

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Jerry Dubuc

In accordance with section 83 and the Bylaws of the *Real Estate Act* (R.S.A. 2000 c. R-5, hereinafter the "**Act**"), the Executive Director of the Real Estate Council of Alberta (hereinafter "**RECA**") is of the opinion that you, Jerry Dubuc (hereinafter "**Mr. Dubuc**"), contravened s.17(c) and/or (d) of the Act and hereby assesses an Administrative Penalty in the amount of **\$1,000.00**. The evidence giving rise to the Executive Director's decision is as follows:

At all relevant times, you were not authorized to act as a real estate appraiser and have never held an authorization to act as a real estate appraiser. In May, 2007, you were contacted by M.S. to conduct an appraisal on a property. On or about May 7, 2007, you met with M.S. and did a walkthrough of the property and gathered information for the purpose of estimating the defined value of a residential property. You accepted payment from M.S. for the purpose of estimating the defined value of a residential property.

The Executive Director is of the opinion that the above noted conduct is in violation of s.17(c) and/or (d) of the Act which sets out that:

17 No person shall

- (c) act as a real estate appraiser,
- (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser

unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$1,000.00** against you.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the

contravention. A person who pays an Administrative Penalty may not be charged under the *Act* with an offence in respect of those contraventions.

This sum of **\$1,000.00** 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 in accordance with s. 83.1 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 Notice of Administrative Penalty, please contact Victoria Woodworth-Lynas, Case Presenter, at the Real Estate Council of Alberta.

DATED this 30th day of April, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director

Cc: Norm Winters, Broker
Real Estate Advantage Ltd. o/a Re/Max Advantage