

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010232
Name on Licence: Darryl Edward Terrio
Licence Type & Class: Real Estate Broker
Brokerage Name on Licence: Bryken Investments Ltd. o/a Re/Max Complete
Commercial
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$4,000

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: Darryl Edward Terrio

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 38(4)(a) of the *Real Estate Act*** and this is conduct deserving of sanction.

38(4) A person who is required under subsection (2) to answer the questions of a person conducting an investigation

(a) shall co-operate with the investigator and promptly respond to the questions

Particulars of the contravention(s):

1. In or around May 2020 to February 2021 you failed to cooperate with an investigator during an investigation into your conduct, contrary to section 38(4)(a) of the *Real Estate Act*:
 - a) In April 2020, an investigator notified you that your conduct was under review and the investigator asked you questions relevant to the investigation. The investigation concerned your conduct of listing a property for sale without the authorization of the owner.
 - b) In May 2020, you responded to those questions and provided documentation.
 - c) During questioning in February 2021 it was discovered that you altered an email you provided to RECA investigators in May 2020 by replacing an email attachment with another document. You swapped an unsigned Commission and Marketing Agreement ("Agreement") for a copy of the same Agreement that was signed.
 - d) You also altered a document within the brokerage file without informing RECA you had done so. You swapped an unsigned Agreement for a copy of the same Agreement that was signed.
 - e) RECA's Guide to Investigations for Licensee's states "licensees are required to cooperate with the investigation. Cooperation means providing truthful, complete responses in a prompt and constructive manner."
 - f) Information you provided during the course of this investigation was not fully accurate. This was failing to cooperate with the investigator.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There must be specific and general deterrence of this conduct. RECA's ability to effectively investigate complaints depends on the co-operation of licensees.

Mitigating Factors

- You have fully admitted to your misconduct.

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.D], Lawyer for the Registrar
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 May 21, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta