

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

**To: Steven John Gratrix
The Benchmark Group
201, 4876 50 Street
Camrose, AB T4V 1P7**

In accordance with section 83 and the Bylaws of the *Real Estate Act* RSA 2000 c R-5, (Act), the Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion that Steven John Gratrix (Mr. Gratrix), has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of **\$5,000.00**. The evidence giving rise to the Executive Director's decision is as follows:

On or about August 16, 2010, you received notification from RECA that your real estate appraiser authorization would expire effective September 30, 2010.

On September 26, 2010, RECA sent you a second email reminder, which you state went to your "spam" folder.

On September 30, 2010, your real estate appraiser authorization expired, at which time you were no longer authorized to carry out the activities of a real estate appraiser.

Between this date and October 14, 2010, you continued to carry out activities of a real estate appraiser without the required authorization.

On October 14, 2010, you were notified by the Realtors® Association of Edmonton that your Affiliate Services Agreement had been cancelled as you were no longer authorized by RECA.

On October 15, 2010, you indicated you made attempts to become authorized including the completion of an application and the payment of fees.

RECA received your completed application for renewal of your authorization on October 25, 2010.

Your authorization was renewed by RECA October 26, 2010.

For the period of October 1, 2010 to October 26, 2010, you completed 10 appraisals and 2 inspections for which you received total remuneration in the amount of \$3,080.00.

From October 15, 2010, the time you became aware you were unauthorized to act as an appraiser, to the time your real estate appraiser authorization was issued on October 26, 2010, you did not cease to act as a real estate appraiser and completed 2 appraisals and 1 inspection.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17 of the *Real Estate Act* which sets out that:

17 No person shall

- (a) trade in real estate as a real estate broker,
 - (b) deal as a mortgage broker,
 - (c) act as a real estate appraiser, or
 - (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 Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$5,000.00** against you.

The circumstances of this matter indicate the following aggravating and mitigating factors were considered:

Aggravating Factors

- You have been authorized as a real estate appraiser in the province of Alberta since November, 2007, and ought to have been aware of authorization requirements.
- Your conduct was intentional. You continued to complete appraisals and inspections even though you were aware you were unauthorized.
- You received remuneration for the unauthorized activity.
- Unauthorized activity has an effect on public confidence, and harms the integrity of the industry.
- You took no responsibility for your actions during the period of October 14, 2010 to the date of licensing.

Mitigating Factors

- You have no prior discipline history

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 **\$5,000.00** 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, Investigator, at RECA.

DATED this 18th day of November, 2011.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Joseph Fernandez*, for
Bob Myroniuk
Executive Director