

June 5, 2018

July 3, 2018

Case Summaries

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Suspension



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

Daryl Thompson,

Mortgage associate registered with Canada Mortgage Direct Inc. O/A Verico Canada Mortgage Direct

- 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 months before he 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.

Vladimir Deriabine,

Real estate associate, conduct occurred at Mountain View Real Estate Inc o/a Re/Max Real Estate (Mountain View), currently registered with 2118996 Alberta Corp. o/a Heritage Elite Realty

- failed to provide competent service [s.41(b) of the *Real Estate Act Rules*]
- on July 4, 2017 Mr. Deriabine allowed the buyers access to the home prior to the closing date without the permission of the sellers
- during the walkthrough with the buyers Mr. Deriabine left to deal with a family emergency and failed to secure the property and the keys until they were releasable
- the seller attended the property on July 4, 2017 and discovered the buyers were in the property and started to move in their belongings prior to the closing date of July 5, 2017

Industry professionals must exercise reasonable care and skill while in the care and control of a property. That includes only granting access to individuals who have permission from the seller to be in the property. In this case, the industry professional failed to exercise reasonable care and skill by granting the buyers access to the property and releasing the keys to property without permission from the seller.

Administrative Penalties

Shannon Dennis,

Real estate broker registered with Burk Management & Realty Inc.

- a brokerage shall prepare a bank reconciliation monthly, within 30 days of the date of the prior month's bank statement, for all accounts in which money is held in trust [s.86(1) of the *Real Estate Act Rules*]
- RECA performed a Practice Review of the brokerage in November 2012
- on January 15, 2013, RECA sent a letter to the brokerage that stated the brokerage was not performing the trust account reconciliation process correctly. Specifically, the brokerage failed to prepare and review a liability listing as part of the reconciliation process.
- RECA performed a Practice Review in November 2016
- on February 21, 2017, RECA sent a letter to the brokerage stating the brokerage was not performing the trust account reconciliation process correctly. Specifically, the brokerage failed to compare the brokerage records to the bank statement for the brokerage pooled trust account.
- RECA performed a Practice Review in December 2017
- on January 10, 2018, RECA sent a letter to the brokerage that stated the brokerage was not performing the trust account reconciliation process correctly. Specifically, the brokerage failed to compare the brokerage records to the bank statement for the brokerage pooled trust account, and also failed to prepare and review a liability listing as part of the reconciliation process.
- \$1,000

Brokerages must complete bank reconciliations on a monthly basis, which includes reconciling the trust liability for pooled trust accounts. Brokers must use this critical tool to effectively manage the brokerage trust accounts. It ensures the brokerage is meeting its trust obligations and helps identify potential trust shortages or other irregularities that require further investigation.

Administrative Penalties

Gordon Courtney Aird Atkinson,

Real estate broker registered with Velocity Real Estate Team Ltd o/a Atkinson & Associates Realty

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

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 four months prior 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.

Gordon Courtney Aird Atkinson,

Real estate broker registered with Velocity Real Estate Team Ltd o/a Atkinson & Associates Realty

- 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*]
- on September 14, 2017, Mr. Atkinson submitted a renewal application to RECA that included false statements
- \$1,500

In this case, the industry professional answered ‘no’ to one of the suitability questions in the renewal application when he had in fact had the incident in question occur since his last licensing application. Industry professionals are required to answer all questions honestly and accurately.

Cassandra Lynn Munday – Real Estate Licence Suspended

On June 7, 2018, the Chair of the Real Estate Council of Alberta (RECA) suspended Cassandra Lynn Munday, real estate broker of Initiative Property Management Corporation in Airdrie.

RECA determined it is in the public interest to temporarily suspend Ms. Munday. The suspension will continue until the conclusion of RECA disciplinary proceedings against her.

As a result of the suspension, Ms. Munday may not trade in real estate or provide property management services in Alberta at this time.

Initiative Property Management Corporation is no longer authorized as a real estate brokerage in Alberta and cannot provide real estate or property management services.

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

Please forward any questions regarding the content of Case Summaries, or any questions regarding licensing or mandatory education, to info@reca.ca



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