



October 19, 2011

To: Donna Mah

RE: WITHDRAWAL APPLICATION – s.54 *REAL ESTATE ACT*

Please be advised that on October 19, 2011 your application to withdraw from industry membership pursuant to s.54 of the *Real Estate Act* was approved by the Real Estate Council of Alberta.

At the time of your application, you were the subject of conduct proceedings to determine whether you had:

- Masterminded or participated in a scheme to obtain mortgages through deceit.
- Supplied documents as part of a mortgage application she knew to be false or misleading to facilitate the issuance of a mortgage through deceit.
- Created false or misleading documents to facilitate the granting of a mortgage by deceit.
- Participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings.
- Made representations or carried on conduct that was reckless or intentional and that mislead or deceived any person(s) or was likely to do so.
- Failed to disclose in writing to her client how she was going to be paid for her services.
- Failed to make sure that her role in the transaction was clear.
- Failed to discuss the role that she would play in the transaction and to discuss and present the applicable agency form in the mortgage transaction.
- Failed to provide competent service.
- Failed to fulfill her fiduciary obligations to her client and/or the lender.
- Failed to practice in strict accordance with the *Real Estate Act*, Regulations, Rules made pursuant to the Act, Bylaws and any other laws that govern trading in real estate, mortgage transactions or appraisals in Alberta.
- Engaged in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.
- Failed to disclose in writing to the parties to the deal in mortgage what steps, if any, were taken to verify the information obtained or supplied by the brokerage to the parties, including information contained in the mortgage application and other

representations made by the borrower or lender and the identity of the parties to the deal in mortgage

At the time of the withdrawal application approval, there had been no disciplinary hearing, admissions of conduct or findings of fact.

By virtue of operation of Part Three of the *Real Estate Act*, conduct proceedings are discontinued. As you are aware, this approval of your application results in your lifetime ban from industry membership.

If you have questions regarding this matter, please contact Jean Flanagan, Director of Legal Services.

Yours truly,

Wayne McAlister
Chair, Special Meeting of the Real Estate Council of Alberta