

December 5, 2017

January 2, 2018

Case Summaries

Licensing Decisions

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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.

The *Real Estate Act* Rules set out the processes for the executive director to:

- determine whether a learner complied with the Education Code of Conduct for Learners
- provide a prospective industry professional with an opinion as to whether or not they are suitable for licensing before they enroll in and begin a RECA education program
- review licence applications to determine if the applicant is of good character, that the issuance of a licence is in the public interest, and does not harm the integrity of the industry

Below are summaries related to these processes.

Education Attainment Review – Mr. J.K.

Mr. J.K. completed the Practice of Commercial Real Estate exam. During the exam, he accessed an external web browser in private browsing mode. The web browser he accessed contained study notes to use during the exam. Mr. J.K. provided many contradictory and misleading statements to RECA, and his actions were not consistent with the facts. Mr. J.K. cheated by intentionally placing study notes on an external website and using them during the exam. Mr. J. K. has not acknowledged the wrongfulness of his actions and he is not remorseful.

Rule #20 of the RECA Exam Guidelines for Learners states:

Learners must not attempt to open any other computer programs, online windows, external websites, texts, emails or instant messages.

Principle 2 of the Education Code of Conduct for Learners states:

Learners will at all times conduct themselves with honesty, integrity, and respectfulness.

Principle 4 of the Education Code of Conduct for Learners states:

Learners will support RECA's education requirements and will conduct themselves in a manner that does not undermine the integrity and efficiency of any aspect of RECA's education.

Mr. J.K. received a failing grade for the exam and is not permitted re-entry in any of RECA's education programs for three years.

Education Attainment Review – Mr. Y.Z.

Mr. Y.Z. completed the Fundamentals of Real Estate Part 2 exam. During the exam, he retrieved his mobile phone and left the exam room to go to the washroom. He stated that he took his valuables, including his phone, with him for security reasons. He was the only one completing the exam and the proctor was within sight of the room. Upon returning from the washroom, the proctor asked him where his phone was. He replied that his phone was in his bag. When the proctor asked to see the phone, he removed it from his pocket. He immediately submitted his exam to demonstrate he did not use the phone to gain answers for the exam and he passed the exam.

The RECA Exam Guidelines for Learners states:

You must turn off all of your electronic devices and place them in the designated area, or left in care of the exam proctor before the exam begins and they must not be accessed during the exam or washroom break. This includes cell phones, personal digital assistants, audio devices, text devices or translation devices.

Principle 2 of the Education Code of Conduct for Learners states:

Learners will at all times conduct themselves with honesty, integrity, and respectfulness.

Principle 4 of the Education Code of Conduct for Learners states:

Learners will support RECA's education requirements and will conduct themselves in a manner that does not undermine the integrity and efficiency of any aspect of RECA's education.

The executive director gave Mr. Y.Z. a failing grade for the exam, and requires him to re-write the exam.

Letters of Reprimand

Mortgage associate

- 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. 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. In this case, the industry member waited more than two weeks before notifying RECA.

Real estate associate

- failed to treat the interest of both the buyer and seller in an even handed, objective, and impartial manner, contrary to section 59(4)(a) of the *Real Estate Act Rules*

When entering into a transaction brokerage relationship, industry members must treat the interests of both the buyer and the seller in an even-handed, objective, and impartial manner. This means a real estate professional, if giving advice or information to one party, must provide that information to the other party. In this case, the industry member provided advice and strategy to the buyer on how to make an offer, but did not share that information with the seller. Industry professionals are not able to provide advice to either party when in transaction brokerage.

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

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