

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 007180
Process: A Hearing under Part 3 of the *Real Estate Act*
Industry Member: Steve Sedgwick
Class of License: Real Estate Associate
Registration: Currently registered with Noralta Real Estate Inc. o/a
Royal Lepage Noralta Real Estate
Document: NOTICE OF HEARING

TO: Steve Sedgwick

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: October 22, 23, and 24, 2018
Time: 9:30 a.m.
Location: The Nakiska Room, 2nd Floor
1506 11 Avenue SW, Calgary, Alberta

Hearing Panel: Stan Mills – Chair, Panel Member (Council Member)
Andrew Huntley – Panel Member (Industry Member)
Julia Jones – Decision Writer, Panel Member (Public Member)
(Alternates: Bill Kirk, Angela Kolody, Rita Aggarwala)

Counsel for the Panel: Shanna Hunka

It is alleged that your conduct is deserving of sanction for breaching sections of the *Act* or Rules. Here are the details:

1. Between February and May 2017, you participated in fraudulent or unlawful activities in connection with the provision of services to your clients, EH (also known as EH-L) and TH (also known as FH), contrary to s. 42(b) of the *Real Estate Act Rules*:

- i. You were not honest with your clients, regarding whether they had entered into an Exclusive Buyer Representation Agreement;
- ii. You fraudulently created an Exclusive Buyer Representation Agreement between your brokerage and your clients;
- iii. You were not honest with your broker regarding the Exclusive Buyer Representation Agreement;
- iv. You misled your clients, by providing them with a forged Exclusive Buyer Representation Agreement.
- v. You forged an Exclusive Buyer Representation Agreement to induce your clients, to believe that they were bound by the contract and owed you a commission for purchasing a property under that contract.

2. Between May 2017 and January 2018, you did not fully cooperate with the RECA investigator, contrary to section 42(b) of the *Real Estate Act Rules*:

- vi. You presented a forged Exclusive Buyer Representation Agreement to the investigator claiming that it was an original copy;

- vii. You made a misrepresentation to the investigator that you had obtained a handwriting analysis, but failed to provide a complete copy of the report when asked to do so;
- viii. You provided a false written statement to RECA and continued to be dishonest in your written responses and other communications throughout the investigation.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website:

- *Hearing and Appeal Practice and Procedures Guideline and*
- *Guide for How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal Panel*

Both are found on the RECA Website: RECA>Complaints & Discipline>Hearing Information and Procedures

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen At the Hearing

After hearing all evidence and argument the Panel will decide whether the Executive Director has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Hearing

You can provide written arguments at the end of the hearing or after the end of the hearing

You must provide these to the **Hearings Administrator** and **Counsel for the Executive Director** (contact information below) **no later than 15 days after the end of the Hearing.**

Contact the Hearing Administrator if you need more time.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing.

If you do not have a representative please read *Information for Unrepresented*

Industry Members:

<http://www.reca.ca/industry/content/publications-resources/guides.htm>.

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Executive Director and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on September 17, 2018.

(date)

Charles Stevenson, for

Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

Contact Information

Hearings Administrator: Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9	Lawyer for the Executive Director: Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9
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