

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 009277.003
Name on Licence: David George Eger
Licence Sector and Class: Real Estate Associate
Conduct Brokerage: 4TH STREET HOLDINGS LTD. O/A RE/MAX
REAL ESTATE (CENTRAL)
Process: A Hearing under Part 3 of the *Real Estate Act*

Document: NOTICE OF HEARING

TO: David George Eger

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: Friday, September 24, 2021
Time: 9:30 a.m.
Venue: Virtual Hearing

Hearing Panel: [A.B], Hearing Panel Chair
[W.R] Hearing Panel member
[M.B], Hearing Panel member

Counsel to the Panel Shanna Hunka, Bishop &
McKenzie, LLP
(Alternates: [C.W], [R.P])

A Microsoft Teams Test session will be held on **Wednesday, September 22, 2021, at 9:30 am** for approximately 1 hour, to ensure that you are able to

access to Teams platform and are electronically ready for the hearing on September 24, 2021.

It is alleged that your conduct is deserving of sanction for breaching sections of the Act or Rules. Here are the details:

1. The licensee failed to ensure that all parties to a trade in real estate were immediately notified when a deposit had not been received contrary to Rule 51(1)(l)(i) of the *Real Estate Act* Rules:
 - a) A buyer client's deposit cheque was due to be received by Mr. Pelletier's brokerage in trust pursuant to a purchase contract on May 1, 2019.
 - b) The deposit cheque was not received on May 1 or for several days following that.
 - c) Mr. Pelletier was the real estate associate who acted on behalf of the brokerage in this transaction. Mr. Pelletier failed to advise Mr. Eger that the deposit was not received on time.
 - d) Mr. Eger was Mr. Pelletier's broker, was responsible for reviewing the purchase contract and noting the deposit due date.
 - e) Mr. Eger was required to ensure the seller's representative was immediately notified when the deposit was not received from the buyer by the due date and failed to do so.

2. The licensee failed to ensure that all parties to a trade in real estate were immediately notified when a deposit had not been honoured contrary to Rule 51(1)(l)(ii) of the *Real Estate Act* Rules:
 - a) On May 14, 2019, the brokerage received a deposit cheque from the buyer.
 - b) On May 17, 2019, the cheque was returned by the bank as "counterfeit". Mr. Eger was made aware of this in the morning.

- c) Mr. Eger failed to ensure the seller's representative was immediately notified about the counterfeit cheque until late afternoon on May 18, 2019.

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen At the Hearing

After hearing all evidence and argument the Panel will decide whether the Registrar has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Evidence

You can ask the Panel to allow you to provide written arguments at the end of presentation of evidence. The Panel will give directions on how this may be done.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing. If you do not have a representative please read information for unrepresented Licensees here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta

9 Aug 2021
(date)

"Signature"

Charles Stevenson registrar of the Real Estate Council of Alberta

Contact Information

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