

March 16, 2021

April 21, 2021

# Case Summaries



Letters of Reprimand  
Administrative Penalties

# Case Summaries

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Welcome to the Case Summaries monthly magazine.

Inside you will find the summaries for all disciplinary decisions occurring at the Real Estate Council of Alberta (RECA) since the previous newsletter, including any suspensions and approved lifetime withdrawals from the industry.

RECA is authorized to carry out conduct proceedings under [Part 3](#) of the *Real Estate Act*.

The events mentioned in the decisions included in this issue occurred prior to December 1, 2020. The sanctions as noted, reflect the *Real Estate Act* as it was then applied. Learning opportunities reflect advice for licensees under the *Real Estate Act*, including the amendments that came into force on December 1, 2020.

Questions about disciplinary information RECA publishes and why? Review [RECA's Publication Guidelines](#) online.

For more information about the cases summarized in this publication, please click on the underlined blue heading at the start of each summary.

# Case Summaries

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RECA uses your email address to communicate with you regarding licensing, education, Industry Council elections, or regulatory updates. RECA uses a third-party email service provider to ensure these communications are delivered without issue. Over the past few years, RECA has been using Mail Chimp to provide these email services. In order to continue providing timely communications in a budget-friendly and efficient manner, RECA will be switching over to Mail Poet for these services.

Licensees are expected to be knowledgeable about the industry and up to date on any and all changes to the *Real Estate Act*, Rules, Regulations, and Bylaws. By accepting the Terms of Use through your myRECA account, you consent to allowing RECA to contact you via email and to store your email address on Mail Poet servers in the United States or European Union (Ireland and Germany). Please see RECA's [Privacy Policy](#) for more information.

# Letters of Reprimand

[Raymond Peter Bergen,](#)

Real estate broker registered with Canreal Management Corporation

- industry members must immediately notify the executive director, in writing, if there is a change in the directors, officers, or shareholders of a corporation if the brokerage is a corporation [s.32(g) of the *Real Estate Act* Rules]
- on October 4, 2019, a change to the corporate structure of Canreal Management Corporation was made
- Mr. Bergen was the broker at the time and was responsible for ensuring the brokerage met its notification obligations
- RECA was notified on September 22, 2020

## Learning Opportunity

Brokerages must immediately notify the Registrar—prior to Dec 1, 2020, the Executive Director—in writing, when certain events occur (change of brokerage address, change of directors, stakeholders, shareholders, etc.). RECA defines immediately as “without delay,” and in the absence of extraordinary circumstances, written notification to the registrar should occur not more than five (5) days after the event in question. In this case, the broker failed to notify RECA of these changes. Brokerages can notify RECA of business address changes electronically.

[Responsibilities and Prohibitions – Real Estate Brokerage](#)

# Letters of Reprimand

## [Shawn Russell Droeske](#)

Real estate associate registered EXP Realty of Canada o/a EXP Realty

- the basic obligations of an industry member who is in a sole agency relationship with a seller are to provide, in a timely manner, all offers and counter-offers to and from the seller even when the property is already the subject of an agreement or purchase and sale [s.57(j) of the *Real Estate Act* Rules]
- on July 2020, Mr. Droeske listed a property
- Mr. Droeske entered into a service agreement with two clients to sell a property
- on September 2020, there was an offer on the property which Mr. Droeske sent to both clients
- the offer was not accepted
- during this time there was some discussion of termination and communication with both clients became difficult
- on October 2020, Mr. Droeske received another offer
- Mr. Droeske sent the offer to one of his clients but failed send this offer to the other client

### Learning Opportunity

Licensees must make reasonable efforts to meet their obligations with clients despite communication obstacles and challenges. If a client is not effectively communicating or responding, licensees have an obligation to make reasonable efforts to communicate important information regarding a transaction, including any offers or counter offers in a timely manner.

### [Written Service Agreements](#)

# Letters of Reprimand

## [Laurie Joyce Rode,](#)

Real estate associate registered with Grande Prairie Associates Realty Ltd. o/a Re/Max Grande Prairie

- industry members must provide competent service [s.41(b) of the *Real Estate Act* Rules]
- Ms. Rode represented a property as having an RMS size of 720 sq. ft.
- Ms. Rode failed to measure the property using the Residential Measurement Standard (RMS) guidelines
- Ms. Rode measured the property and did not add an above grade area in the master bedroom
- the RMS size of the property was 917 sq. ft.

## Learning Opportunity

Licensees are expected to be competent in their services, including ensuring they measure properties using RMS or engage third parties to measure properties using RMS. The RMS guidelines offer a consistent way to represent the above ground size of a property for interested parties to accurately compare properties. In this case, the licensee failed to competently measure a property according to the RMS and did not include all of the above ground area when representing the property.

[Guide to Residential Measurement Standard in Alberta](#)

[Advertising - False and Misleading](#)

# Letters of Reprimand

## [Oliver Damian Strickland](#),

Real estate associate registered with Century 21 Foothills South Ltd. o/a Century 21 Foothills South Real Estate

- a real estate licensee must trade in real estate only in the name that appears on their licence [s.53(a) of the *Real Estate Act* Rules]
- Mr. Strickland did not clearly identify the name of his brokerage on his website
- the website included Mr. Strickland's branding at the top of the landing page
- Mr. Strickland only included a portion of his brokerage name at the top of the webpage
- when Mr. Strickland was made aware of the error, he amended his advertisements to ensure the brokerage name was clearly identified

### Learning Opportunity

Licensees must trade in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered.

The brokerage name must be clearly indicated. A reasonable consumer should be able to identify the licensee and brokerage based on the advertisement alone. In this case, the licensee failed to indicate their brokerage name in all of their advertisements.

### [Advertising Guidelines](#)

# Letters of Reprimand

[Ron Peter O'Shea](#),

Real estate associate registered with The Real Estate Company Ltd. o/a The Real Estate Company

- an industry member must immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]

[Josephine Soo Yun Voon](#),

Mortgage associate registered with AJS Lending Advisors Inc. o/a Mortgage Alliance Lending Advisors

- an industry member must immediately notify, in writing, the executive director [s.40 of the *Real Estate Act Rules*]

## Learning Opportunity

Licensees must immediately notify the Registrar—prior to Dec 1, 2020, the Executive Director—in writing, when certain events occur (name change, discipline, criminal proceedings, etc.). In these cases, the licensees had a situation requiring notification occur nearly a year before they notified RECA. RECA. Immediately is defined as “without delay,” and in the absence of extraordinary circumstances, written notification to the Registrar should occur not more than five (5) days after the event in question.

[Notice to Executive Director – Real Estate and Mortgage Broker Professionals](#)



# Administrative Penalties

## Bruce Gordon Humbke,

Real estate associate registered at the time of conduct with 989801 ALBERTA INC. o/a Avenue Commercial. Currently not registered.

- a real estate licensee must only trade in real estate in the name that appears on that individual's licence [s.53(a) of the *Real Estate Act Rules*]
- in December 2020, Mr. Humbke solicited business from his clients under his company name, Eclipse Management Services Ltd.
- Mr. Humbke included property manager services, which require a license
- Mr. Humbke was licensed in property management and registered at Avenue Commercial during that time
- \$1,500

## Learning Opportunity

Licensees must only deal, trade, and advertise in the brokerage's full licensed name and the full name that appears on your personal licence. In this case, the licensee advertised their business name and not the brokerage name that appears on their licence.

## Advertising – Clearly Indicated

## RECA Management

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WARREN MARTINSON  
Director of Corporate Services  
(Acting Executive Director)

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The Case Summaries is published by the  
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Please forward any questions regarding  
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