

May 26, 2020

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Case Summaries

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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

[Pearl Audrey Reiling](#),

Mortgage broker registered with 589553 Alberta Ltd o/a Capital Mortgage Centre

- brokerages 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 March 2, 2020, Capital Mortgage Centre changed their registered brokerage address
- RECA was notified on May 5, 2020

Learning Opportunity

Brokerages must immediately notify the executive director, in writing, when certain events occur (change of brokerage address, change of directors, stakeholders, shareholders, etc.). 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 this case, the brokerage waited several months before notifying RECA. Brokerages can notify RECA of business address changes electronically.

Letters of Reprimand

[Trenton Joseph Pittner](#)

Real estate associate registered with 29576 Alberta Ltd. o/a Legacy Real Estate Services

- real estate associate brokers and associates must trade in real estate only in the name that appears on that individual's license and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act Rules*]
- on January 4, 2020, Mr. Pittner advertised a brokerage incentive on his Facebook page
- Mr. Pittner's team "Trenton Pittner Group" branding was prominently displayed
- the Facebook page did not clearly indicate Mr. Pittner's brokerage
- the brokerage name was only indicated on the "About" page

Learning Opportunity

Industry professionals must clearly indicate their brokerage name in all advertising. A brokerage name is "clearly indicated" when a reasonable consumer, under normal circumstances, can clearly distinguish the name of a brokerage in an advertisement. A reasonable consumer should be able to identify the brokerage based on the advertisement alone. In this case, the industry professional did not display their brokerage name in their advertisements.

[Advertising Guidelines](#)

Administrative Penalties

Taylor Matthew Bonogofski

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

- industry members must not engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute [s.42(g) of the *Real Estate Act* Rules]
- Mr. Bonogofski was part of a real estate professionals Facebook group
- on March 13, 2020, someone posted suggestions to reduce consumers need to touch surfaces of a property during showings
- Mr. Bonogofski responded to these suggestions with an inappropriate and unprofessional comment, suggesting he was not going to respect the COVID-19 concerns of his clients and customers
- Mr. Bonogofski was encouraged to delete the comment by another member of the group, but refused to do so
- Mr. Bonogofski's posted reply remained until April 13, 2020 when RECA and Mr. Bonogofski's brokerage became aware
- Mr. Bonogofski has appealed the administrative penalty

Learning Opportunity

Industry professionals should avoid making statements that harm the integrity of the industry, and when such comments are pointed out by colleagues, industry professionals should take action to remove such posts immediately.

Industry professionals must treat all consumers and industry professionals with civility, respect, and professional courtesy at all times. They must always maintain their composure and communicate in a professional manner. In this case, the industry professional should have removed the comment when it was brought to their attention.

[Information Bulletin: Good Character – Professional Conduct Review](#)

Administrative Penalties

[Ray Glenn Cavin](#)

Real estate broker registered with 1214002 Alberta Ltd. o/a Coldwell Banker Vision Realty

- industry members must provide competent service [s.41(b) of the *Real Estate Act Rules*]
- in April 2017, Mr. Cavin represented a property as having an above ground measurement of 1,332 sq. ft.
- Mr. Cavin attempted to measure the property according to Residential Measurement Standard (RMS) guidelines
- Mr. Cavin failed to accurately calculate the measurements of the property
- the measurements calculated understated the above grade size
- the actual above grade size was 1,460 sq. ft
- \$1,500

Learning Opportunity

As licensed professionals, industry professionals are expected to be competent in their services, including ensuring their RMS calculations are correct.

[Guide to Residential Measurement Standard in Alberta](#)

[Information Bulletin: Residential Measurement Standard](#)

[Information Bulletin: Residential Measurement Standard – Documentation](#)

Administrative Penalties

[Colin Matthew Clowater](#)

Real estate associate registered at the time with Elite Ownership Group Ltd. o/a Re/Max Elite. Currently registered with Re/Max Real Estate (Edmonton) Ltd. o/a Re/Max Real Estate

- industry members must provide competent service [s.41(b) of the *Real Estate Act Rules*]
- in October 2017, Mr. Clowater represented a buyer client
- the buyer included a property inspection condition in the offer to purchase
- Mr. Clowater provided their client with three property inspector names
- the client indicated their preference and requested that Mr. Clowater make an appointment with one of the property inspection companies
- on October 17, 2017, Mr. Clowater arranged for the property inspection
- the home inspector that completed the inspection was not licensed by Service Alberta
- Mr. Clowater failed to verify that the property inspector was licensed to perform the inspection
- the buyer waived their conditions based on the property inspection report
- \$3,000

[Learning Opportunity](#)

Industry professionals must provide competent service. In this case, the industry professional failed to exercise reasonable care and skill by providing the name of an unlicensed home inspector. The industry professional should have verified that the property inspector completing an inspection had been licensed by Service Alberta before allowing their client to waive conditions.

[Information Bulletin: Competent Service](#)

Administrative Penalties

Gagandeep Singh Jagdey

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

- industry members who establishes a client relationship when trading in residential real estate, property management, or when dealing in mortgages must enter into a written service agreement with that prospective client [s.43(1) of the *Real Estate Act* Rules]
- Mr. Jagdey established a client relationship with consumers
- Mr. Jagdey failed to sign a written service agreement with the consumers indicating the client relationship
- on May 6, 2019, Mr. Jagdey prepared and submitted an offer to purchase for the consumers
- on May 13, 2019, Mr. Jagdey prepared a written service agreement for the transaction with the consumers after already providing services for the clients
- \$1,000

Learning Opportunity

Industry professionals trading in residential real estate and property management who wish to enter into a client relationship, must do so in writing at the outset of the relationship. Industry professionals cannot retroactively create a written service agreement after already providing clients with services. A written service agreement outlines the roles and responsibilities of the parties, clarifies the expectations of each party, and helps to ensure the client understands their relationship with the industry professional. Clarity of roles, responsibilities, and expectations is essential to consumer trust and confidence.

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

Administrative Penalties

[Rodney Frank Thompson,](#)

Real estate broker registered with Edmonton Home Group Inc. o/a Sellerinvite.Com (Edmonton)

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

[Kajatheeph \(Kajan\) Murugesu Parameshwaranathan,](#)

Real estate associate registered with Sterling Realty (Alberta) Ltd. o/a Sterling Real Estate

- failure to immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]
- \$1,000

Learning Opportunity

Industry professionals must immediately notify, in writing, the executive director when certain events occur (name change, discipline, criminal proceedings, bankruptcy, etc.). In these cases, the industry professional had a situation requiring notification occur months before they notified the executive director. Immediately is defined 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.

[Information Bulletin: Notice to Executive Director – Real Estate and Mortgage Broker Professionals](#)

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