

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008473  
Process: Section 39 of the *Real Estate Act*  
Industry Member: David William Franklin  
Authorization: Mortgage Broker  
Registration: CMLS Financial Ltd o/a CMLS Financial  
Document: LETTER OF REPRIMAND

TO: David Franklin

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 32(g) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 32 – *A brokerage must immediately notify the executive director in writing of:*

*(g) a change in the directors, officers or shareholders of a corporation if the brokerage is a corporation.*

Particulars of the contravention(s):

1. In or around February, 2018 you failed to immediately notify the executive director in writing of a change to the directors, contrary to section 32(g) of the *Real Estate Act Rules*:
  - a) On February 28, 2018, CMLS Financial Ltd. Had a change in directors. You were the broker at the time and were responsible for ensuring the brokerage met its notification obligations.
  - b) On August 20, 2018, you notified RECA of the director changes. This was a failure to immediately notify RECA of the change.

The Executive Director considered the following aggravating and mitigating factors:

***Mitigating Factors***

- You took responsibility for your actions

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 November 20, 2018.

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