

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010466
Name on Licence: Shane Cameron Voth
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 4th Street Holdings Ltd o/a Re/Max Real Estate
(Central)
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,000.00

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence 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: Shane Cameron Voth

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 43(1) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Legislation at time of conduct

Rule 43(1) – *Subject to these rules, 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.*

Particulars of the contravention(s):

1. In or around September 2019, you failed to enter into a written service agreement with a prospective client, contrary to section 43(1) of the *Real Estate Act* Rules:
 - a) On or about September 5, 2019, you showed a property to [CLIENT]. You submitted an offer on his behalf on September 9, 2019. You established a client relationship with [CLIENT]. You did not have a written service agreement in place.

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.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your failure to present and discuss the written service agreement when establishing the client relationship led to confusion on your obligations to the client. Early in the relationship, [CLIENT] was not clear who you were working for.

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 Registrar **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: [C.S], Professional Conduct Review Officer
Email: [EMAIL]
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 January 7, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [I.C], Real Estate Broker
Re/Max Real Estate (Central)