

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008408
Process: Section 39 of the *Real Estate Act*
Industry Member: Shawn Patrick Riley
Authorization: Real Estate Associate
Registration: Twin Oaks Real Estate 1993 Inc. o/a Re/Max House of
Real Estate
Document: LETTER OF REPRIMAND

TO: Shawn Patrick Riley

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 43(2)(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

*43(2) Every written service agreement shall
(a) be signed by the relevant parties*

Particulars of the contravention(s):

1. In July 2018, you failed to obtain signatures of both parties with whom you entered into a written service agreement, contrary to section 43(2)(a) of the *Real Estate Act Rules*:
 - a) On July 26, 2018, you listed the property located at [{"address"}]. The sellers were TE & PE.
 - b) TE signed all the documents, but you did not obtain the signatures of PE.
 - c) The property was listed on the MLS system.
 - d) PE found out the house was listed from a neighbor and contacted the brokerage.
 - e) The listing was removed from the MLS system.
 - f) On August 31, 2018, PE's signatures were obtained and the house was re-listed.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage had a policy in place which required associates to obtain signatures from all parties prior to listing a property.

Mitigating Factors

- You took responsibility for your conduct.
- Your brokerage took immediate steps to address the issue.

You must ensure all parties to a transaction sign documents prior to listing a property. 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: David Nicholson, Broker
Re/Max House of Real Estate