

THE REAL ESTATE COUNCIL OF ALBERTA

IN THE MATTER OF a Hearing under Part 3 of the *Real Estate Act*, RSA
2000, c R-5 (the "Act")

AND IN THE MATTER OF the conduct of Judy Nelson (registered as a
real estate broker at all relevant times with Willow Creek Realty Ltd. ("Willow Creek")),
and Willow Creek

Hearing Panel Members: Robyn Moser, Chair
Stan Kushner, Industry Member
Derek Vermette, Public Member

Appearing: Andrew Bone, case presenter on behalf of the
Executive Director of the Real Estate Council of
Alberta ("RECA")

Judy Nelson, on her behalf and on behalf of Willow
Creek

Hearing Date: October 24, 2017

**DECISION OF A HEARING PANEL
ABOUT CONDUCT DESERVING OF SANCTION AND DECISION ON
SANCTIONS AND COSTS**

I) Introduction

1. As will be discussed in detail in this decision, Ms. Nelson and Willow Creek have admitted to engaging in conduct that is deserving of sanction. The conduct in question involves the handling of trust money, and reporting requirements. In addition, Ms. Nelson, Willow Creek, and Mr. Bone, on behalf of the Executive Director of RECA, have provided a joint submission with respect to the appropriate sanctions and costs that are warranted as a result of that conduct.
2. This matter has been referred to this Hearing Panel for a decision with respect to whether the conduct in question constitutes conduct deserving of sanction, and if so, the appropriate sanctions and costs that are warranted.

II) Hearing Panel Composition

3. Mr. Bone and Ms. Nelson did not object to the composition of the Hearing Panel.

III) Applicable Legislation and Rules

4. As will be discussed below, Ms. Nelson and Willow Creek have signed an Admission of Conduct Deserving of Sanction document. An admission of conduct deserving of sanction is addressed in section 46 and 47 of the *Act*, as follows:

Admission of Conduct

46(1) An industry member may, at any time after the commencement of proceedings under this Part and before a Hearing Panel makes its findings in respect of the industry member's conduct, submit to the executive director a statement of admission of conduct deserving of sanction in respect of all or any of the matters that are the subject-matter of the proceedings.

(2) A statement of admission of conduct may not be acted on unless it is in a form acceptable to the executive director and meets any additional requirements set out in the rules.

Referral to Hearing Panel

47(1) If a statement of admission of conduct is accepted, the executive director shall immediately refer the matter to a Hearing Panel, and in that case the Hearing Panel shall deal with the matter as if it had been referred to it under section 39(1)(b).

(2) If a statement of admission of conduct is accepted, each admission of conduct in the statement in respect of any act or matter regarding the industry member's conduct is deemed for all purposes to be a finding of the Hearing Panel that the conduct of the industry member is conduct deserving of sanction.

5. Section 47(1) of the *Act* above refers to section 39(1)(b), which provides that the Executive Director may refer a matter to a Hearing Panel if the Executive Director determines that there is sufficient evidence of conduct deserving of sanction.
6. The Admission of Conduct Deserving of Sanction document in this case deals with breaches of section 25(1)(d) of the *Act*, and sections 37(1)(a), 41(d), 87, 88 and 90 of the *Real Estate Act Rules* ("Rules").

7. Section 25(1)(d) of the Act provides as follows:

Trust accounts

25(1) An industry member who is required by the rules to keep and operate a trust account shall

- (d) disburse money received or held in trust in respect of a dealing or trade in the business of the industry member only in accordance with the rules and with the terms of the trust governing the use of that money.

8. Sections 37(1)(a), 41(d), 87, 88 and 90 of the Rules provide:

Brokerage ceasing to carry on business

37 (1) A brokerage that ceases to carry on the business of a brokerage shall:

- (a) immediately notify the executive director in writing;

Industry Member Responsibilities

41 Industry members must:

- (d) fulfill their fiduciary obligations to their clients;

Negative Trust Balance Prohibited

87 A brokerage shall not make any payment or allow a bank transfer out of an account in which money is held in trust if the payment or transfer would create a negative balance in a client's or customer's ledger.

Trust Shortage Must be Funded

88 If at any time there is a shortage of money in an account in which money is held in trust, the brokerage shall deposit the brokerage's own money into the account as soon as the amount of the shortage is determined.

Year End Report

90 A brokerage shall report to Council at the brokerage's fiscal year end with regard to the operation of its accounts in which money is held in trust.

9. If a Hearing Panel finds that breaches of the *Act* or Rules are proven, section 43 of the *Act* sets out the sanction and costs that they may order in response:

Decision of Hearing Panel

43(1) If a Hearing Panel finds that the conduct of an industry member was conduct deserving of sanction, the Hearing Panel may make any one or more of the following orders:

- (a) an order cancelling or suspending any authorization issued to the industry member by the Council;
- (b) an order reprimanding the industry member;
- (c) an order imposing any conditions or restrictions on the industry member and on that industry member's carrying on of the business of an industry member that the Hearing Panel, in its discretion, determines appropriate;
- (d) an order requiring the industry member to pay to the Council a fine, not exceeding \$25, 000, for each finding of conduct deserving of sanction;
- (d.1) an order prohibiting the industry member from applying for a new authorization for a specified period of time or until one or more conditions are fulfilled by the industry member;
- (e) any other order agreed to by the parties.

(2) The Hearing Panel may, in addition to or instead of dealing with the conduct of an industry member under subsection (1), order the industry member to pay all or part of the costs associated with the investigation and hearing determined in accordance with the bylaws.

IV) Exhibits

10. The following exhibits were entered at the hearing:

Exhibit 1: The Notice of Hearing document dated October 4, 2017

Exhibit 2: The Admission of Conduct Deserving of Sanction document signed by Ms. Nelson on September 7, 2017, and accepted by the Executive Director of RECA on September 11, 2017

Exhibit 3: The Joint Submission on Sanction document signed September 22, 2017

V) The Admission of Conduct Deserving of Sanction

11. On September 7, 2017, Ms. Nelson, on her own behalf and on behalf of Willow Creek, signed an Admission of Conduct Deserving of Sanction document. This document was accepted by the Executive Director of RECA on September 11, 2017. The document provides as follows:

- a. Judy Nelson ("Ms. Nelson") was registered as a real estate broker at all relevant times with Willow Creek Realty Ltd. (the "Brokerage").
- b. Ms. Nelson was authorized as a real estate broker from October 20, 2008 until February 1, 2016. From January 18, 2005 until October 1, 2008 and from February 2, 2016 to the present Ms. Nelson was registered as a real estate associate broker.
- c. Mr. [sic] Nelson has no prior disciplinary history.
- d. The Brokerage has no prior disciplinary history.

The Practice Review

- e. On August 7, 2014, the Executive Director conducted a practice review of the Brokerage. The review identified a trust fund shortfall of approximately \$21,000.00. The review further identified a failure to prepare and review bank reconciliations.
- f. On August 13, 2015 the Executive Director commenced an investigation under Part 3 of the Act concerning the conduct of Ms. Nelson.

Trust shortfall

- g. On 9 separate occasions between March 7, 2014 and July 3, 2014 funds were improperly drawn on the trust account to the general operating account of the Brokerage. These funds totaled approximately \$21,000 and were used to fund the operating expenditures of the Brokerage. Ms. Nelson conducted all of the above transfers knowingly and purposefully.
- h. After the Practice Review in August of 2014 Ms. Nelson promptly funded the entire shortfall.
- i. The Brokerage subsequently ceased to be an ongoing entity as at February 1, 2016.

Failure to prepare bank reconciliations as required

- j. The Brokerage fiscal year end was November 30 and the Brokerage was due to file its 2015 year end trust reporting to the Executive Director by March 2, 2016. The Brokerage was granted a number of extensions with a final extension date of December 22, 2016. The Brokerage failed to file its 2015 year end trust reporting.
- k. The Brokerage ceased to be an ongoing entity as at February 1, 2016. The Brokerage was to file a final report on the status of monies held in trust. The Brokerage was granted an extension until December 22, 2016. The Brokerage failed to file this report.

Agreed Breaches

- l. Ms. Nelson's conduct is deserving of sanction for the following breaches based on the agreed facts:
 - 1) She failed to disburse money received or held in trust in respect of a dealing or trade in the business in accordance with the Rules and with the terms of the trust governing the use of that money, contrary to s. 25(1)(d) of the Act.
 - On 9 separate occasions between March 7, 2014 and July 3, 2014 funds were improperly drawn on the trust account to the general operating account of the Brokerage.
 - 2) She failed to fulfill her fiduciary obligations owed to clients, in his [sic] capacity as a broker, contrary to s. 41(d) of the Rules.
 - Trust funds of approximately \$21,000 were improperly used to fund the operating expenditures of the Brokerage. These transfers were done knowingly and purposefully.
- m. The Brokerage's conduct is deserving of sanction for the following breaches based on the agreed facts:
 - 1) The Brokerage made bank transfers out of an account in which money was held in trust and had the intrinsic effect of creating a negative balance in a clients or customer's ledgers, contrary to s. 87 of the Rules.
 - There was a number of transactions that moved money held in trust for client's or customers to the Brokerage general operating account.

- 2) There was a deficiency in accounts in which money was held in trust and the Brokerage did not deposit the brokerage's own money into the said accounts as soon as the amount of the shortage was determined, contrary to s. 88 of the Rules.
 - There was no action taken by the Brokerage to correct trust deficiencies until after the practice review.
- 3) The Brokerage ceased to carry on business and it did not within 30 days provide to the Executive Director an accountant's report on the status of monies held in trust, contrary to s. 37(1)(a) of the Rules.
 - The Brokerage failed to file its final report.
- 4) The Brokerage failed to report [sic] the Executive Director at the Brokerage's fiscal year end with regard to the operation of its accounts in which money is held in trust, contrary to s.90 of the Rules.
 - The Brokerage failed to file its 2015 fiscal year end report.

VI) Joint Submission on Sanction

12. On September 22, 2017, Mr. Bone and Ms. Nelson signed a Joint Submission on Sanction ("Joint Submission") document. The contents of that Joint Submission are as follows:

Introduction

1. The Industry Member has agreed to an Admission of Conduct Deserving of Sanction under section 46 of the Act.
2. The Admission is accepted by the Executive Director and has been entered as an exhibit in this hearing.
3. Under section 47 of the Act the Admission of Conduct Deserving of Sanction is deemed to be a finding of this Hearing Panel and therefore concludes the first phase of the hearing on conduct.
4. The second phase of the hearing concerns sanction.
5. The Industry Member and Executive Director make the following submission on sanction together.

Facts and Breaches

6. The facts and breaches are set out in the 2017 Admission of Conduct Deserving of Sanction for Ms. Nelson.

Panel Authority on Sanction

7. The Hearing Panel's authority to impose sanctions on an industry member whose conduct has been found deserving of sanction is described at section 43 of the Act:

[section 43 excerpt deleted by the Hearing Panel as it has been set out above in this decision]

Factors on Sanction

8. A RECA Panel must consider whether a number of factors are relevant when assessing sanction. *Jaswal v Newfoundland (Medical Board)* [reference to tab number deleted], lists a number of factors that may be relevant:
 - (a) the nature and gravity of the proven allegations;
 - (b) the age and experience of the industry member;
 - (c) the previous character of the offender and, in particular, the presence or absence of prior complaints or convictions;
 - (d) the number of times the offence was proven to have occurred;
 - (e) the role of the industry member in acknowledging what occurred;
 - (f) whether the industry member had already suffered serious financial or other penalties as a result of the allegations having been made;
 - (g) impact of the incident on the victim, if any;
 - (h) mitigating circumstances;
 - (i) aggravating circumstances;
 - (j) the need to promote specific and general deterrence and thereby protect the public and ensure the safe and proper conduct of the profession;
 - (k) the need to maintain the public's confidence in the integrity of the profession;
 - (l) the degree to which the offensive conduct that was found to have occurred was clearly regarded, by consensus, as being the type of conduct that would fall outside the range of permitted conduct; and,
 - (m) the range of sentence in other similar cases.
9. General deterrence refers to the effect a sanction issued in one case will have dissuading others to become involved in the same

conduct. Specific deterrence refers to the effect a sanction has to correct the conduct of the person who is sanctioned.

10. Specific deterrence can be achieved by punishment and by corrective or education conditions.
11. Mitigating and aggravating refers to facts which make the conduct less (mitigating) or more (aggravating) serious. While all of the above factors can be thought of as mitigating or aggravating items (h) and (i) are specifically referring to factors not specifically enumerated.
12. The Hearing Panel must consider each relevant factor, give weight to the factor in terms of how it should influence the sanction, consider the mandate of RECA under the Act and then make an order which complies with section 43.

Proposed Sanction

13. The Executive Director and Industry Member submit that the following sanction is warranted taking into account the relevant factors:

- a. Fines

Judy Nelson

Paragraph l(1)	Act 25(1)(d)	\$5,000.00
Paragraph 1(2)	Rule 41(d)	\$5,000.00

Willow Creek Realty Ltd.

Paragraph m(1)	Rule 87	\$5,000.00
Paragraph m(2)	Rule 88	\$5,000.00
Paragraph m(3)	Rule 37(1)(a)	\$1,500.00
Paragraph m(4)	Rule 90	\$1,500.00

Total:

Judy Nelson:	\$10,000.00
Willow Creek Realty Ltd.:	\$13,000.00

**all paragraphs above from admission of conduct deserving of sanction agreement*

- b. Other Conditions

Judy Nelson's authorization to trade in real estate under the Act shall be suspended for a period of three (3) months, such suspension commencing on December 15, 2017.

The Industry Member should be required to successfully complete the following education within six (6) months of the date the Hearing Panel's Order is issued:

- Unit 2: *Real Estate Act, Rules and Regulations*
 - c. Costs

The Industry Member should be ordered to pay costs of \$500 for the investigation and proceedings.

Factors Supporting this Sanction

Aggravating Factors

14. Aggravating Factors are:

- I. Ms. Nelson's contraventions were willful and occurred on 9 separate occasions.

Mitigating Factors

15. Mitigating Factors are:

- I. Ms. Nelson has expressed remorse for her behavior.
- II. Ms. Nelson paid funds into the trust account as directed by the Executive Director to fund the trust shortfall and no client or third party suffered a monetary loss as a result of any conduct by Ms. Nelson or the Brokerage.
- III. Ms. Nelson fully co-operated with the practice review and subsequent investigation.
- IV. Ms. Nelson has agreed to forego the time and expense of a hearing saving witnesses the inconvenience and stress of appearing, by entering into the within Consent Agreement.

Precedents

Trust Fund Shortage

16. Precedents are not binding on the Hearing Panel but help ensure sanctions are consistent between comparable conduct.

In *Cameron Jenkins* [reference to tab number deleted], the industry member and his brokerage operated with an approximate \$17,000 trust shortage from January to August of 2012. An agreement was reached with the Executive Director; the settlement terms were a \$30,000 fine for Mr. Jenkins and his brokerage. An educational requirement of completing the course unit: *Real Estate Act, Rules*

and Regulations and paying costs of \$500. It was impractical in the circumstances to suspend Mr. Jenkins for a proposed three (3) month period given the remoteness of his brokerage and so the fine was increase [sic] to reflect that.

In *Joel Helm* [reference to tab number deleted], the industry member and his brokerage operated with an approximate \$140,000 in various trust account shortages from January 2009 until February of 2010. An agreement was reached with the Executive Director; the settlement terms were a \$75,000 fine and 30 month suspension.

17. Given the monetary amount of the trust shortages, the breadth of accounts affected, and the level of culpability of the Industry Members the Executive Director submits that the seriousness of Ms. Nelsons' conduct on each breach related to trust deficiencies is similar but slightly more serious than that of Cameron Jenkins and is less serious than that of Joel Helm. Ms. Nelson has fully accepted responsibility for herself and her former Brokerage.

Reporting Requirements to the Executive Director

18. In *Mohan Maharaj* [reference to tab number deleted], the brokerage failed to report the Executive Director at the Brokerage's fiscal year end with regard to the operation of its accounts in which money is held in trust, contrary to s.90 of the Rules. An Administrative Penalty was issued in the amount of \$1500.
 19. In *Rogers Associate Financial Partners Inc.* [reference to tab number deleted], the brokerage failed to report [sic] the Executive Director at the Brokerage's fiscal year end with regard to the operation of its accounts in which money is held in trust, contrary to s.90 of the Rules. An Administrative Penalty was issued in the amount of \$1500.
1. There have been no matters related specifically to a breach of section 37(1)(a) of the Rules but it is the Executive Director's position this type of breach is equivalent to a breach of section 90 of the Rules.
 2. The Executive Director submits that the seriousness of Ms. Nelsons' conduct on each breach related to reporting requirements is similar to that of both of the above matters.

The Agreement between the Executive Director and Industry Member

3. An additional factor is that the parties have reached an agreement on conduct and on sanction taking into account the relevant factors.

4. The case of *Rault v. Law Society (Saskatchewan)* [reference to tab number deleted], explains the value and benefits to all concerned of an agreement between parties in a contested process, even in a professional discipline hearing.
5. The Court in *Rault* reasoned that tribunals should not easily depart from an agreed sanction. While the tribunal is not bound to accept a joint submission, the tribunal has a duty to consider it and not reject it unless there are "good and cogent reasons as to why it is inappropriate" which must be set out in a decision.
6. The Executive Director and Industry Member have considered the factors for an appropriate sanction and submit that this sanction is within an appropriate range that the Panel can accept.

VII) Additional Submissions made at Hearing

13. In addition to the Joint Submission, both Mr. Bone and Ms. Nelson were given an opportunity to make additional submissions at the hearing. In this regard, when asked if she wanted to make any additional submissions, Ms. Nelson indicated, "not at this time." The Hearing Panel informed Ms. Nelson that this hearing was the time to make any additional submissions and that there would be no further opportunity to do so. After receiving this information from the Hearing Panel, Ms. Nelson said she had no additional submissions to make. Mr. Bone's additional key submissions made at the hearing are summarized as follows:
 - a. With respect to the factors set out in the *Jaswal* decision:
 - i. The funds in question were improperly and willfully drawn from trust. This is a grave offence as the money in question does not belong to the brokerage.
 - ii. Ms. Nelson has a fair amount of experience in the industry.
 - iii. Ms. Nelson and Willow Creek do not have prior complaints or convictions.
 - iv. The conduct in question occurred on nine separate occasions, which is a significant number of times. However, these nine acts occurred over a short period of time.
 - v. Ms. Nelson completely acknowledged what had occurred, and signed an Admission of Conduct document. She was also very cooperative with the RECA officer.

- vi. All of the trust money was paid back, so there were no individuals that lost any money.
 - vii. Ms. Nelson cooperated with the practice review and the investigation. The time and expense of a hearing were avoided by Ms. Nelson signing an Admission of Conduct.
 - viii. There are no special aggravating circumstances outside the ones discussed above.
 - ix. The need for specific and general deterrence is very important in this case, as taking money goes to the heart of the requirement for integrity.
 - x. Taking funds impacts the integrity of the profession.
 - xi. Taking money is a serious violation that falls outside the range of permitted conduct.
 - xii. This case is similar but more serious than the trust fund shortage situation in the *Jenkins* decision, but this case is less serious than the *Helm* decision. The *Maharaj* and *Rogers* decisions deal with reporting requirement situations.
- b. Ms. Nelson filed the necessary reports in September 2017.
 - c. Ms. Nelson has agreed to be jointly and severally liable for the fines imposed against Willow Creek.

VIII) The Hearing Panel's Decision

- 14. Pursuant to section 47(2) of the Act, the admissions set forth in the Admission of Conduct Deserving of Sanction document are deemed for all purposes to be a finding of this Hearing Panel that the conduct described therein is conduct deserving of sanction. Accordingly, the first issue is answered in the affirmative, that is, Ms. Nelson and Willow Creek did engage in conduct deserving of sanction.
- 15. The second issue is the appropriate sanctions and costs that should be ordered in response to that conduct. As described above, the parties have filed a Joint Submission. The Hearing Panel has reviewed the *Rault* decision referred to in the Joint Submission, and the Hearing Panel is satisfied that the principles discussed in that decision with respect to giving deference to a joint submission — even though in the context of criminal or other regulatory body proceedings — are applicable and meaningful in the context of this proceeding. For example, the Court in *Rault* commented that:

- in paragraph 13:

In summary, those principles establish that there is an obligation on a trial judge to give serious consideration to a joint submission on sentencing agreed upon by counsel unless the sentence is unfit or unreasonable; or contrary to the public interest, and, it should not be departed from unless there are good or cogent reasons for doing so.

- in paragraph 17:

There are good policy reasons for this principle of deference to joint submissions on sentences. As stated in *G.W.C.* and adopted in this Court in *Webster*:

[17] The obligation of a trial judge to give serious consideration to a joint sentencing submission stems from an attempt to maintain a proper balance between respect for the plea bargain and the sentencing court's role in the administration of justice. The certainty that is required to induce accused persons to waive their rights to a trial can only be achieved in an atmosphere where the courts do not lightly interfere with a negotiated disposition that falls within or is very close to the appropriate range for the given offence. "The bargaining process is undermined if the resulting compromise recommendation is too readily rejected by the sentencing judge" *R. v. Pashe* (1995), 1995 CanLII 6256 (MB CA), 100 Man. R. (2d) 61, at para. 11.

- in paragraph 19:

This process can be time-consuming for Benchers involved in the various stages leading to the final penalty imposed by the Discipline Committee and can involve significant costs for both the member and the Law Society. Therefore, all members and the Law Society have a vested interest in ensuring that matters proceed expeditiously. If the member co-operates with the investigation and hearing process and, as happened in the instant case, pleads guilty, and puts an Agreed Statement of Facts before the Hearing Committee, the Law Society is relieved of the burden of proving the allegations in what could, in some instances, be a complicated and protracted hearing with the usual risks and vagaries that may occur in the course of such hearings. If the parties negotiating compromise agreements cannot expect their efforts will be respected, there is little incentive to attempt to

negotiate a resolution. For this reason, joint submissions on sentence should be considered by the Discipline Committee in a principled way similar to the jurisprudence in criminal matters and as applied by discipline committees in the provinces noted above.

- in paragraph 28:

In summary, the Discipline Committee had a duty to consider the joint submission. The reasons for decision do not reflect that the Discipline Committee understood it was constrained to consider the joint submission, and give reasons as to why it was inappropriate; not within the range of sentences; unfit or unreasonable; and/or contrary to the public interest. If the Discipline Committee was of the view the joint submission penalty was not an appropriate disposition in the case before them, then it was required to give good or cogent reasons as to why it is inappropriate. Failure to do so leads to the inevitable conclusion that the decision of the Discipline Committee is unreasonable.

16. Based on the reasons provided by the parties in their Joint Submission document, as well as the additional submissions made at the hearing, the Hearing Panel finds that the sanctions and costs proposed by the parties fall within the range of reasonable sanctions and costs.
17. In reaching this finding, the Hearing Panel thoroughly considered all of the information presented by the parties. In particular, the Hearing Panel balanced the aggravating factor of Ms. Nelson's contraventions having occurred on nine separate occasions, which is a significant number of times, with the mitigating factors of:
 - a. Ms. Nelson expressing remorse for her behavior;
 - b. Ms. Nelson paying funds into the trust account to fund the shortfall, as directed by the Executive Director, so that no client or third party suffered a monetary loss as a result of any conduct by Ms. Nelson or Willow Creek;
 - c. Ms. Nelson fully cooperating with the practice review and subsequent investigation; and
 - d. Ms. Nelson foregoing the time and expense of a hearing, saving witnesses the inconvenience and stress of appearing, by admitting her conduct and consenting to the proposed sanctions.
18. The Hearing Panel also considered the *Rault* decision, and the importance of giving deference to a joint submission on sanctions.

19. The Hearing Panel will therefore make an Order in keeping with the sanctions and costs proposed by the parties.
- IX) Conclusion
20. The Hearing Panel has determined that Ms. Nelson and Willow Creek engaged in conduct deserving of sanction, and the Hearing Panel hereby makes the following Order in accordance with the sanctions and costs proposed by the parties, as follows:
- a. That Judy Nelson pay a fine in the amount of \$10,000 (i.e. \$5,000 for breach of section 25(1)(d) of the Act, and \$5,000 for breach of section 41(d) of the Rules);
 - b. That Judy Nelson and Willow Creek are jointly and severally liable to pay a fine in the amount of \$13,000 (i.e. \$1,500 for breach of section 37(1)(a) of the Rules, \$5,000 for breach of section 87 of the Rules, \$5,000 for breach of section 88 of the Rules, and \$1,500 for breach of section 90 of the Rules);
 - c. That Judy Nelson's authorization to trade in real estate under the Act shall be suspended for a period of three (3) months, such suspension commencing on December 15, 2017;
 - d. That Judy Nelson successfully complete the education course unit: *Real Estate Act*, Rules and Regulations, within six (6) months of this decision; and
 - e. That Judy Nelson pay costs in the amount of \$500 for the investigation and proceedings in this matter.

This decision is certified and dated this _24_ day of November, 2017

Robyn Moser, Chair