

January 14, 2020
February 10, 2020

Case Summaries

Letters of Reprimand

Administrative Penalties

Lifetime Withdrawals

Case Summaries

Welcome to the Case Summaries monthly magazine.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

Letters of Reprimand

Click on names to view the full decision

[Michael Francis Barrett Nesbitt](#),

Mortgage broker registered with Montrose Mortgage Corporation Ltd.

- a brokerage must immediately notify the executive director in writing of a change in the address of the brokerage's registered business office [s.32(d) of the *Real Estate Act Rules*]
- on January 1, 2019, Montrose Mortgage Corporation Ltd. changed their registered address of their affiliated Alberta office
- RECA was notified September 20, 2019

[Scott Thomas Taylor](#),

Real estate broker registered with Quadreal Property Group Limited Partnership o/a Quadreal Property Group

- a brokerage must immediately notify the executive director in writing of a change in the address of the brokerage's registered business office [s.32(d) of the *Real Estate Act Rules*]
- on May 31, 2019, Quadreal Property Group changed their registered address of their affiliated Alberta office
- RECA was notified on September 23, 2019

[Marc Lloyd Prefontaine](#),

Mortgage broker registered with KV Real Estate Finance Inc. o/a KV Real Estate Finance

- a brokerage must immediately notify the executive director in writing of a change in the address of the brokerage's registered business office [s.32(d) of the *Real Estate Act Rules*]
- on July 22, 2019, KV Real Estate Finance changed their registered address of their affiliated Alberta office
- RECA was notified on September 23, 2019

[Aleem Amin Virani](#),

Mortgage broker registered with KV Capital Inc.

- a brokerage must immediately notify the executive director in writing of a change in the address of the brokerage's registered business office [s.32(d) of the *Real Estate Act Rules*]
- on July 22, 2019, KV Capital Inc. changed their registered address of their affiliated Alberta office
- RECA was notified on September 23, 2019

Letters of Reprimand

[John Mark Tiberio,](#)

Real estate broker registered with Morbank Properties Inc.

- a brokerage must immediately notify the executive director in writing of a change in the address of the brokerage's registered business office [s.32(d) of the *Real Estate Act Rules*]
- on September 2, 2019, Morbank Properties Inc. changed their registered address of their affiliated Alberta office
- RECA was notified on September 29, 2019

[Russel Roy Robideau,](#)

Real estate broker registered with The Professional Group Inc. o/a Professional Realty Group

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation [s.32(g) of the *Real Estate Act Rules*]
- on July 18, 2019, Professional Realty Group added two new board directors to their brokerage
- RECA was notified on August 23, 2019

[Doug Michael Mereska,](#)

Real estate broker registered with Avison Young Lethbridge (2016) Inc.

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation [s.32(g) of the *Real Estate Act Rules*]
- on February 26, 2019, Avison Young Lethbridge (2016) Inc. changed their corporate structure
- on March 31, 2019, Avison Young Lethbridge (2016) Inc. changed their corporate structure
- Mr. Mereska was the broker at the time
- RECA was notified on September 16 and 19, 2019

Letters of Reprimand

Ramona Carmen Meixner,

Real estate broker registered with Remington Development Corporation

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation [s.32(g) of the *Real Estate Act Rules*]
- on March 15, 2019, Remington Development Corporation changed their corporate structure
- Mr. Meixner was the broker at the time
- RECA was notified on September 24, 2019

Thomas Paul Harder,

Mortgage broker registered with GMI Servicing Inc.

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation [s.32(g) of the *Real Estate Act Rules*]
- on November 1, 2018, GMI Servicing Inc. changed their corporate structure
- on August 14, 2019, GMI Servicing Inc. changed their corporate structure
- Mr. Harder was the broker at the time
- RECA was notified on September 13, 17, and 25, 2019

Brokerages must immediately notify the executive director, in writing, when certain events occur. RECA defines immediately as “without delay,” and in the absence of extraordinary circumstances, written notification to the executive director should occur not more than five (5) days after the event in question. In these cases, the brokerages waited several months to years before notifying RECA.

[Information Bulletin: Responsibilities and Prohibitions – Mortgage Brokerage](#)

[Information Bulletin: Responsibilities and Prohibitions – Real Estate Brokerage](#)

Letters of Reprimand

Umair Lasi

Real estate associate registered with Canadian Independent Realty Ltd. o/a CIR Realty

- industry members must ensure the role of the industry member is clearly understood by their clients and third parties [s.41(e) of the *Real Estate Act* Rules]
- on June 6, 2019, a potential buyer contacted Mr. Lasi regarding one of his listings
- Mr. Lasi was representing the seller
- Mr. Lasi advised the buyer that he was representing the seller
- the buyer acknowledged that Mr. Lasi was representing the seller
- Mr. Lasi assisted the buyer with completing paperwork to submit an offer
- Mr. Lasi did not make it clear to the buyer about what his role would be and what services he would be providing to the buyer in the transaction
- Mr. Lasi's broker took a lead role in identifying the issues and discussing them with Mr. Lasi

It is the responsibility of industry professionals to ensure their role is clear to clients and customers at all times. Real estate professionals must ensure consumers are making informed choices about the type of relationship they wish to have with a real estate brokerage, and that they understand the implications of the options available to them.

Information Bulletin: Ensure Role is Understood

Letters of Reprimand

Darlene Ann Strang,

Real estate associate registered with Re/Max Real Estate (Edmonton) Ltd. o/a Re/Max Real Estate

- an industry member must only assign to support personnel or assistants, tasks they are competent to perform, and must ensure they are properly trained and supervised [s.46(1) of the *Real Estate Act* Rules]
- on September 13, 2018, Ms. Strang's seller client provided a property tax amount for their property of \$3,891 via email to Mr. Strang's assistant
- the seller did not provide any supporting documents
- the tax amount was pre-populated on the listing, and was provided by the city
- Ms. Strang's assistant changed the amount to a lower amount of \$3,891 provided by the seller
- Ms. Strang's assistant stated that their standard practice is to manually enter the tax amount because it does not include extra features such as parking stalls or storage units
- this could explain replacing the pre-populated amount with a higher amount; however, it does not explain lowering the tax amount
- additional steps should have been taken to either notify Ms. Strang or confirm the tax amount
- the actual tax amount was \$5,255.85

Industry professionals are ultimately responsible for the activities of any unlicensed assistants, ensuring competence and proper training. Unlicensed assistants cannot place or modify advertisements without the approval of the industry professional. Unlicensed assistants may prepare advertisements and other promotional material, but only under the industry professional's supervision, and for the industry professional's approval.

[Information Bulletin: Assistants – Mortgage Brokerage](#)

[Information Bulletin: Assistants – Real Estate Brokerage](#)

Administrative Penalties

Sheena Marie Millard,

Real estate associate registered with 1426300 Alberta Ltd. o/a Maxwell Progressive

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on June 28, 2019, Ms. Millard scheduled a showing for her buyer clients to view a property
- Ms. Millard attended the property with her clients
- Ms. Millard left the property while her clients were still viewing it
- the clients were left in the property unattended
- Ms. Millard left the keys with her clients and asked them to lock the door when they left
- \$1,500

Real estate professionals must take steps to ensure they are supervising clients or potential clients in a property. Real estate professionals must also ensure that the property is secure when they are leaving. Leaving anyone in a property unattended requires permission from the seller or seller's agent. In this case, Ms. Millard failed to exercise reasonable care and skill when in the care and control of a property.

Information Bulletin: Competent Service

Administrative Penalties

Kevin Cooc Chau.

Real estate associate registered with Mountain View Real Estate Inc. o/a Re/Max Real Estate (Mountain View)

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- Mr. Chau was representing buyers that purchased a property
- Mr. Chau's buyer clients were scheduled to take possession on July 10, 2019
- on July 8, 2019, Mr. Chau requested a walkthrough for 10 AM on July 10, 2019
- the seller's agent did not give permission for the walkthrough
- on July 10, 2019, at 9:55 a.m., the seller's representative sent Mr. Chau a text message regarding the keys
- no authorization to access the property was given
- on July 10, 2019, around 10 a.m., Mr. Chau accessed the lockbox and entered the property with his buyer clients
- at no time did Mr. Chau receive permission to access the property prior to possession
- \$1,500

Real estate professionals must ensure they have permission to enter any property before doing so. It is best practice to discuss a buyer client's wishes in regards to a walkthrough before making an offer. If it's something the clients would like to do, include the walkthrough as a term in the Offer to Purchase.

Information Bulletin: Competent Service

Administrative Penalties

[Shane Derek Olin](#),

Real estate broker registered with Blackstone Commercial Calgary Ltd. o/a Blackstone Commercial

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers, or shareholders of a corporation [s.32(g) of the *Real Estate Act* Rules]
- around December 31, 2016, Blackstone Commercial made a change to their shareholder structure
- RECA was notified on August 20, 2019
- on March 7, 2019, Blackstone Commercial made a change to their board of directors
- on March 12, 2019, Blackstone Commercial made a change to their shareholder structure
- on March 15, 2019, Blackstone Commercial made a change to their shareholder structure
- RECA was notified on August 12, 2019
- \$1,500

Section 32 of the *Real Estate Act* Rules requires brokerages to immediately notify the executive director, in writing, when certain events occur. RECA defines immediately as “without delay,” and in the absence of extraordinary circumstances, written notification to the executive director should occur not more than five days after the event in question. In this case, the brokerage waited several years to notify RECA when multiple changes occurred.

[Information Bulletin: Responsibilities and Prohibitions – Mortgage Brokerage](#)

[Information Bulletin: Responsibilities and Prohibitions – Real Estate Brokerage](#)

Administrative Penalties

Michael Robert Holmes,

Real estate broker registered with Larlyn Property Management Ltd.

- every written service agreement shall provide that any amendment or addition to the terms of the agreement shall be in writing and signed by the relevant parties [s.43(2)(c) of the *Real Estate Act* Rules]
- in November, 2001, Larlyn Property Management took over the service agreement from another property management company for the account of a condominium corporation
- Mr. Holmes entered a Management Agreement that gave him authority to hold funds in trust on behalf of the condominium corporation, a regulated activity
- the Management Agreement also specified under what circumstances disbursements could be made from the trust funds
- Mr. Holmes failed to create an amendment to the Management Agreement giving his brokerage the authority to make disbursements from the trust account related to these additional services
- \$1,000

Written service agreements must have all relevant signatures on the agreement and have all amendments documented and signed. In this case, the industry professional should have never disbursed money from the trust account for services that were not agreed to, in writing.

Information Bulletin: Service Agreements – Real Estate Brokerage

Administrative Penalties

[Michael Robert Holmes](#),

Real estate broker registered with Larlyn Property Management Ltd.

- a real estate broker must ensure there is an adequate level of supervision for associate brokers or associates, as the case may be, within the brokerage and employees who perform duties on behalf of the brokerage [s.51(1)(e) of the *Real Estate Act Rules*]
- a witness stated they had been employed with Larlyn Property Management for 19 years
- part of their job description was to collect condo fees and rents on behalf of a condominium corporation client, and deposit them in a trust account, a regulated activity
- the employee stated that when Larlyn takes over a new account they usually receive the unit factor numbers from the developer or the previous management company, and that condos with the same unit factor should be charged the same condo fee
- the employee stated that when Larlyn took over the condominium corporation account the unit factors they received were different
- this caused the condo fees collected to be different even though the unit factors should have been the same
- the employee failed to notice the difference and correct them, which would have resulted in collecting accurate condo fees for each unit
- Mr. Holmes failed to monitor the employee's work to ensure accuracy and related to duties affecting condo fees being collected
- \$1,500

Real estate brokers must provide proper supervision to the brokerage's licensees and employees. In this case, Mr. Holmes failed to oversee his employee that was handling fees and rents and depositing money in a trust account on behalf of a condominium corporation client. This led to the wrong fees being collected by the employee.

[Information Bulletin: Brokers – Active in Brokerage Management](#)

Lifetime Withdrawals

[Karen Lynn Blain: Lifetime Withdrawal from Industry](#)

On January 22, 2020, Karen Lynn Blain, previously a real estate associate in Calgary, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Blain was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Ms. Blain:

- contravened the *Real Estate Act* Rules by participating in fraudulent or unlawful activities in connection with the provision of services or dealings
- failed to notify the executive director of the discipline rendered against her by her trade association

At the time of Ms. Blain's withdrawal from industry, the investigation was not complete and therefore there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Blain's application to withdraw, which results in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued.

Lifetime Withdrawals

Barry Coggins: Lifetime Withdrawal from Industry

On January 22, 2020, Barry Coggins, previously a real estate broker in Linden, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Coggins was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Mr. Coggins:

- failed to fulfil fiduciary obligations and make full disclosure of conflicts of interest to clients
- failed to offer a transaction brokerage agreement where required
- failed to exercise reasonable care and skill in the performance of the exclusive listing contract
- traded in real estate without proper authorization

At the time of Mr. Coggins' withdrawal from industry, the investigation was not complete and therefore there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Coggins application to withdraw, which results in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued.

Lifetime Withdrawals

[Christine Joy Coggins: Lifetime Withdrawal from Industry](#)

On January 22, 2020, Christine Joy Coggins, previously a real estate broker in Linden, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Coggins was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Ms. Coggins:

- had knowledge of the misconduct of real estate associates under her supervision, and failed to take any steps to correct the misconduct or reduce resulting harm
- failed to offer a transaction brokerage agreement where required
- failed to provide proper disclosure to clients
- failed to provide brokerage personnel with written policies regarding personal trades in real estate

At the time of Ms. Coggins' withdrawal from industry, the investigation was not complete and therefore there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Coggins application to withdraw, resulting in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued.

Lifetime Withdrawals

[Trevor William Fenn: Lifetime Withdrawal from Industry](#)

On January 22, 2020, Trevor William Fenn, previously a real estate and mortgage associate in Calgary, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Fenn was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Mr. Fenn:

- participated in fraudulent or unlawful activities in connection with the provision of services or dealings
- used confidential information obtained from other person(s) for personal gain
- made representations or carried on conduct that was reckless or intentional and that misled or deceived any person or was likely to do so
- engaged in conduct that undermined public confidence in the industry, harmed the integrity of the industry, or brought the industry into disrepute
- failed to fulfil his fiduciary obligations to his clients

At the time of Mr. Fenn's withdrawal from industry, the investigation was not complete and therefore there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Fenn's application to withdraw, resulting in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued.

Lifetime Withdrawals

Jay Harder: Lifetime Withdrawal from Industry

On January 22, 2020, Jay Harder, formerly a real estate associate in Calgary, applied to permanently withdraw from industry membership.

At the time of his application, Mr. Harder was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Mr. Harder:

- failed to fulfil fiduciary obligations and make full disclosure of conflicts of interest to clients
- failed to offer a transaction brokerage agreement where required

At the time of Mr. Harder's withdrawal from industry, the investigation was complete, and RECA was ready to proceed with the matter. However, there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Mr. Harder's application to withdraw, resulting in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued

Lifetime Withdrawals

Balbir Kaur Kainth: Lifetime Withdrawal from Industry

On January 22, 2020, Balbir Kaur Kainth, previously a real estate associate in Calgary, applied to permanently withdraw from industry membership.

At the time of her application, Ms. Kainth was the subject of an investigation under the *Real Estate Act*. The issues under investigation were whether Ms. Kainth:

- received trust funds into her personal account without a service agreement setting out the terms upon which the funds were to be received, held, and disbursed
- provided services in which she had a conflict of interest without receiving written and informed consent of the party
- provided an inducement without approval of the brokerage

At the time of Ms. Kainth's withdrawal from industry, the investigation was not complete and therefore there had been no disciplinary hearing, admissions, or findings of fact.

The Real Estate Council of Alberta approved Ms. Kainth's application to withdraw, resulting in a voluntary lifetime prohibition from industry membership. Conduct proceedings are now discontinued.

RECA Management

JOSEPH FERNANDEZ
Director of Education Programs

WARREN MARTINSON
Director of Corporate Services

STACY PAQUIN
General Counsel & Corporate Secretary

CHARLES STEVENSON
Registrar
(Acting Executive Director)

VACANT
Director of Strategic Initiatives & External
Relations

CONTACT RECA

The Case Summaries is published by the
Real Estate Council of Alberta.

Please forward any questions regarding
the content of the Case Summaries, or any
questions regarding licensing or mandatory
education, to info@reca.ca

202, 1506 11 Avenue SW,
Calgary, AB T3C 0M9
Phone (403) 228-2954
Toll-free 1-888-425-2754
Fax (403) 228-3065
www.reca.ca