

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008274
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Jinxia Li
Authorization: Real Estate Associate
Registration: Excellence Real Estate Edmonton Ltd
O/A Re/Max Excellence
Document: ADMINISTRATIVE PENALTY
Penalty: \$1500.00

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization under section 38.1 of the Rules [remove if unauthorized].

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: Jinxia Li

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(c)(i)(ii) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

53 A real estate associate broker and associate must:

(c) provide to the broker in a timely manner all original documentation and copies of original documents provided to the parties or maintained by other brokerages:

- (i) Related to a trade in real estate; and*
- (ii) Required under the Act and these Rules*

Particulars of the contravention(s):

1. On March 25, 2018 your brokerage Re/Max Excellence received a deposit for the pending trade. You failed to provide your broker with the transaction documentation in a timely manner contrary to section 53(c)(i)(ii) of the *Real Estate Act Rules*:
 - a) On March 24, 2018 your seller client accepted a purchase contract.
 - b) On March 25, 2018 your brokerage received the deposit cheque for the transaction.
 - c) On March 30, 2018 the buyer chose not to waive the conditions of the purchase contract.
 - d) On April 6, 2018 the buyer's associate called Re/Max Excellence to see if they had a deposit cheque ready for them to return. At that time Re/Max Excellence informed the buyer's associate they had no paperwork on the transaction. Brokerage expectations were you should have provided the transaction documents before this date. This was a failure to provide your brokerage with transaction documentation in a timely manner.
 - e) On April 8, you provided your brokerage with the transaction documentation.

As a real estate associate you must provide all transaction documentation to your broker for trades and potential trades in a timely manner. Brokerage policies, procedures, and expectations define what appropriate time frame is to submit transaction documentation to the brokerage.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- Your actions were contrary to brokerage policy.
- Your broker has spoken to you in the past about similar conduct.

Mitigating Factors

- You have taken responsibility for your actions.

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

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 comply with section 83.1 and must be received by the Executive Director **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: SSC, 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 September 17, 2018.

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

cc: Mr. Ayaz Bhanji, Real Estate Broker
Excellence Real Estate Edmonton Ltd O/A Re/Max Excellence Brokerage