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Case Summaries

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Case Summaries

Welcome to the Case Summaries monthly magazine - available on the first Monday of every month.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

To review RECA's Publication Guidelines, click [here](#).

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

Letters of Reprimand

Real estate associate

- industry members must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry or brings the industry into disrepute [s.42(g) of the *Real Estate Act Rules*]
- the industry professional engaged in conduct that undermined public confidence in the industry by posting inappropriate and unprofessional content on Twitter

Industry professionals must demonstrate professionalism at all times, and must be cautious when using social media. In this case, the industry professional posted a statement on Twitter that demonstrated a lack of professionalism, and the Twitter account indicated it belonged to an industry professional. When there is a reference of or link to your status as an industry professional or your business, unprofessional statements can have a negative impact on the integrity of the industry. RECA reviews and can sanction private conduct if that conduct undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.

Real estate associate

- failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- failed to ensure the Customer Acknowledgement form was signed by the buyer
- failed to fix or remove incorrect information in the Residential Purchase Contract

An associate, who was working on behalf of the seller, failed to have the buyer sign a Customer Acknowledgement Form. The associate also failed to remove pre-populated information on a Residential Purchase Contract. Competent service requires industry members to review transaction documentation to ensure it is properly signed and correct.

Letters of Reprimand

Real estate broker

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act* Rules]

Industry members must immediately notify, in writing, the executive director when certain events occur. In this case, the industry professional had a situation requiring notification occur more than two months before they notified the executive director. Immediately is defined as “without delay,” and in the absence of extraordinary circumstances, written notification to the executive director should occur not more than five days after the event in question.

Administrative Penalties

Nathan Buckley

Real estate broker registered to Coldwell Banker Excellence Realty

- failed to file brokerage accounting within three months of the fiscal year end [s. 91(4) of the *Real Estate Act Rules*]
- the brokerage year-end accounting was due on September 30, 2017 and not filed until December 18, 2017
- \$1,500

A brokerage must file its accounting with Council no later than three months after the end of the brokerage's fiscal year. The broker in this case filed the forms after the deadline despite RECA sending numerous email reminders of the deadline.

Tushar Bhutani

Real estate associate registered to Excellence Real Estate Edmonton Ltd.
O/A Re/Max Excellence

- industry members must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so [s.42(a) of the *Real Estate Act Rules*]
- the industry professional referenced a double garage in a listing even though there was no garage
- \$1,500

The sellers of this property asked Mr. Bhutani to mention a garage in the listing because they were willing to build one; however, at the time of the listing, there was no garage. After feedback from other industry professionals about the lack of a garage, the associate removed the garage from the listing. Consumers and industry professionals rely on representations about a property to assess whether a property meets their needs. Misrepresenting features of a property undermines the integrity and dependability of the listing service. Industry professionals cannot follow the instructions of their client if those instructions are unlawful.

Administrative Penalties

Paramjit Ruprai

Real estate associate registered to 4 Million.ca Inc. O/A Estateview

- industry members trading in real estate on the industry member's own behalf, either directly or indirectly, must disclose in writing that they are authorized under the Act and the name of the brokerage with which they are registered [s.62(1)(b) of the *Real Estate Act Rules*]
- \$2,000

In this case, the real estate associate incorrectly completed a disclosure statement related to a personal trade in real estate. Additionally, the associate had their business partner sign the written disclosure and not the buyer. When trading in real estate on their own behalf, industry members must ensure they make the required disclosures related to their authorization and their brokerage, and they must ensure the other party signs that disclosure.

Paramjit Ruprai

Real estate associate registered to 4 Million.ca Inc. O/A Estateview

- industry members trading in real estate on the industry member's own behalf, either directly or indirectly, must disclose in writing that they are authorized under the Act and the name of the brokerage they are registered to [s.62(1)(b) of the *Real Estate Act Rules*]
- \$1,500

The real estate associate drafted an offer to purchase (OTP) in the name of a company to buy a commercial property. The real estate associate was one of two directors and shareholders of the buying company. In the OTP, the industry professional failed to disclose that they were a director or shareholder of the buying company, and that they were authorized as a real estate industry member. When trading in real estate on their own behalf, industry members must ensure they make the required disclosures related to their authorization and their brokerage.

Administrative Penalties

Robert W. May,

Real estate broker registered to Robert W May Real Estate, currently not registered

- industry members must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry or brings the industry into disrepute [s.42(g) of the *Real Estate Act* Rules]
- Mr. May engaged in conduct that harmed the integrity of the industry. Mr. May posted unprofessional comments and profane language on his business website. These comments referred to the use of the MLS system and marketing practices.
- \$1,500

RECA informed the broker of unprofessional content on his website in January 2016, but the content was not taken down until September 2017. When RECA brings such an issue to an industry member's attention, RECA expects them to make the necessary changes. Brokers have an obligation to review all content on their website to ensure it is professional and complies with legislation.

Abdelhakem Bouamama,

Unlicensed

- trading in real estate without authorization [s.17(a) of the *Real Estate Act*]
- \$10,000

Thomas Wongo,

Unlicensed

- trading in real estate without authorization [s.17(a) of the *Real Estate Act*]
- \$10,000

No person shall trade in real estate as a real estate broker, unless that person holds the appropriate authorization for that purpose issued by Council. In these cases, the individuals worked with potential buyers, showing them properties from the local listing database on behalf of another industry professional, but they did not have authorization as real estate industry professionals.

[Adlina Gill - Real Estate Licence Suspended](#)

On January 3, 2018, the Real Estate Council of Alberta (RECA) suspended the real estate licence of Adlina Gill. Ms. Gill failed to comply with the term placed on her licence by the executive director.

As a result of this suspension, Adlina Gill may not trade in real estate in Alberta.

Ms. Gill was most recently registered as a real estate associate with Royal LePage Network Realty Corp. in Red Deer.

Farouk Mohamed - Real Estate Licence Suspended

On January 16, 2018, the Real Estate Council of Alberta (RECA) suspended the real estate licence of Farouk Sadrudin Mohamed. RECA suspended Mr. Mohamed for refusing to cooperate with a person conducting an investigation.

As a result of this suspension, Farouk Mohamed may not trade in real estate in Alberta. His suspension will continue until the executive director is satisfied he has cooperated with the investigation.

Mr. Mohamed was most recently registered as a real estate associate broker with Real Estate Professionals Inc. in Calgary.

Joe Fournier - Lifetime Withdrawal from Industry

On January 24, 2018, Joe (Joseph) Randy Fournier, previously a real estate associate in Grande Prairie, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Fournier was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Fournier had:

- stolen funds from his clients
- committed fraud

At the time of Mr. Fournier's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Fournier's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Donald Gordon Copithorne - Lifetime Withdrawal from Industry

On January 24, 2018, Donald Gordon Copithorne, previously a real estate associate broker in Edmonton, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Copithorne was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Copithorne:

- defrauded his client of \$40,000

At the time of Mr. Copithorne's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Copithorne's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Jagbir Singh Randhawa – Lifetime Withdrawal from Industry

On January 24, 2018, Jagbir Singh Randhawa, previously a mortgage associate in Calgary, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Randhawa was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Randhawa:

- participated in mortgage fraud

At the time of Mr. Randhawa's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Randhawa's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Carol Heddle Mackenzie - Lifetime Withdrawal from Industry

On January 24, 2018, Carol Heddle Mackenzie, previously a real estate associate in Fort McMurray, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Mackenzie was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Ms. Mackenzie:

- failed to disclose a conflict of interest
- continued to act for a client when there was a conflict of interest without obtaining written consent from the client
- participated in fraudulent activity in connection with providing services to a client
- failed to keep her broker informed of the activities she was performing on behalf of the brokerage

At the time of Ms. Mackenzie's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Mackenzie's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Jodie Gagnon - Lifetime Withdrawal from Industry

On January 24, 2018, Jodie Gagnon, previously a real estate associate in Calgary, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Gagnon was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Ms. Gagnon:

- participated in fraudulent or unlawful activity
- engaged in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute

At the time of Ms. Gagnon's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Gagnon's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Kabir Cheema - Lifetime Withdrawal from Industry

On January 24, 2018, Kabir Cheema, previously a real estate associate in Calgary, applied to permanently withdraw from industry membership. At the time of his application, Mr. Cheema was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Cheema:

- failed to act honestly
- failed to disclose a conflict of interest
- failed to act in the best interest of his client
- participated in mortgage fraud

At the time of Mr. Cheema's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Cheema's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

Deimira Paa Baidoo - Lifetime Withdrawal from Industry

On January 24, 2018, Deimira Paa Baidoo, previously a mortgage associate in Calgary, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Baidoo was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Baidoo:

- participated in a fraud scheme
- provided unauthorized property management services

At the time of Mr. Baidoo's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Baidoo's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

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Appointed from the public

BONNY CLARKE, CHAIR-ELECT

Appointed from non-AREA industry members

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Case Summaries are published by the Real Estate Council of Alberta.

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