

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011440
Name on Licence: Diana Nguy
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Triple Gold Ltd. o/a Initia Real Estate
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: Diana Nguy

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 April 2021 you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) April 8, 2021, you requested to show your Buyer clients the property located at [ADDRESS]. Your request was declined.
 - b) April 8, 2021, you went to the property, without permission, to conduct the showing. This was a failure to exercise competent service by accessing a property without permission.
 - c) This was during COVID 19. There were posted guidelines on the listing that stated: "Maximum 2 buyers plus agent". The brokerage expectations were that 2 people plus the agent were the maximum allowed at one time for a showing.
 - d) You brought six other people with you to the showing. Everyone went in to view the property. This was a failure to follow guidelines and expectations around showing properties. This was a failure to exercise reasonable care and skill.

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 when accessing a property
- The listing agent made it clear that your showing request was refused and you went ahead and accessed the property anyway.

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