

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: 1647525 Alberta Ltd O/A Re/Max Complete
Commercial
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500

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 42(a) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule at time of conduct

42 Industry members must not:

(a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;

Particulars of the contravention(s):

1. In or around September 2019 you made a negligent, misleading representation, contrary to section 42(a) of the *Real Estate Act* Rules:
 - a) In September 2019, an advertisement listing a property located at [ADDRESS] Alberta O/A [ADDRESS] for sale was prepared by your office staff.
 - b) Your brokerage advertised this property for sale on Loopnet.com. The advertisement specifically listed you as a point of contact for inquiries about the property.
 - c) You did not have permission from the owner of the property before you directed office staff to prepare advertising and marketing materials for the property. The advertising was misleading because you did not have permission to advertise this property. It was negligent to direct staff to prepare advertising and marketing materials prior to confirming you had permission from the owner of the property.
 - d) The owners of this property discovered the listing and had their legal counsel write to you requesting all advertising be removed.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The owners of the property were upset and sought legal advice to deal with this issue. They had serious concern that the advertising may have negative impact on the property.

Mitigating Factors

- This was not intentional. You admitted to this conduct and have stated that it was a mistake and the property was never meant to be posted until the appropriate documentation was reviewed.

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: [B.T], 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 February 12, 2021.

"Signature"1

Charles Stevenson, Registrar
Real Estate Council of Alberta