

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010613
Name on Licence: Kenneth Robert Morrison
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Excellence Real Estate Edmonton Ltd. o/a Re/Max
Excellence
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$3,000.00

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: Kenneth Robert Morrison

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(g) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule at time of conduct:

Rule 42 – *Industry members must not:*

(g) engage in conduct that undermines public confidence in the industry, harms the integrity of the industry, or brings the industry into disrepute.

Particulars of the contravention(s):

1. In or around July 2020 to August 2020, you engaged in conduct that undermined public confidence in the industry, harmed the integrity of the industry, or brought the industry into disrepute, contrary to section 42(g) of the *Real Estate Act* Rules:
 - a) While representing the sellers of a property you sent several text messages to the Buyers Associate mocking the buyers mental state after you learned he suffered from PTSD.
 - b) When questioned by an investigator about the incident you referred to the buyer as "insane" and a "wingnut"

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. Your comments during the texts fell below this standard.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You admitted to the conduct and stated it was unprofessional however you continued to mock the Buyer's mental wellness during the interview and stated that it was your opinion and you were entitled to it. This was not taking responsibility for your actions or showing remorse.
- You failed to see the severity of your conduct and blamed others for it coming to light.
- There is a need for general deterrence of this conduct. Consumers expect industry professionals to act professionally at all times.

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 March 5, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta