

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 009868  
Process: Section 39 & 83 of the *Real Estate Act*  
Industry Member: Harmony Elizabeth Lamoureux  
Authorization: Real Estate Associate  
Registration: Royal LePage Rocky Mountain Realty  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,500.00

### 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* and may suspend your authorization under section 38.1 of the Rules.

### 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: Harmony Elizabeth Lamoureux**

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 53 – *A real estate associate broker and associate must:*

*(a) trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered*

### Particulars of the contravention(s):

1. In and around December 2019, you failed to advertise in the name of the brokerage you were registered with contrary to section 53(a) of the *Real Estate Act Rules*:

- a) September 27, 2019, you transferred to a new registered brokerage. You failed to update your advertising to accurately reflect the name of your registered brokerage. Your conduct was in contravention to section 53(a) of the *Real Estate Act* Rules.
- b) In and around December 2019, you had several advertisements which did not display the name of your registered brokerage.
- c) You have contacted your third party providers to ensure the brokerage name has been changed to reflect your current registered brokerage.

Industry professionals must ensure their advertising clearly displays the name appearing on their licence and the brokerage they are registered with. If an industry professional is unsure about whether their advertising is compliant with the legislation, they should seek direction from their broker.

The Executive Director considered the following aggravating and mitigating factors:

### ***Aggravating Factors***

- There is a general need to deter this type of advertising in the industry. The public must be able to identify an industry professional's name and brokerage so the public can verify that who they are dealing with is licensed.

### **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: 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 March 4, 2020.

*Charles Stevenson for*  
Warren Martinson, Acting Executive Director  
of the Real Estate Council of Alberta