

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008899  
Process: A Hearing under Part 3 of the *Real Estate Act*  
Industry Member: James Kenneth Knutson  
Class of License: Real Estate Associate  
Registration: Currently not registered, previously registered with  
Devonshire (The Park) Inc. o/a Maxwell Devonshire

Document: NOTICE OF HEARING

TO: James Kenneth Knutson

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

### Hearing Information

Date: May 6<sup>th</sup> and May 7<sup>th</sup>, 2019  
Time: 9:30 a.m.  
Location: The Nakiska Room, 2<sup>nd</sup> Floor  
1506 11 Avenue SW, Calgary, Alberta  
Hearing Panel: Christine Zwozdesky – Chair, Panel Member (Council Member)  
Stan Kushner – Panel Member (Industry Member)  
Julia Jones – Decision Writer, Panel Member (Public Member)  
(Alternates: Bill Kirk, Charlie Ponde, Krista Bolton)

Counsel for the Panel: Anthony Dekens

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

- a) You did not cooperate with the investigator or promptly respond to their questions during an investigation, contrary to section 38(4)(a) of the *Real Estate Act*:
  - i. You did not answer the questions posed to you by the investigator in a Notification of a Professional Conduct Review letter, dated February 4, 2019;
  
- b) You did not act honestly, contrary to section 41(a) of the *Real Estate Act Rules*:
  - i. You declared on your re-registration form submitted to RECA on March 18, 2019, that you intended to abide by the "*Real Estate Act, Real Estate Act Rules*, and laws that apply to a professional authorized to trade in real estate or deal in mortgages" despite your comments and beliefs to the contrary, including that you are not subject to government authorities, courts, federal or provincial laws, or legislation;
  
- c) You engaged in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute, contrary to section 42(g) of the *Real Estate Act Rules*:
  - i. Your "abusive conduct" before the Alberta courts convinced them, on their own motion and at the direction of the Chief Justice, to investigate whether you should be subject to Court restrictions prohibiting you from initiating or continuing any actions in Alberta Courts;

- ii. Upon review of your history before the Court, you were declared to be a “vexatious litigant” by the Alberta Court of Queen’s Bench on December 12, 2018;
- iii. The Alberta Court of Queen’s Bench determined that you should be subject to broad, enhanced, and stringent court access restrictions because you are an “abusive litigant” and rely on “litigation misconduct”;
- iv. You have showed disregard for the authority of the Courts and the laws of Alberta and Canada and have made comments that are both anti-government and anti-institutional;
- v. You provided in your response to RECA typical Organized Pseudolegal Commercial Arguments, which have been recognized by the Courts in Alberta and elsewhere to include concepts and strategies that seek to evade or disrupt due legal process;
- vi. You do not recognize the authority of RECA;
- vii. You are ungovernable by RECA.

### **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 April 4, 2019.

*Charles Stevenson for*

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

## Contact Information

<p>Hearings Administrator: Email: <a href="mailto:hearingsadmin@reca.ca">hearingsadmin@reca.ca</a> 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</p>	<p>Lawyer for the Executive Director: Email: <a href="mailto:conductadmin@reca.ca">conductadmin@reca.ca</a> 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</p>
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