

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011374
Name on Licence: Debbie Arlene Smith
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Elite Ownership Group Ltd. o/a Re/Max Elite
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: Debbie Arlene Smith

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around February 2021, you failed to exercise competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) February 27, 2021, you had permission to show your Buyer clients the property located at [ADDRESS].
 - b) This was during the COVID-19 pandemic. There were instructions provided outlining the COVID protocols to be followed. These protocols were: wear masks, sanitize hands, gloves to be used, only one associate and two adults per showing.
 - c) You entered the property along with two adults and two children and the Buyers took their masks off upon entering the property. This was a failure to follow guidelines and expectations around showing properties.
 - d) There was a security camera in the house. You disconnected the camera, and re-connected it when you were leaving the house. You did this because your buyer clients raised privacy concerns. You did not have permission from the seller to disconnect their security camera. This was a failure to exercise reasonable care and skill in dealing with your client's concern.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- RECA has received multiple complaints from sellers about buyer agents failing to follow permissions or guidelines around showings. We must deter this conduct.
- There were multiple instances where you failed to provide competent service while accessing the property.

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.S], 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 May 31, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [B.K], Real Estate Broker
Re/Max Elite