the complaint, investigation or disciplinary proceedings, an industry member may expect the Executive Director to commence a conduct proceeding for such conduct, refer the matter for hearing and seek a severe sanction, including a period of suspension and fine.

RECA's complaint, investigation and disciplinary processes are a core function of self-regulation. After complaint investigation, should a decision be made to refer the matter for disciplinary proceedings, the complainant, other witnesses and documents are required for presentation to a RECA Hearing Panel for its decision on conduct deserving of sanction. A legally sound investigation and disciplinary process, adhering to the principles of natural justice and fairness, is of the utmost importance to the maintenance of public and industry confidence in self-regulation.

It is imperative that the complaint, investigation and disciplinary processes not be subjected to industry member interference. Interference may result in the complainant or other witnesses becoming unable or unwilling to participate or cooperate in the investigation or disciplinary process. Interference may prevent the regulator from successfully completing core statutory functions under the *Real Estate Act*.

Examples of industry member interference may include but are not limited to:

- an industry member threatens to cause or does cause physical harm to a complainant and/or witness because the person is participating or cooperating in RECA's investigation and/or disciplinary process
- an industry member threatens to commence or does commence a civil action in defamation or other civil action against a complainant or witness who participates or cooperates with a RECA investigation and/or disciplinary process while the RECA process is ongoing

- an industry member offers a bribe to a complainant or witness not to participate or cooperate with a RECA investigation and/or disciplinary process

Any action by an industry member resulting in a complainant or a witness not participating or cooperating in RECA's investigation and/or disciplinary processes, may be considered conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute, and a breach of section 42(g) of the *Real Estate Act Rules* and may be conduct deserving of sanction.