

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Daryl R. Hillman, Broker
Sundance Realty & Management Inc.
14 Eastgate Centre – 4804 42 Ave
Innisfail, AB T4G 1T4

In accordance with section 83 and the Bylaws of the *Real Estate Act* (RSA 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, Mr. Daryl R. Hillman (hereinafter ‘Mr.Hillman’), contravened Section 17(a) of the *Act* and hereby assesses an Administrative Penalty in the amount of **\$3,000.00**. The evidence giving rise to the Executive Director’s decision is as follows:

RECA’s corporate search of Sundance Realty & Management Inc. shows Mr. Daryl Hillman as director and Daryl Hillman & A. H. (jointly) as 100% shareholders. On September 11, 2009, Innisfail Realty Ltd. transferred trust funds of its clients for \$8,698.00 to Sundance Realty & Management Inc.

RECA obtained statement of accounts for Sundance Realty & Management Inc.’s trust accounts, for the period starting September 1, 2009 until October 1, 2009 indicating Sundance Realty & Management Inc. was trading in real estate as a real estate broker without authorization.

RECA has no record of Sundance Realty & Management Inc. being authorized to trade in real estate between September 11, 2009 and September 30, 2009.

On October 1, 2009, Sundance Realty & Management Inc. became licensed in the province of Alberta.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 17 (a) of the *Act* which sets out that:

17(a) No person shall

*(a) 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 83 of the Act and Part 4 of the Act's Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$3,000.00** 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 **\$3,000.00** 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 Veronica Roisto, Audit and Investigations at the Real Estate Council of Alberta.

DATED this 15th day of October, 2010.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director