

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011624
Name on Licence: Mathew Harvey Broom-Hall
Licence Type & Class: Mortgage Associate
Brokerage Name on Licence: Verico iMortgage Solutions Flare Mortgage Group
Inc. O/A Flare Mortgage
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: Mathew Harvey Broom-Hall

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 69(a) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 69 – *A mortgage associate must:*

(a) deal in mortgages only in the name that appears on that individual's licence and in the name of the mortgage brokerage with which that individual is registered

Particulars of the contravention(s):

1. In or around May 2021, you failed to advertise in the name of the brokerage you were registered with contrary to section 69(a) of the *Real Estate Act* Rules:
 - a) May 2021, you advertised your services on your Facebook page, www.facebook.com/bestABmortgage. Your advertising failed to include the name of your registered brokerage.
 - b) You advertised your services on your website www.bestalbertmortgage.com. Your advertising failed to include the name of your registered brokerage. Your conduct was in contravention to section 69(a) of the *Real Estate Act* Rules.
 - c) You have since changed your Facebook page and website to ensure it is in compliance.

Licensees must ensure their advertising clearly displays the name appearing on their licence and the brokerage they are registered with. If a licensee is unsure about whether their advertising is compliant with the legislation, they should seek direction from their broker.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need to deter this type of advertising in the industry. Consumers must be able to clearly identify a licensee's brokerage in all advertising.
- Your initial representations to a RECA investigator about one of the websites in question was not accurate.

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 August 27, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [C.M], Mortgage Broker
Flare Mortgage Group