

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011499
Name on Licence: Rafik Hamdi Berjak
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Sterling Realty (Alberta) Ltd. O/A Sterling Real Estate
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: Rafik Hamdi Berjak

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 March, 2021 you failed provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) You were representing buyers interested in viewing a property.
 - b) This was during the COVID-19 pandemic. Your brokerage adopted the policy that individuals present for showings must wear a mask.
 - c) On March 29, 2021, you had permission to bring your potential buyers to view the property. The seller's security camera observed people not wearing masks when in the property.
 - d) You and your buyer clients did not wear a mask when entering the property or during the showing. This was a failure to exercise reasonable care and skill when a property was under your care and control.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- RECA has received multiple complaints from sellers about licensees failing to follow seller requirements or brokerage expectations when accessing or viewing a property. We must deter this conduct.

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 17, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [S.P], Real Estate Broker
Sterling Real Estate