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# Case Summaries

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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.

## Letters of Reprimand

### Kevin Bradley Doyle,

Real estate associate registered with Elite Ownership Group Ltd. o/a Re/Max Elite

- industry members must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry or brings the industry into disrepute [s.42(g) of the *Real Estate Act Rules*]
- Mr. Doyle engaged in conduct that undermined public confidence in the industry by posting inappropriate and unprofessional content on various social media accounts
- Mr. Doyle's social media accounts advertised his real estate services

Industry professionals must demonstrate professionalism at all times. They must be particularly cautious when using social media. Statements on social media can spread quickly and reach a wide audience. When there is any reference or link to your licence or business, unprofessional statements will undermine public confidence in the industry.

### David Luong,

Real estate associate registered with K W Johnston Real Estate Ltd. o/a Liv Real Estate

- 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 three months 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.

## Letters of Reprimand

### [Merli Rafaela Rojas](#)

Real estate associate registered with 4th Street Holdings Ltd. o/a RE/MAX Real Estate (Central)

- failed to provide competent service [s.41(b) of the *Real Estate Act* Rules]
- misrepresented above ground size by measuring the exterior of the home but failed to include a bump out on the side of the house

Industry professionals must provide competent service. In this case, the industry professional failed to accurately measure the property according to Residential Measurement Standard (RMS) guidelines. The RMS requires real estate professionals to personally measure, or engage a qualified person to measure, all properties they are listing for sale.

# Administrative Penalties

## Nasir Ansari,

### Unauthorized

- acting as a mortgage broker without authorization [s.17(b) of the *Real Estate Act*]
- on July of 2016, Mr. Ansari attempted to arrange financing for a buyer based in Calgary, Alberta, who was purchasing a property in Calgary, Alberta
- Mr. Ansari's activities required authorization to deal in mortgages in Alberta, as a mortgage broker
- \$10,000

Unlicensed persons who provide services that require a licence put consumers at serious risk. Unlicensed persons do not have the required education or errors and omissions insurance, and consumers working with unlicensed persons do not receive protection under the Real Estate Assurance Fund.

## Ralph Bennetsen,

### Real estate broker registered with Realcom Real Estate Corp

- failed to report to Council the Declaration Respecting Absence of Trust Transactions indicating the brokerage had not received or held money in trust in the course of business and fiscal year [section 92 (1) of the *Real Estate Act Rules*]
- the brokerage accounting forms were due March 2, 2018
- RECA sent Mr. Bennetsen multiple email reminders to file the appropriate forms by March 2, 2018
- Mr. Bennetsen filed the required accounting forms on June 12, 2018
- \$1,500

Brokers must take reasonable steps to ensure RECA receives the required brokerage accounting forms within three months from the brokerage fiscal year end. This includes making sure internal and external sources like accountants have been given sufficient time to complete the forms and their schedule allows them to meet the deadline.

## Administrative Penalties

### Timothy Taylor,

Real estate broker registered with SQFT Real Estate Corporation o/a SQFT Real Estate

- failed to file brokerage accounting within three months of the fiscal year end [s. 91(4) of the *Real Estate Act* Rules]
- the brokerage fiscal year end filing was due on March 31, 2018
- RECA sent Mr. Taylor multiple email reminders to file the appropriate forms by March 31, 2018
- Mr. Taylor filed the fiscal year end on April 6, 2018
- \$1,500

### Abosedede Omolara Sophia Onaba,

Real estate broker registered with Dazlyn Realty Corp

- failed to file brokerage accounting within three months of fiscal year end [91(4) of the *Real Estate Act* Rules]
- the brokerage year end was due on March 31, 2018
- RECA sent Mr. Onaba multiple email reminders to file the appropriate forms by March 31, 2018
- Mr. Onaba filed the fiscal year end on June 29, 2018
- 1,500

A brokerage must file its accounting with Council no later than three months after the end of the brokerage's fiscal year. The brokers in these cases filed the forms after the deadline despite RECA sending numerous email reminders.

## Administrative Penalties

### Ich Dan Duong,

Real estate associate registered with IRealty Calgary Inc o/a Re/Max IRealty Innovations

- failed to take reasonable steps to discover relevant facts pertaining to any property for which the buyer is considering making an offer [s.58(i) of the *Real Estate Act* Rules]
- on April 20, 2016 during negotiations the seller's agent informed Mr. Duong verbally and in writing that there had been previous flooding issues with the property and suggested he confirm any remediation with the City of Calgary
- Mr. Duong failed to confirm any remediation of flooding with the city
- before and during the transaction, Mr. Duong failed to take reasonable steps to investigate the information about the previous flooding incidents
- on May 12, 2016 Mr. Duong was made aware of his client's intent to rent the second unit for automotive use
- Mr. Duong failed to take reasonable steps to confirm the land use bylaws allowed for that property to be utilized for automotive use
- \$3,000

Industry professionals must take reasonable steps to find and give clients all relevant information and facts about properties clients are interested in purchasing. In this case, Mr. Duong failed to take reasonable steps to ensure his clients had all the needed information about the flooding and land use compliance to make an informed decision on purchasing or not purchasing the property.

# Suspension

## [Kristine Semrau – Real Estate Licence Suspended](#)

On July 24, 2018, the Real Estate Council of Alberta (RECA) suspended the real estate licence of Kristine Semrau. RECA suspended Ms. Semrau for refusing to cooperate with a person conducting an investigation.

As a result of this suspension, Ms. Semrau may not trade in real estate in Alberta. Her suspension will continue until the executive director is satisfied she has cooperated with the investigation.

Ms. Semrau was most recently registered as a real estate associate broker with Engel & Volkers Calgary.



## Batool Ahmadi - Lifetime Withdrawal from Industry

On July 18, 2018, Batool Ahmadi, previously a real estate associate broker in Edmonton, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Ahmadi was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Ms. Ahmadi:

- made fraudulent representations to buyers to persuade them to give her money that she claimed would be used as a deposit towards purchasing property, and then keep the funds for her own personal use

At the time of Ms. Ahmadi's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Ahmadi's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

## Bobby Bob Jacob - Lifetime Withdrawal from Industry

On July 18, 2018, Bobby Bob Jacob, previously a real estate associate in Calgary, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Jacob was the subject of conduct proceedings under the *Real Estate Act*. The issues under investigation were whether Mr. Jacob:

- was acting for the complainant buyers in a purchase and sale agreement, and failed to disclose that he was the power of attorney for the sellers
- made representation to the buyers that misled them about the state of the property inducing them to purchase the property for a price significantly over its market value

At the time of Mr. Jacob's withdrawal from industry, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Jacob's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

## Alain Saulnier - Lifetime Withdrawal from Industry

On July 18, 2018, Alain Saulnier, previously a real estate associate in the Edmonton area, applied to permanently withdraw from industry membership.

Prior to his application, the Real Estate Council of Alberta (RECA) had notified Mr. Saulnier of its receipt of a complaint concerning his conduct while showing a property to a client, and commenced an investigation into his conduct.

At the time of Mr. Saulnier's withdrawal from industry, the investigation was not complete, and there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Saulnier's application to withdraw, and this results in a voluntary lifetime prohibition from industry membership; conduct proceedings are now discontinued.

## **2017-2018 Council Members**

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### **KRISTA BOLTON**

Appointed from the public

### **BONNY CLARKE, CHAIR-ELECT**

Appointed from non-AREA industry members

### **BOBBI DAWSON**

Appointed from the boards outside of Calgary and Edmonton

### **AMINA DEIAB**

Appointed from the public

### **RAMEY DEMIAN**

Appointed from the industrial, commercial and investment real estate sector

### **BILL KIRK**

Appointed from the Calgary Real Estate Board

### **BRIAN KLINGSPON, CHAIR**

Appointed from the REALTORS® Association of Edmonton

### **PHIL MCDOWELL**

Appointed from the mortgage brokerage sector

### **STAN MILLS**

Appointed from the boards outside of Calgary and Edmonton

### **ROBYN MOSER**

Appointed from residential real estate industry members

### **ROBERT TELFORD**

Appointed from the real estate appraisal sector

### **CHRISTINE ZWOZDESKY, PAST-CHAIR**

Appointed from the property management sector

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### **CONTACT RECA**

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](mailto:info@reca.ca)



202, 1506 11 Avenue SW,  
Calgary, AB T3C 0M9  
Phone (403) 228-2954  
Toll-free 1-888-425-2754  
Fax (403) 228-3065