

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010032
Name on Licence: Travis Larry Bannert
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 1426300 Alberta Ltd. o/a Maxwell Progressive
Process: Section 39 & 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00 (see Schedule 2 of the Bylaws)

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: Travis Larry Bannert

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(a) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule at time of conduct:

Rule 41 – *Industry members must:*

(a) *act honestly*

Particulars of the contravention(s):

1. In or around August 2019 you were not honest with your client regarding a viewing of their property, contrary to section 41(a) of the *Real Estate Act* Rules:
 - a) In August 2019, you told your client you had arranged a viewing of their property.
 - b) The night of the viewing you texted your client they could return to their property. You exchanged texts with your client indicating you had done a showing and were inside the property.
 - c) Your client's security system showed that no one had entered the property. Your communications to your client about the showing were misleading and dishonest. This was a failure to act honestly.
 - d) Your client confronted you and you confirmed the buyer had not viewed the inside of the property and you apologized for not being honest with them.
 - e) Your client cancelled their listing agreement with you.

Licensees must be honest with clients and consumers at all times. Honesty means conduct that is truthful, trustworthy and genuine. Failing to act honestly is serious and undermines public confidence in the industry.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- This misconduct involved a lack of honesty with a client.

Mitigating Factors

- You apologized to the client and have shown remorse.
- Your decision to represent a showing took place was an impulse decision and you admitted to it as soon as you were confronted.

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: [R.M], 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 15, 2021.

“Signature”

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [C.S], Real Estate Broker,
Maxwell Progressive