

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 009994  
Process: Section 39 of the *Real Estate Act*  
Industry Member: [LICENSEE]  
Authorization: Real Estate Associate  
Registration: [BROKERAGE]  
Document: LETTER OF REPRIMAND

TO: [LICENSEE]

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 53 – *a real estate associate broker and associate must:*

*(a) trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered.*

### Particulars of the contravention(s):

1. In or around January 2020, you failed to trade in real estate in the name of the brokerage with which you were registered, contrary to section 53(a) of the *Real Estate Act Rules*:
  - a) Your website [WEBSITE] shows your branding clearly at the top of the page. The brokerage name, and your name, are only found on the footer of each page of the website. This is a failure to trade in the name of the brokerage you were registered with.

Industry professionals must clearly indicate their brokerage name in all advertising. A brokerage name is "clearly indicated" when a reasonable consumer, under normal circumstances, can clearly distinguish the name of a brokerage in an advertisement. A reasonable consumer should be able to identify the brokerage based on the advertisement alone.

The Executive Director considered the following aggravating and mitigating factors:

***Aggravating Factors***

- There is a need for general deterrence. Consumers must be confident that a real estate professional advertising services is registered with a brokerage. Real estate professionals must clearly indicate the brokerage name in all advertising.

***Mitigating Factors***

- While the brokerage name was not on the top of the website, it was present on the footer.

The Executive Director will issue a more severe sanction for further similar instances of this conduct.

**Appeal**

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand.

If you have any questions regarding particulars or the appeal process, please contact:

Name: CS, Professional Conduct Review Officer  
Phone: 403.228.2954; Toll Free: 1.888.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
Suite 202, 1506 11 Avenue SW  
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on September 1, 2020.

**CS**

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Charles Stevenson, Acting Executive Director  
of the Real Estate Council of Alberta