

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010856
Name on Licence: Eduardo Alfredo D'ambrosio
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: \$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: Eduardo Alfredo D'ambrosio

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 August 2020, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) August 2020, you were contacted by [M.F], partner of [M.S], a Seller who was interested in listing her property.
 - b) August 26, 2020, you entered into a client relationship with the Seller, [M.S]. Documents were sent and signed electronically.

- c) You never met [M.S] in person, and failed to speak to her directly. All dealings for the transaction were discussed between yourself and [M.S]'s partner, who was not a legal owner of the property.
- d) You had contact directly with [M.S] only when the transaction was firm and she had second thoughts about selling.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need for general deterrence

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 July 7, 2021.

“Signature”

Charles Stevenson, Registrar
Real Estate Council of Alberta

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