

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008369
Process: Section 39 of the *Real Estate Act*
Industry Member: Donald Stewart Leard
Authorization: Real Estate Associate
Registration: Greater Calgary Real Estate Services Inc.
Document: LETTER OF REPRIMAND

TO: Donald Stewart Leard

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 42 – *Industry members must not:*

(a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so.

Particulars of the contravention(s):

1. In or around April, 2018, you made a representation that is reckless and that misleads or deceives, contrary to section 42(a) of the *Real Estate Act Rules*:
 - a) In April, 2018, you listed the property located at [{"address"}], and created a Feature Sheet.
 - b) In the comments it stated: "Above grade square footage as per RMS standards by Red Dot Services."
 - c) You measured the property yourself. You did not have this property professionally measured by Red Dot Services.
 - d) You had another listing that was measured by Red Dot services and did not pay attention to what comments you were entering. You did not review the comments for accuracy. This was a negligent representation.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You have been an industry member since 2008 and should know the importance of verifying information pertaining to properties you are listing.

Mitigating Factors

- This was not an intentional misrepresentation
- You took responsibility for your actions

Practitioners must ensure they present accurate information. The Executive Director will issue a more severe sanction for further similar instances of this conduct.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand. If you have any questions regarding particulars or the appeal process, please contact:

Name: CS, Professional Conduct Review Officer
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on October 11, 2018.

Charles Stevenson, for
Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

cc: Sandra Rafferty, Broker
Greater Calgary Real Estate Services Inc.