

## REAL ESTATE COUNCIL OF ALBERTA

### NOTICE OF ADMINISTRATIVE PENALTY

To: Stuart S. Pocock, Broker  
CMAC Mortgages  
#9, 1200 37th Street SW  
Calgary, AB T3C 1S2

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Stuart S. Pocock (hereinafter ‘Mr. Pocock’), at all relevant times, mortgage broker, registered CMAC Mortgages (Alberta) Inc. o/a CMAC Mortgages (hereafter ‘CMAC Mortgages’), to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

Your brokerage processed K. P.’s 2009/2010 renewal application for registration without Section 1, the broker acknowledgment section being signed. On January 5, 2010, you signed an affidavit stating you had neglected to sign under the broker acknowledgement section.

On September 30, 2009, the brokerage renewed B.W. online; B.W.’s 2009/2010 renewal application had been commissioned on October 19, 2009. On January 5, 2010, you signed an affidavit stating B.W.’s online renewal was processed with the understanding that he had commissioned the application and he was forwarding the same to your office. You acknowledged that the renewal should not have been processed until you had received all completed documentation and you will not repeat this error.

The Executive Director is of the opinion that the above noted conduct is in violation of section 67(1)(i) which sets out that:

*67 (1) A mortgage broker must:*

- (i) Ensure proper management and control of document or records related to licensing, registrations and related regulatory requirements;*

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,500.00** has been assessed against you for this contravention.

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 offense in respect of those contraventions.

This sum of **\$1,500.00** 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 Rosito, investigator, at the Real Estate Council of Alberta.

DATED this 13<sup>th</sup> day of October, 2010

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director