

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

**To: Mr. Marc Landry**  
**6 Kincora Landing NW**  
**Calgary, AB T3R 1K8**

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 Marc Adolphe Landry (Landry), has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of **\$2,500**. The evidence giving rise to the Executive Director's decision is as follows:

On September 30, 2010, your real estate authorization expired, at which time you were no longer authorized to carry out the activities of a real estate associate. You confirm that as of October 4, 2010 you were in receipt of information from RECA and fully aware you were not authorized to trade in real estate effective October 1, 2010.

On October 13, 2010, you signed an affidavit to RECA stating you were not currently trading in real estate. Information gathered indicates at the time you signed the affidavit you were marketing on behalf of the brokerage two properties in Calgary; having listings on MLS® detailing you as the brokerages representative. It is acknowledged that as of October 16, 2010 one of the listings detailed herein was assigned to an authorized real estate associate however, the listing for 228 Crystal Green Place remained active throughout the period you were not authorized.

Your authorization to trade in real estate was renewed by RECA on October 26, 2010.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17 of the *Real Estate Act*, specifically section 17(a) 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 **\$2,500** against you.

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

***Aggravating Factors***

- Your conduct does not conform to an industry professionals standards of practice
- You have been authorized to trade in real estate since 1999, as an industry professional you were experienced and knowledgeable and ought to have known better
- There is a need to promote specific and general deterrence
- Unauthorized activity has an effect on public confidence, places consumers at risk, and harms the integrity of the industry
- The application for renewal clearly states “Do not trade in real estate or deal in mortgages until you confirm your authorization on [www.reca.ca](http://www.reca.ca), you were further advised by RECA Licensing not to trade in real estate, your broker advised you not to trade in real estate and RECA informational bulletin – “Trading in real estate as a real estate broker” was revised February 2010 clearly detailing – what is a trade.

***Mitigating Factors***

- Conduct was not intentional
- Member of the public has not suffered any financial harm

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 **\$2,500** 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 Corrie Olafson, Professional Conduct Review Officer, at RECA.

DATED this 12<sup>th</sup> day of January, 2012.

**REAL ESTATE COUNCIL OF ALBERTA**

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

Cc. Ian Cooper, Broker  
Re/Max Real Estate (Central)