THE REAL ESTATE COUNCIL OF ALBERTA

Case:	009835
Process:	Section 39 & 83 of the *Real Estate Act*
Industry Member:	Zhigang Zhang
Authorization:	Real Estate Associate
Registration:	SkyRock Realty & Management Ltd. O/A Sky
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: Zhigang Zhang

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(1)(b) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 54(1) – *A real estate broker, associate broker or associate, as the case may be, must not:*

(b) promise to pay or pay a commission, referral fee or other remuneration, directly or indirectly, to any person resulting from or in connection with a trade in real estate except through the brokerage with which he is registered.

Particulars of the contravention(s):

1. In or around February 2019, you promised to pay a referral fee that was not through your brokerage contrary to section 54(1)(b) of the *Real Estate Act* Rules:
    a) February 2, 2019, you sent a text to your Buyer client stating you would pay her $500.00 as a referral bonus if she sent you clients.
    b) You paid her $500.00 twice, for two different client referrals. This was not paid through your brokerage and your brokerage was unaware of the arrangement.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You paid a referral fee that did not go through your brokerage multiple times.

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 June 12, 2020.

Charles Stevenson for
Joseph Fernandez, Acting Executive Director
of the Real Estate Council of Alberta

cc TG, Real Estate Broker
[("the Brokerage")]