

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

**To: Matthew Peter Lannon, Associate  
Colliers Calgary  
1000 Royal Bank Building  
335 8 Ave SW  
Calgary, AB T2P 1C9**

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, Matthew Peter Lannon (Mr. Lannon), at all relevant times a real estate associate, registered with Colliers Calgary (Colliers), presently registered with Colliers, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

On October 17, 2009, a judgment under Docket: P0790103646, was rendered against you regarding the sale of your personal investment property.

October 17, 2009, you were the subject of a judgment by the Provincial Court of Alberta, in relation to the sale of a personal property.

On August 20, 2010, you completed an Associate Application for Registration renewal. Question 19 required you provide a "Yes" or "No" answer to the following question: "Have you or has any business you owned or participated in as a director, officer, or manager had any judgments rendered against you or the business in relation to: a trade in real estate; dealings in mortgages; acting as an appraiser; fraud; breach of trust; misappropriation or theft?" It was answered negatively. The application further required you swear an affidavit confirming all questions were answered truthfully and completely.

On September 8, 2010, your registration was renewed on line by your brokerage.

On October 5, 2010, RECA was in receipt of information indicating a judgment was rendered against you on October 17, 2009.

The Executive Director is of the opinion that the above noted conduct is in violation of section 42(a) of the Rules made pursuant to the Act which sets out that:

*42 Industry members must not:*

*(a) Make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;*

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 **\$3,000** has been assessed against you for this contravention.

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

### ***Aggravating Factors***

- The provision of false or misleading information during the application or renewal cycle undermines RECA's responsibility to act in the public interest
- The provision of false and misleading information by industry members undermines the integrity of the industry
- There is a need to deter this behavior
- The false information was provided via an affidavit

### ***Mitigating Factors***

- There is no history of previous warnings or discipline

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** 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 23<sup>rd</sup> day of November, 2011.

**REAL ESTATE COUNCIL OF ALBERTA**

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

cc: Joseph Binfet, Broker  
Colliers Calgary