


August 11, 2020  
October 21, 2020

# Case Summaries



Letters of Reprimand  
Administrative Penalties  
Hearing Panel Decision  
Suspension

# Case Summaries

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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

## Jeeban Bahadur Katuwal

Real estate associate registered with Grand Realty & Management o/a Grand Realty

- industry members must provide competent service [s.41(b) of the *Real Estate Act Rules*]
- on June 15, 2020, Mr. Katuwal brought his buyer client to view a property
- the property showing was booked through an online application with a confirmed viewing scheduled for 4:35 p.m.
- the buyer client requested to view the property at 3:38 p.m.
- Mr. Katuwal made attempts to contact the listing agent to seek permission to access the property earlier as per the buyer client's request
- Mr. Katuwal believed the property was vacant according to the Feature Sheet
- Mr. Katuwal decided to give the buyer client access to the property prior to the confirmed time
- Mr. Katuwal entered the property while the seller was at home and not expecting a showing at this time

### **Learning Opportunity**

Industry professionals must provide competent and the best possible service to clients. In this case, the industry professional should have not entered the property prior to the confirmed viewing without confirmation from the seller. It does not matter that he believed the home to be vacant. Even if it was vacant, he and his clients entered someone's property without their permission.

[Information Bulletin: Access to Property](#)

# Letters of Reprimand

## Thomas Knoepfel

Real estate broker registered with The Cadillac Fairview Corporation Limited

- a brokerage must immediately notify the executive director in writing of a change in the directors, officers or shareholders of a corporation if the brokerage is a corporation [s.32(g) of the *Real Estate Act* Rules]
- on October 28, 2019, The Cadillac Fairview changed its corporate structure
- on November 8, 2019, The Cadillac Fairview changed its corporate structure
- on March 15, 2020, The Cadillac Fairview changed its corporate structure
- RECA was notified of these changes on September 16, 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.

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

# Letters of Reprimand

[Vijay Malhotra](#),

Real estate associate registered with Signature Realty Inc. o/a Century 21 Signature Realty

- an industry member must immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]

## Learning Opportunity

Industry professionals must immediately notify, in writing, the executive director when certain events occur (name change, discipline, criminal proceedings, bankruptcy, etc.). In this case, 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 (5) days after the event in question.

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

# Letters of Reprimand

## [Russell James Viala](#),

Real estate associate registered at the time with Asset West Property Management Ltd.  
Currently registered with Firstservice Residential Alberta Ltd.

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on December 18, 2018, Mr. Viala acted as the property manager in a Residential Property Management Agreement between Asset West Property Management Ltd. and a client for a property
- the client requested that Mr. Viala place a term in a Lease Renewal which required tenants to pay for minor repairs
- on March 25, 2019, Mr. Viala entered a Lease Renewal for tenants
- Mr. Viala failed to add the term in the Lease Renewal as requested by his client

## Learning Opportunity

Industry professionals must provide competent and the best possible service to clients. In this case, the industry professional should have verified the terms in the lease renewal, and ensured it included their client's requests.

[Information Bulletin: Competent Service](#)

# Letters of Reprimand

## [Beatrix Smolejova](#)

Real estate associate registered with Premiere Realty Ltd o/a Premiere Realty Direct

- a real estate associate broker and associate must trade in real estate only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act Rules*]
- in January 2020, Ms. Smolejova's website, clearly indicated her brokerage name but only included part of her name
- Ms. Smolejova failed to clearly indicate her full name on her website as it appears on her licence

## [James Eugene Sparrow](#)

Real Estate Associate registered with Solution One Real Estate Ltd. o/a Royal LePage Solutions

- a real estate associate broker and associate must trade in real estate only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act Rules*]
- in January 2020, Mr. Sparrow's website failed to clearly identify his brokerage name
- Mr. Sparrow's website had his personal branding at the top of the landing page
- Mr. Sparrow's brokerage name appeared on the bottom of the webpage after scrolling through content

## [Lyle Manson Stewart](#)

Real estate broker registered with 2118996 Alberta Corp. o/a Heritage Elite Realty

- a broker must trade in real estate only in the name that appears on the individual's licence and in the name of the brokerage with which the broker is registered [s.51(1)(b) of the *Real Estate Act Rules*]
- in January 2020, Mr. Stewart's website displayed his brokerage name and branding
- Mr. Stewart failed to clearly indicate his full name on his website as it appears on his licence

## [Crystal Ann Tost](#)

Real estate associate registered with BGB Realty Inc. o/a Re/Max Realty Professionals

- a real estate associate broker and associate must trade in real estate only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered [s.53(a) of the *Real Estate Act Rules*]
- in January 2020, Ms. Tost's website failed to clearly identify her brokerage name
- Ms. Tost's website had her personal branding at the top of the landing page
- Ms. Tost's brokerage name and her name appeared on the bottom of the webpage after scrolling through content

# Letters of Reprimand

## [Jeffrey Grant Blanchette](#)

Mortgage associate registered with Quantus Financial Corporation o/a Quantus Mortgage Solutions

- a mortgage associate must deal only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered [s.69(a) of the *Real Estate Act Rules*]
- in January 2020, Mr. Blanchette's website, clearly indicated his team branding
- the website failed to clearly indicate Mr. Blanchette's registered brokerage name

## [Andrew Michael Sikomas](#)

Mortgage associate registered with Quantus Financial Corporation o/a Quantus Mortgage Solutions

- a mortgage associate must deal only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered [s.69(a) of the *Real Estate Act Rules*]
- in January 2020, Mr. Sikomas' website, clearly indicated his team branding
- the website failed to clearly indicate Mr. Sikomas' registered brokerage name

## [Learning Opportunity](#)

Industry professionals must trade in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered.

Industry professionals must clearly indicate their name and brokerage name in all advertising. Brokerage and industry professional names are "clearly indicated" when a reasonable consumer, under normal circumstances, can clearly distinguish the name of an industry professional as it appears on their licence and brokerage in an advertisement. A reasonable consumer should be able to identify the industry professional and brokerage based on the advertisement alone. In these cases, the industry professional failed to clearly indicate their name and their brokerage name in all of their advertisements.

## [Advertising Guidelines](#)



# Administrative Penalties

## [Peter Quon](#),

Real estate associate registered with Century 21 Bamber Realty Ltd.

- no person shall trade in real estate as a real estate broker unless that person holds the appropriate authorization for that purpose issued by the Council [s.17(a) of the *Real Estate Act*]
- on or before October 16, 2019, Mr. Quon advertised a property for rent on behalf of the owner
- on October 16, 2019, Mr. Quon entered into a Residential Tenancy Agreement with a tenant on behalf of the owner for the property
- on October 16, 2019, Mr. Quon collected the security deposit and first month rent from the tenant as per the Residential Tenancy Agreement
- these activities require an individual to be authorized to practice property management
- at the time of the activity, Mr. Quon was not authorized to practice in property management
- \$2,500

## [Karen Lai Chun Tso](#),

Unlicensed

- no person shall trade in real estate as a real estate broker unless that person holds the appropriate authorization for that purpose issued by the Council [s.17(a) of the *Real Estate Act*]
- on March 24, 2020, Ms. Tso signed a Residential Tenancy Agreement on behalf of an owner to rent a property
- Ms. Tso showed the property on behalf of the owner to potential tenants
- Ms. Tso required a licence to perform these activities
- Ms. Tso did not hold a licence to perform these activities
- \$2,500

### Learning Opportunity

Unlicensed persons who provide services that require a licence put consumers at serious risk. Unlicensed persons do not have the required education or errors and omissions insurance, and consumers working with unlicensed persons do not receive protection under the Real Estate Assurance Fund.

[Information Bulletin: Trading in Real Estate as a Real Estate Broker](#)

# Administrative Penalties

## Margaret Jean Carroll

Real estate broker registered with M & M Real Estate

- a brokerage's accounting records must be filed within three months of its fiscal year end [s.91(4) of the *Real Estate Act* Rules]
- M & M Real Estate's fiscal year end was on December 31, 2019
- RECA sent numerous email reminders to Ms. Carroll, reminding her to file the appropriate forms by March 31, 2020
- Ms. Carroll failed to file the fiscal year end forms by March 31, 2020
- RECA received the required forms on May 11, 2020
- \$1,500

## Krishan Murti Goll

Real estate broker registered at the time with Real Core Realty Ltd. Currently a real estate associate broker with EXP Realty of Canada Inc o/a EXP Realty.

- a brokerage's accounting records must be filed within three months of its fiscal year end [s.91(4) of the *Real Estate Act* Rules]
- Real Core Realty Ltd.'s fiscal year end was on December 31, 2019
- RECA sent numerous email reminders to Mr. Goll, reminding him to file the appropriate forms by March 31, 2020
- on April 2020, Mr. Goll stated he had not found an accountant to complete the year end forms
- RECA has still not received the required forms
- \$1,500

## Austin Alexander Anatoli Krysa

Real estate broker registered with Krysa Inc o/a Krysa

- a brokerage's accounting records must be filed within three months of its fiscal year end [s.91(4) of the *Real Estate Act* Rules]
- Krysa Inc o/a Krysa's fiscal year end was on December 31, 2019
- RECA sent numerous email reminders to Mr. Krysa, reminding him to file the appropriate forms by March 31, 2020
- Mr. Krysa failed to file the fiscal year end forms by March 31, 2020
- RECA received the required forms on April 28, 2020
- \$1,500

# Administrative Penalties

## [Andrew Whitney McGinnis](#)

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

- a brokerage's accounting records must be filed within three months of its fiscal year end [s.91(4) of the *Real Estate Act* Rules]
- Concept Realty Group's fiscal year end was on December 31, 2019
- RECA sent numerous email reminders to Mr. McGinnis, reminding him to file the appropriate forms by March 31, 2020
- Mr. McGinnis failed to file the fiscal year end forms by March 31, 2020
- RECA received the required forms on May 15, 2020
- \$1,500

## Learning Opportunity

A brokerage must file its accounting with RECA no later than three months after the end of the brokerage's fiscal year. In these cases, the brokers failed to file the forms by the deadline despite RECA sending numerous reminders.

## [Real Estate Fiscal Year End](#)

# Administrative Penalties

## [Matthew Franco Chiacchia](#)

Real estate associate registered with 4th Street Holdings Ltd o/a Re/Max Real Estate (Central)

- an industry member who established 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]
- over May–November 2019, Mr. Chiacchia established a client relationship and provided services to his buyer client without a written service agreement
- on November 26, 2019, Mr. Chiacchia prepared an Exclusive Buyer Representation Agreement for his buyer client
- on November 26, 2019, Mr. Chiacchia prepared a Residential Purchase Contract and submitted an offer on behalf of his buyer client
- \$1,000

## [Timothy Craig Whitehead](#)

Real estate associate registered at the time with Velocity Real Estate Team Ltd. o/a Atkinson Realty. Currently registered with EXP Realty of Canada Inc. o/a EXP Realty.

- an industry member 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]
- on October 1, 2019, Mr. Whitehead discussed entering into an Exclusive Seller Representation Agreement with a consumer to sell their property
- on October 24, 2019, Mr. Whitehead discussed further terms of the service agreement through email with the consumer
- on October 29, 2019, Mr. Whitehead advertised the property
- Mr. Whitehead completed seven showings up until November 5, 2019
- Mr. Whitehead did not have a signed service agreement with the consumer
- \$1,000

### Learning Opportunity

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. The service agreement must be discussed and presented to a prospective client prior to acting on their behalf in a real estate transaction. In these cases, the industry professionals failed to have a complete and signed service agreement in place prior to providing real estate services to their clients.

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

# Administrative Penalties

## [Darren Dean Pete Ethier](#)

Real estate association registered at the time with Vanovermeire Realty Inc. o/a Coldwell Banker Mountain Central. Currently not registered.

- 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]
- in October 2019, Mr. Ethier used unprofessional language towards his client through several text messages
- Mr. Ethier failed to follow the standard of professionalism expected of industry professionals
- \$1,500

## Learning Opportunity

RECA's Good Character Policy defines professionalism as a standard expected of industry professionals. This means treating RECA, clients, industry professionals, and third parties with civility, respect, and professional courtesy. In this case, the industry professional's language through text message was unprofessional and did not exhibit professional courtesy to their client.

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

# Administrative Penalties

## [Marvin Siapno Juarez,](#)

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

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- on November 13, 2019, Mr. Juarez was granted permission to view a property with his buyer client
- Mr. Juarez's buyer client arrived at the property with more individuals than Mr. Juarez anticipated
- Mr. Juarez entered the property with at least nine people which exceeded the amount of people a reasonable consumer would expect for a showing
- Mr. Juarez failed to receive permission from the seller and seller's representative to allow for more people to access the property
- \$3,000

## **Learning Opportunity**

When an industry member seeks permission to access a property, unless otherwise communicated, the seller and their representative expect a legitimate potential buyer or tenant will view the property with a reasonable amount of people. If unanticipated people show up, the buyer representative should contact the seller's agent, and ask permission for additional people to access the property. In this case, the industry professional should have verified the exact number of individuals his buyer client was bringing to the property viewing, and then received permission from the seller to bring more people than expected.

When viewing properties, the property is entrusted in the care of the licensee. It is difficult for the licensee to fulfill that trust when a large amount of people view the property at once. Industry professionals should consider placing limits on the number of individuals entering the property, even when allowed by the seller, based on their ability to exercise the trust. If required, this may involve multiple property showings with separate groups of the same party.

[Information Bulletin: Access to Property](#)

# Administrative Penalties

## [Nicholas Anthony Lima](#)

Real estate associate registered with South Star Realty Inc. o/a Maxwell Capital Realty previously South Star Realty Inc. o/a Maxwell South Star Realty

- an industry member must 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 this case, 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](#)

# Administrative Penalties

## [Jerry Andrew Raczkowski](#)

Real estate associate 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]
- on May 8, 2020, Mr. Raczkowski's buyer client wanted to view a property
- Mr. Raczkowski unsuccessfully attempted to contact the seller's representative
- the occupant of the property was immunocompromised
- the listing indicated that viewing guidelines would be provided upon booking a viewing
- Mr. Raczkowski failed to review the specific viewing guidelines
- Mr. Raczkowski entered the property with his buyer client without permission to access the property
- \$3,000

### Learning Opportunity

Industry professionals must be competent in all areas in which they provide services. In this case, the industry professional violated their responsibilities when accessing property. The industry professional and his buyer client should have received permission and required viewing conditions from the seller before entering the property. The industry professional failed to exercise reasonable care and skill by not being aware of the showing guidelines and conditions. In this case, the viewing put the immunocompromised seller's health at risk.

[Information Bulletin: Competent Service](#)



# Administrative Penalties

## [Krishan Murti Goll](#)

Real estate broker registered at the time with Real Core Realty Ltd. Currently a real estate associate broker with EXP Realty of Canada Inc o/a EXP Realty.

- a real estate broker must ensure the business of the brokerage is carried out competently and in accordance with the Act, Regulations, Rules and Bylaws [s.51(1)(d) of the *Real Estate Act Rules*]
- Mr. Goll failed to file his brokerage accounting report within three months of the fiscal year end in 2019
- in 2020, Mr. Goll failed to ensure his accountant received the required forms with enough time to complete the report
- \$1,500

## Learning Opportunity

Brokers are responsible for ensuring their brokerage provides any required forms on time. They must have a robust oversight process to ensure the brokerage complies with the legislation, otherwise brokers are responsible for the brokerage's breach. In this case, the industry professional failed to take any corrective measures to prevent this issue from occurring. This led to the brokerage accounting report not being filed on time for the fiscal year end.

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

# Administrative Penalties

## [Tracy Lee Meyers,](#)

Real estate broker registered with Meyes Realty Inc. o/a Meyers Management Consulting Group

- a brokerage shall prepare a bank reconciliation monthly, within 30 days of the date of the prior month's bank statement, for all accounts in which money is held in trust [s.86(1) of the *Real Estate Act Rules*]
- from January 2020 to August 2020, Ms. Meyers failed to prepare complete bank reconciliations
- \$1,000

## Learning Opportunity

Brokerages must complete bank reconciliations on a monthly basis which includes reconciling the trust liability for pooled trust accounts. Brokers must use this critical tool to effectively manage the brokerage trust accounts. It ensures the brokerage is meeting its trust obligations and helps identify potential trust shortages or other irregularities that require further investigation.

[Guide to Trust Assurance and Practice Review for Real Estate Industry Members](#)

[Trust Assurance and Practice Review Forms](#)

# Administrative Penalties

## [Realstar Management Limited.](#)

- a brokerage must immediately notify the executive director in writing of any circumstance where the broker is no longer able to perform the duties and responsibilities of a broker [s.32(a) of the *Real Estate Act Rules*]
- on January 31, 2020, John Phipps, the broker of Realstar Management Limited, passed away
- from January 31, 2020 to March 27, 2020, the brokerage continued to operate and provide services to consumers
- RECA was notified about Mr. Phipps's passing on March 27, 2020
- \$1,500

## **Learning Opportunity**

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.

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

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

# Hearing Panel Decision

## Rowell "Steve" Barbon Crisostomo,

Mortgage associate previously registered with Sky Financial Corporation o/a The Mortgage Centre (June 11, 2015–September 17, 2019) and Dominion Lending Centres Mortgage Mentors Broker Inc. o/a Dominion Lending Centres Mortgage Mentors (September 17, 2019–February 10, 2020). Not currently registered.

A s.46(1) Admission of Conduct Deserving of Sanction was negotiated with the Executive Director and signed by the Industry Member on August 24, 2020.

### **Breaches Industry Member admitted to in the s.46(1) admission:**

[breaches of s. 41(b) of the *Real Estate Act* Rules]

- Industry members must:  
(b) provide competent service

### **Facts:**

- between June and September of 2019 Mr. Crisostomo drafted mortgage applications containing errors and omissions to various lenders
- between September 2019 and February 2020 Mr. Crisostomo pulled credit reports for nearly 80 clients
- Mr. Crisostomo only uploaded 6 consent forms into velocity/filogix
- most of the consent forms were improperly completed
- Mr. Crisostomo's brokerage had a policy that associates would upload all client consent forms into velocity/filogix prior to pulling credit

### **Outcome:**

The Hearing Panel ordered the following sanctions against the Industry Member:

1. Mr. Crisostomo is ordered to pay total fines of \$1,000 for breach of Rule 41(b)
2. Mr. Crisostomo is ordered to pay costs in the amount of \$500
3. Mr. Crisostomo is ordered to successfully complete the Mortgage Associates Program, Units Seven and Nine
4. Mr. Crisostomo is prohibited from submitting deals to a lender without prior approval from his broker or broker delegate until he has successfully completes the required courses

## Larry Hahn — Real Estate Licence Suspended

On October 13, 2020, the Administrator of the Real Estate Council of Alberta (RECA) suspended the real estate licence of Larry Hahn. Mr. Hahn is not authorized to trade in real estate.

RECA determined it is in the public interest to temporarily suspend Mr. Hahn. Allegations against Mr. Hahn include:

- acting dishonestly
- making intentional, misleading representations
- participating in fraudulent or unlawful activities
- engaging in conduct that undermined public confidence in the industry, harmed the integrity of the industry, or brought the industry into disrepute
- Mr. Hahn's licence will remain suspended until current proceedings, under Part 3 of the *Real Estate Act* concerning his conduct, are concluded.

Mr. Hahn was most recently registered as a real estate associate with Re/Max Real Estate (Edmonton) Ltd. o/a Re/Max Real Estate.

## RECA Management

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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

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### CONTACT RECA

The Case Summaries is published by the  
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