

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

To: **Warren Zmud, real estate associate**  
**Mountain View Real Estate Inc. o/a**  
**Re/Max Real Estate (Mountain View)**  
**#222, 4625 Varsity Dr NW**  
**Calgary AB T3A 0Z9**

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, Warren Zmud (hereinafter "**Mr. Zmud**"), at all relevant times, real estate associate, registered with Mountain View Real Estate Inc. o/a Re/Max Real Estate (Mountain View) (hereafter "**Re/Max Real Estate (Mountain View)**"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On or about January 31, 2009, Mr. Zmud was charged with breaching two sections of the Criminal Code of Canada. Mr. Zmud did not notify the executive director of these charges until he completed the 2009/2010 Associate/Associate Broker Application for Registration in or around September 2009. Mr. Zmud responded "Yes" to the question which stated, "Have any proceedings pursuant to the Criminal Code of Canada been commenced against you?"

The Executive Director is of the opinion that the above noted conduct is in violation of 40(1)(g) of the *Rules* made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which sets out that:

- 40 (1) A industry member must immediately notify, in writing, the executive director when:
  - (g) proceedings pursuant to the Criminal Code are commenced against the industry member; or

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 **\$1,000.00** 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 **\$1,000.00** 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 Victoria Woodworth-Lynas, Case Presenter, at the Real Estate Council of Alberta.

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

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director

Cc: Lowell Martens, Broker  
Re/Max Real Estate (Mountain View)