

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011183
Name on Licence: George Mina Sami Fahmy
Licence Type & Class: Real Estate Broker
Brokerage Name on Licence: Mozaic Realty Group Inc. o/a Mozaic Realty Group
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: George Fahmy

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 51(1)(d) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

51(1) A real estate broker must:

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

Particulars of the contravention(s):

1. You failed to ensure the business of the brokerage was carried out competently and in accordance with the Act, Regulations, Rules and Bylaws, contrary to section 51(1)(d) of the *Real Estate Act* Rules:
 - a) In February 2020, as broker, you were required to file your brokerage accounting reports within three months of fiscal year end. You failed to file your brokerage accounting reports for two of your property management trust accounts.
 - b) You stated your associates had opened up their own accounts and had been depositing the rents and security deposits into those accounts. You were unaware that this was happening.
 - c) This was a serious public risk. You failed to ensure the business of the brokerage was carried out competently and in accordance with the legislation.

Brokers are expected to amend and adapt brokerage policies and procedures as required and to take necessary corrective measures to ensure the business of the brokerage is compliant with the legislation

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need for general deterrence. Brokers must take reasonable action to address any issues with the brokerage failing to comply with the legislation.

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 8, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta