

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 005290
Process: A Hearing under Part 3 of the *Real Estate Act*
Industry Member: Richard James Horb
Class of License: Real Estate Associate
Registration: Re/Max Real Estate (Edmonton) Ltd. O/A Re/Max Real Estate
Document: NOTICE OF HEARING

TO: Richard Horb

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: Tuesday, November 20, 2018
Time: 9:30 a.m.
Where: via Telephone Conference Call
Hearing Panel: Bill Kirk - Chair, Panel member (Council Member)
Helen Ang - Panel member (Industry Member)
David Hicks - Decision Writer, Panel member (Public Member)

(Alternates: Stan Mills, Terry Brooke, Julia Jones)

Ricki Johnston - Counsel to the Panel

It is alleged that your conduct is deserving of sanction for breaching sections of the Act or Rules. Here are the details:

1. You made representations or carried on conduct that was reckless or intentional and that mislead or deceived persons or was likely to do so; contrary to s. 42(a) of the Real Estate Act Rules:
 - a) You promised your clients that you would not charge them a commission. You also stated you could not change a service agreement to reflect said promise. You made these representations to induce your client to sign a service agreement. You did not honor this promise.

2. You engaged in conduct that was not honest, contrary to s. 41(a) of the Real Estate Act Rules:
 - a) You told a client that you could not refund overpaid commissions as those funds had been garnished by the CRA; this was false.

3. You failed to have an amendment written or signed, contrary to s.43(2)(c) of the Real Estate Act Rules:
 - a) You amended a listing agreement verbally but failed to draft this amendment in writing.

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

After hearing all evidence and argument the Panel will decide whether the Executive Director has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Hearing

You can provide written arguments at the end of the hearing or after the end of the hearing

You must provide these to the **Hearings Administrator and Counsel for the Executive Director** (contact information below) **no later than 15 days after the end of the Hearing.**

Contact the Hearing Administrator if you need more time.

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 ___September 24, 2018___.

(date)

Charles Stevenson, for

Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

Contact Information

Hearings Administrator: Email: hearingsadmin@reca.ca 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: conductadmin@reca.ca 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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