



SPECIAL MEETING OF THE REAL ESTATE COUNCIL OF ALBERTA

7:00 pm, Wednesday, June 6, 2018
Teleconference

MINUTES

In Attendance: Brian Klingspon, Chair
Krista Bolton
Bonny Clarke, Chair Elect
Bobbi Dawson
Phil McDowell
Bob Myroniuk, RECA Executive Director
Rob Telford
Christine Zwozdesky, Past Chair

Guests: [Redacted]

Absent: Amina Deiab
Ramey Demian
Bill Kirk
Stan Mills
Robyn Moser

Recording Secretary: [Redacted]

1. **Call to Order**
The Chair, called the meeting to order at 7:02 pm.

2. **In-Camera**
Council went in-camera [Redacted]

[Redacted]

MOTION: Council approves the resolution below:

WHEREAS Robyn Moser is a member of Council and has been made aware through a letter dated May 25, 2018, signed by the

Chair of the Council that, while a member of Council, she has contravened certain provisions of Section 9(1) of the Real Estate Act (Alberta) (the "Act");

AND WHEREAS the Act provides, among other things, that a member of Council who contravenes Section 9(1) shall resign immediately on becoming aware of the contravention;

AND WHEREAS Ms. Moser has advised Council in a letter dated May 30, 2018 that she does not believe she has contravened the Act and has declined to resign;

AND WHEREAS the Act provides that the proper forum for addressing contraventions of the Act is the Court of Queen's Bench (the "Court"), a forum that will ensure the procedural fairness;

AND WHEREAS the confidentiality of this matter is important until such time as the application referred to above is filed with the Court;

AND WHEREAS Council must be able to proceed with its business even while this matter proceeds;

NOW THEREFORE BE IT RESOLVED THAT:

The foregoing recitals shall form a part of this resolution;

Council will apply by originating application to a judge of the Court for an order declaring Ms. Moser to be disqualified from membership on the Council, pursuant to subsection 9(4)(b) of the Act;

Hansell LLP, as RECA's special external counsel, is instructed to prepare and send to Ms. Moser a letter reminding Ms. Moser of her fiduciary duty to RECA, including her duty of confidentiality;

The Council hereby establishes a policy pursuant to section 18 of the Real Estate Act Bylaws providing that members of Council shall not discuss the business or affairs of Council with each other between meetings of Council (or meetings of Council committees with respect to committee matters), and that members of Council, other than the Chair of Council (or chair of the committee as applicable), will refrain from any direct communication with RECA staff outside of Council meetings, excepting only communications for strictly administrative purposes;

Subject to ratification at a meeting of Council at which at least 8 members are present, Council hereby amends its bylaws to provide at section 36(4) that if Council has resolved to apply to the Court for an order declaring a member of Council to be disqualified from membership on Council, that member shall not be eligible for appointment to hearing or appeal panel.

Christine Zwozdesky / Carried

Counsel from [REDACTED] addressed questions and concerns of Council members relating to procedural aspects of the resolution.

3. Adjournment

The meeting adjourned at 7:13 pm.

4. Next Meeting(s)

- **July 18, 2018 (9:30 am) Regular Council Meeting**

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OF THE REAL ESTATE
COUNCIL OF
ALBERTA

Minutes of Meeting

June 6, 2018

Approved at Calgary, Alberta on July 18, 2018

Brian Klingspon, Chair

Bonny Clarke, Chair-Elect