

Inv file:

May 25, 2010

Private & Confidential

LETTER OF REPRIMAND

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 has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, [(the “Industry Member”)], real estate broker, then registered to [(the “Brokerage A”)] and currently registered to trade in real estate with [(the “Brokerage B”)], to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

On or about April 10, 2002 you listed the property of [(the “Seller”)]. On or about April 12, 2002 an offer was received on the property and was presented by you to your client via telephone. While discussions ensued regarding a counter offer, you were advised by the buyer’s representative that his buyers would present a new full list price offer meeting all of the terms of the listing agreement.

On or about April 13th, 2002 you received the amended offer at full list price along with a \$15,000 deposit cheque. The seller attended at your offices on or about April 24th, 2002 for discussion regarding the sale of the property. In that discussion, a full price offer may have been discussed, but it does not appear that a copy of the written offer was provided to (the “Seller”).

The Executive Director believes this is conduct which is in contravention of Section 27 of the Rules made pursuant to the *Real Estate Act* (as it then was, in force from October 1, 1999 to September 30, 2006) which sets out that:

27 When an industry member receives an offer or an acceptance of an offer in writing from a party to a trade in real estate, the industry member shall, as soon as practicable,

- (a) provide that party with a true copy of that offer or acceptance; and
- (b) deliver a true copy of that offer or acceptance to the other parties to that trade.

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 Mark Lancaster, Conduct Enforcement Counsel at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk
Executive Director