

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011123
Name on Licence: Hector Joseph MacMullin
Licence Type & Class: Mortgage Broker
Brokerage Name on Licence: Yorkfield Financial Corporation
Process: Section 39 & 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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: Hector Joseph MacMullin

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 67(1)(e) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

67(1) A mortgage broker must:

(e) ensure the business of the brokerage is carried out competently and in accordance with the Act, the Bylaws, and these Rules;

118(2) Every mortgage brokerage shall, at all times while it holds an authorization, maintain errors and omissions insurance in the form of insurance and terms and conditions approved by the executive director.

Particulars of the contravention(s):

In or around July 2018, you failed to ensure the business of the brokerage was carried out competently and in accordance with the Act, the Bylaws, and these Rules, contrary to section 67(1)(e) of the *Real Estate Act* Rules:

- a) July 1, 2018, your mortgage brokerage errors and omissions insurance expired. From July 1, 2018 to July 19, 2020, your mortgage brokerage failed to have insurance in place. You were the broker. This was a failure to ensure the business of the brokerage was carried out in accordance with the Rules.
- b) June 19, 2020, your mortgage brokerage ceased operations. Your brokerage was reinstated on July 20, 2020, with proof of insurance.
- c) During the period of July 1, 2018 to June 19, 2020, your brokerage handled commercial mortgage files.

A mortgage brokerage is required to carry errors and omissions insurance. This provides protection for both consumers and the brokerage in the event of a claim. A mortgage broker must ensure the business of the brokerage is carried out in accordance with the legislation.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage did not have errors and omissions insurance for a significant amount of time.

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 June 10, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta