

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

**To: Ms Kris Helen Hendrickson
Kris Hendrickson Management Inc.
13927 23 Street
Edmonton, Alberta T5Y 1K2**

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, Ms. Hendrickson, at all relevant times a Real Estate Broker, registered with Kris Hendrickson Management Inc. (KHM), presently registered with Kris Hendrickson Management Inc., to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

On September 30, 2008 RECA was in receipt of funds deposited to KHM's brokerage account. It is acknowledged the funds were credited in relation and in anticipation of the brokerages licence and your registration renewal however, records indicate you did not complete the renewal process.

On October 1, 2008 KHM's licence and your authorization were cancelled. Information received indicates between October 1 and October 16, 2008 you continued to hold yourself and KHM out as authorized to trade in real estate and that you continued to permit KHM to carry out trade activities.

October 16, 2008 you were issued a letter from RECA informing you the renewals had not been completed as required and that you and the brokerage were not authorized. You acknowledge you were in receipt of this information and once again on October 28, 2008 RECA notified you that the brokerage was not licensed to trade in real estate yet you continued to carry out activities for property owners that required you to be authorized under the Act.

On November 13, 2008 the brokerage application for licensing was processed including your registration with the brokerage.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17(a) of the Act made pursuant to the Act which sets out that:

- 17 (a) No person shall trade in real estate as a real estate broker, unless that person holds the appropriate authorization for that purpose issued by the Council.

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 **\$2,000** has been assessed against you for this contravention.

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

Aggravating Factors

- As a licensed broker – since September 17, 1997- you ought to know all requirements relevant to ensuring the proper management and control of documents or records related to licensing, registrations and related regulatory requirements
- Unauthorized activity has an effect on public confidence, places consumers at risk and harms the integrity of the industry
- You were aware the brokerage and your authorization had been cancelled yet continued to carry out activities on behalf of the brokerage that you knew required an authorization issued by Council

Mitigating Factors

- There is no discipline history
- RECA has not received any complaints from consumers in relation to your activities during the relevant period
- You took responsibility for trading in real estate while unlicensed
- You are the only licensee in your brokerage
- It was clearly your intent to renew the licence of the brokerage and the authorization of the broker but you neglected to finalize the process properly in the online registration system.
- In 2006 there was an administrative processing error while applying for your license renewal whereby the education requirements were not recorded properly in the online registration system. In this prior instance the brokerage licence and broker authorization were renewed after the deadline but made retroactive due to the administrative processing error. You mistakenly believed the same retroactive correction had been made in 2008

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 **\$2,000** 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 Tricia Hickey, Professional Conduct Review Officer, at RECA.

DATED this 28th day of December, 2011.

REAL ESTATE COUNCIL OF ALBERTA

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