

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008675
Process: Section 83 of the *Real Estate Act*
Industry Member: William Thorburn
Authorization: Not licensed
Document: ADMINISTRATIVE PENALTY
Penalty: \$10,000.00

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act*.

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: William Thorburn

The Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(a) of the *Real Estate Act***.

Section 17 - Authorization Required

17 No person shall

(a) trade in real estate as a real estate broker,

(b) deal as a mortgage broker,

(c) act as a real estate appraiser, or

(d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser

unless that person holds the appropriate authorization for that purpose issued by the Council.

Particulars of the contravention(s):

1. In or around April 2018 thru April 2019, you held funds in trust for Condo Corporation [{"Company"}] contrary to section 17(a) of the *Real Estate Act*:
 - a) On Sept 30, 2017, you and your real estate brokerage [{"Company1"}] ceased to be authorized.
 - b) From at least November 2017 thru April 2019, your brokerage held funds in trust on behalf of Condo Corporation [{"Company"}]. This activity required a licence and was in contravention of section 17(a) of the *Real Estate Act*.
 - c) Around April 8, 2019 you transferred funds held in trust back to the Condo Corporation.
 - d) You have failed to cooperate with the investigation.

Aggravating Factors

- You were licensed for at least 20 years and ought to have known your actions were in contravention of the *Real Estate Act*.
- You have failed to respond to RECA's requests for information on multiple occasions.
- The funds held in trust involved a substantial amount of money.
- Unlicensed persons who provide services that require a licence put consumers at serious risk. Often times they do not have the required RECA education or proper errors and omissions insurance. Consumers working with unlicensed persons do not get protection under the Real Estate Assurance Fund.

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

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 comply with section 83.1 and must be received by the Executive Director **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: AB, Professional Conduct Review Officer
Phone: 403.685.7940; 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 May 15, 2019.

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