

February 26, 2010

*Private and Confidential*

## LETTER OF REPRIMAND

**Re: Investigation by the Real Estate Council of Alberta – File**

---

In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**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, [(the “Industry Member”)], at the time of the events, real estate associate registered to trade in real estate with [(the “Brokerage”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

While registered to [(the “Brokerage”)], you were responsible to administer the brokerage’s management agreement with [(the “Condominium Corporation”)]. The evidence indicates there was poor control over the reception and deposit of condominium fees. The [(the “Condominium Corporation”)], terminated the property management agreement on August 31, 2007. The property management company, which took over the management, received the final transfer of the operating trust funds on December 7, 2007.

The Executive Director believes that this conduct is in contravention of Section 41(b) of the Rules and Section 25 (1) (d) of the *Real Estate Act* which sets out that:

- 41 An Industry Member must:
  - (b) provide competent service;
  
- 25 (1) An industry member who is required by the rules to keep and operate a trust account shall
  - (d) disburse money received or held in trust in respect of a dealing or trade in the business of the industry member only in accordance with the rules and with the terms of the trust governing the use of that money.

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate 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 Letter of Reprimand, please contact Joseph Fernandez, Director of Audits and Investigations at the Real Estate Council of Alberta.

**REAL ESTATE COUNCIL OF ALBERTA**

Per:

*Bob Myroniuk*  
Executive Director