

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008364
Process: Section 39 of the *Real Estate Act*
Industry Member: Nicholas Anthony Lima
Authorization: Real Estate Associate
Registration: South Star Realty Inc. o/a Maxwell South Star Realty
Document: LETTER OF REPRIMAND

TO: Nicholas Anthony Lima

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

Rule 42 – *Industry members must not:*

(g) engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.

Particulars of the contravention(s):

1. In or around June, 2018, you engaged in conduct that undermined public confidence in the industry, harmed the integrity of the industry, or brings the industry into disrepute, contrary to section 42(g) of the *Real Estate Act Rules*.
 - a) On June 2, 2018, you listed the property located at [{"address"}]. The Sellers were GY and JC.
 - b) On July 12, 2018, you sent an email to GY with the purpose of discussing concerns over a buyer viewing the property. That email contained unprofessional phrases and tone. This type of communication to a client falls below the standard of professionalism expected of industry professionals.

Industry professionals must demonstrate good character at all times when dealing with a client. One aspect of good character is professionalism. When faced with a difficult or emotionally charged situation, industry professionals must maintain their

composure and communicate in a professional manner. Please refer to RECA's Good Character Policy found on our website.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need for general deterrence of this conduct. Consumers expect industry professionals to act professionally at all times.

Mitigating Factors

- You have taken responsibility for your 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 15, 2018.

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

cc: Tracy Carson, Broker
Maxwell South Star Realty