

## THE REAL ESTATE COUNCIL OF ALBERTA

**Case:** 007422  
**Process:** Appeal of an Administrative Penalty  
s.83.1 of the *Real Estate Act*  
**Industry Member:** Mr. Jason Christopher Ferguson  
**Class of License:** Mortgage Associate  
**Registration:** VPMG IMortgage Solutions Inc.  
Currently registered with Kardia Mortgage Inc.  
**Document:** NOTICE OF HEARING

**TO:** Jason Ferguson

A hearing is set for your appeal. Read this entire document to see what you must do.

### Hearing Information

**Date:** Tuesday, June 19, 2018  
**Time:** 9:30 a.m.  
**Location:** Suite 202, 1506 11 Ave SW, Calgary, Alberta  
**Hearing Panel:** Phil McDowell - Chair, Panel member (Council Member)  
Sunny Parmar - Panel member (Industry Member)  
Graham Lock - Decision Writer, Panel member (Public Member)  
Anthony Dekens - Panel Independent Legal Counsel  
(Alternate: Rita Aggarwala)

The Administrative Penalty issued to you is attached.

### Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

## Learn About the Hearing Process

Please read these guides on the RECA website

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *Information for Unrepresented Industry Members*

They are under the *Publications and Resources* tab under the heading *Guides to Disciplinary Proceedings*.

## What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

## What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

## What Will Happen At the Hearing

If the Panel finds a breach has been proven the Panel may do one or more of the things listed in **section 83.1(5)** of the *Real Estate Act*:

- Quash, vary or confirm the administrative penalty
- Order you to pay the costs of the investigation and the hearing.

## Making Oral and Written Arguments to the Hearing Panel

The Hearing Panel may accept oral and/or written arguments as part of the hearing.

If the Hearing Panel accepts written arguments, it will set dates for the written arguments to be exchanged before accepting them.

## You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing.

If you do not have a representative please read *Information for Unrepresented Industry Members*:

<http://www.reca.ca/industry/content/publications-resources/guides.htm>.

### If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice. If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

### Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Executive Director and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on April 25, 2018.

*Charles Stevenson, for*  
Bob Myroniuk, Executive Director  
of the Real Estate Council of Alberta

### Contact Information

Hearings Administrator: Email: <a href="mailto:hearingsadmin@reca.ca">hearingsadmin@reca.ca</a> Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9	Lawyer for the Executive Director Email: <a href="mailto:conductadmin@reca.ca">conductadmin@reca.ca</a> Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9
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THE REAL ESTATE COUNCIL OF ALBERTA

Case: 007422  
Process: Section 39 & 83 of the *Real Estate Act*  
Industry Member: Mr. Jason Christopher Ferguson  
Authorization: Mortgage Associate  
Registration: Verico IMortgage Solutions  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,000.00

**Payment**

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization under section 38.1 of the Rules.

**If you pay the Penalty**

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

**TO: Mr. Jason Christopher Ferguson**

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 40(1)(g) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 40(1) – *An Industry members must immediately notify, in writing, the executive director when:*

*(g) proceedings pursuant to the Criminal Code are commenced against the industry member.*

**Particulars of the contravention(s):**

In or around May, 2017, you failed to notify the executive director in writing immediately upon proceedings pursuant to the Criminal Code being commenced against you, contrary to section 40(1)(g) of the *Real Estate Act Rules*:

- a) On May 3, 2017, proceedings pursuant to the Criminal code of Canada were commenced against you. .
- b) On June 29, 2017, RECA was notified of these proceedings.

The circumstances of this matter indicate the following factors were considered:

### ***Aggravating Factors***

- Your broker advised you of the need to notify RECA on June 14, 2017. You still did not notify RECA until June 29, 2017.

### **Appeal**

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

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 comply with section 83.1 and must be received by the Executive Director **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel.

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

Name: Carla Sasley, Professional Conduct Review Officer  
Email: csasley@reca.ca  
Phone: 403.228.2954; Toll Free: 1.888.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
350 4954 Richard Road SW  
Calgary, Alberta, T3E 6L1

Issued at Calgary, Alberta, on September 25, 2017.

*Charles Stevenson*, for  
Bob Myroniuk, Executive Director  
of the Real Estate Council of Alberta

cc: Sandra Fisher, Broker  
Verico IMortgage solutions