

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

**To: Mr. Bradley Gathercole, Associate
Keller Williams Realty South
118, 10325 Bonaventure Drive SE
Calgary, Alberta T2J 7E4**

In accordance with section 83 and the Bylaws 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, Bradley Gathercole (Mr. Gathercole), at all relevant times an Associate registered with Unison Realty Group (Unison Realty), presently registered with Keller Williams Realty South (KWRS), to assesses an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

Information gathered indicates that on or about March 04, 2010, a judgment was rendered against you in relation to Court of Queen's Bench of Alberta Action No. Q0901 19180. It has been determined that this civil claim is in relation to a trade in real estate.

Between March 4, 2010 and October 27, 2010, you did not notify RECA about the judgment.

On or about October 28, 2010, your Broker notified RECA of this judgment and your Application for Registration for 2010/2011 was amended accordingly.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 40 (1) (c) of the Rules made pursuant to the Act which sets out that:

40 (1) An industry member must immediately notify, in writing, the executive director when:

(c) the industry member has any judgments(s) rendered against the industry member in relation to the provision of services or sale of goods to consumers

In accordance with section 39 and section 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,000** has been assessed against you for this contravention.

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** is payable to RECA 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 RECA.

If you dispute this Notice of Administrative Penalty in accordance with section 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 Carla Sasley, Professional Conduct Review Officer, at RECA.

DATED this 16th day of January, 2012.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Charles Stevenson*, for
Bob Myroniuk
Executive Director

cc: Kenneth Keim, Broker,
Unison Realty Group Ltd.

Jane Moore-Floer, Broker
Keller Williams Realty South