

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011092
Name on Licence: Kelly Kenneth George Baker
Licence Type & Class: Real Estate Broker
Brokerage Name on Licence: 1983546 Alberta Ltd. o/a Re/Max Platinum Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$ 1,000

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: Kelly Kenneth George Baker

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 86(1) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Real Estate Act Rules s. 86:

86(1) A brokerage shall prepare a bank reconciliation monthly, within 30 days of the date of the prior month's bank statement, for all accounts in which money is held in trust.

Particulars of the contravention(s):

1. You failed to prepare complete bank reconciliations for all accounts in which money is held in trust for the month ending September 30, 2020 contrary to section 86(1) of the *Real Estate Act* Rules.

Brokerages must complete bank reconciliations on a monthly basis which includes reconciling the trust liability for pooled trust accounts. This is a critical tool to effectively manage the brokerage trust accounts. It ensures the brokerage is meeting its trust obligations and helps identify potential trust shortages or other irregularities that require further investigation.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is need for general deterrence of this conduct. Completing bank reconciliations is a critical tool the broker must use to manage the brokerage trust accounts. It ensures the brokerage is meeting its trust obligations and helps identify potential trust shortages or other irregularities that require further investigation.

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 April 15, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta