

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008327
Process: Section 83 of the *Real Estate Act*
Industry Member: Darwin Bradley Morton
Authorization: Real Estate Appraisal
Registration: NA
Document: ADMINISTRATIVE PENALTY
Penalty: \$2500.00 (see Schedule 2 of the Bylaws)

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*.

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: Darwin Bradley Morton

The Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(c) of the *Real Estate Act***.

17 No person shall

(c) act as a real estate appraiser, or

Unless that person holds the appropriate authorization for that purposed issued by the Council

Particulars of the contravention(s):

1. You acted as a real estate appraiser without authorization which is a contravention of Section 17(c) of the *Real Estate Act*.
 - a) On September 30, 2017 you failed to renew your real estate appraiser licence with RECA.

- b) Between October 1, 2017 and June 25, 2018 while you were unauthorized you continued to act as a real estate appraiser and completed full or partial appraisals in that time period.

Industry professionals have a duty to ensure their authorization is current and up to date. It is your responsibility to ensure that you are authorized to conduct the activities you are licensed for.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need to deter this conduct as the public is at greater risk when dealing with an unauthorized individual, as unlicensed activity has the potential to invalidate errors and omissions insurance.
- You have been a licensed real estate appraiser for over 10 years and you have knowledge of the renewal process having successfully renewed your registration with RECA every year.
- There were multiple instances of unauthorized conduct over several months.

Mitigating Factors

- Once you discovered you weren't licensed, you notified RECA and immediately got licensed.
- 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