

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Shelaine Mari Oliver
Maxwell Real Estate Solutions Ltd.
5913 50 Ave
Red Deer, AB T4N 4L4

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 Shelaine Mari Oliver (Ms. Oliver), has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of **\$4,000.00**. The evidence giving rise to the Executive Director's decision is as follows:

On or around September, 2009 you were authorized to trade in real estate and registered to Coldwell Banker OnTrack Realty.

Information gathered indicates on or around September 30, 2009 you provided funds to Coldwell for the purpose of renewing your registration. You stated you were aware it was time to renew your registration, but were under the impression you did not need to complete an application, and the brokerage would take care of your renewal. No application was completed by you.

October 1, 2009 you were not authorized to trade in real estate.

During the period of October 1, 2009 to September 27, 2010 you held yourself to be a real estate broker, provided real estate brokerage services and received remuneration in the amount of \$16,815.00.

On September 28, 2010, you were informed by your broker you were unauthorized to trade in real estate. At this time, you ceased all activity as a real estate associate.

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 **\$4,000.00** against you.

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

Aggravating Factors

- You have been a licensed and practicing real estate associate in the province of Alberta since August, 2005, and ought to have been aware of authorization requirements.
- You traded in real estate while unauthorized for a period just short of a year.
- You received \$16,815.00 in remuneration.
- Unauthorized activity has an effect on public confidence, places consumers at risk and harms the integrity of the industry.

Mitigating Factors

- Your brokerage failed to advise you that your renewal was not processed.
- You accept responsibility for your unauthorized activity.
- You have no prior discipline history
- The conduct took place in 2009

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 **\$4,000.00** 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 25th day of October, 2011.

REAL ESTATE COUNCIL OF ALBERTA

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

cc: Kelly Oster, Broker
Maxwell Real Estate Solutions Ltd.

Lynn Richardson, Broker
Coldwell Banker- Ontrack Realty