

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008714
Process: Section 83 of the *Real Estate Act*
Person: Olufemi Ojo
Document: ADMINISTRATIVE PENALTY
Penalty: \$1500.00

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*.

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: Olufemi Ojo

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 38(4)(b) of the *Real Estate Act***.

Section 38 - Investigation

38(2) *A person conducting an investigation may*

(b) *demand that any person answer any questions that are relevant to the investigation,*

38(4) *A person who is required under subsection (2) to answer the questions of a person conducting an investigation*

(a) *shall co-operate with the investigator and promptly respond to the questions*

Particulars of the contravention(s):

1. On November 20, 2018 RECA received information into the conduct of industry member Jagdeep Duggal. The information consisted of a number of transactions Jagdeep Duggal had been involved in that were suspicious in nature. One of those transactions was the purchase of the property located at [ADDRESS] with Olufemi Ojo and [T.A] being the buyers.
2. On November 22, 2018 an investigation was opened into Jagdeep Duggal's conduct. Olufemi Ojo was personally and directly involved in the transaction which is the subject of an investigation involving a licensee and has information that is relevant to the investigation. The investigation requires answers from Olufemi Ojo to questions relating to the process of obtaining a mortgage for the purchase of the property.
 - (a) On July 8, 2021 you were sent a letter advising you of RECA's investigation and for you to contact the investigator to arrange a date to be interviewed. You failed to contact the investigator.
 - (b) On August 4, 2021 you were advised by telephone that you would be provided with dates to present yourself to be interviewed by RECA investigators. You provided your email address to receive the communication with dates.
 - (c) On August 4, 2021 you were presented with dates, via email, to present yourself to be interviewed by RECA investigators. Microsoft Outlook confirmed delivery of the email to the provided email address. You failed to respond with a date to attend.
 - (d) On August 9, 2021 you were again emailed dates to present yourself for an interview. Microsoft Outlook confirmed delivery of the email to the provided email address. You failed to respond to the email.
 - (e) On August 11, 2021 you were sent a Demand Letter via email and the postal service requesting you present yourself for interview on the provided dates. Microsoft Outlook confirmed delivery of the email to the provided email address. You failed to respond to either communication.
 - (f) On August 23, 2021 the investigator attempted to telephone you and the call was disconnected before being answered.
 - (g) On August 24, 2012 you were emailed new dates to present yourself for an interview. Microsoft Outlook confirmed delivery of the email to the provided email address. You failed to respond.

- (h) To date, no response or communication has been received from you to confirm your attendance.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There must be general deterrence of this type of conduct. RECA's ability to effectively investigate complaints depends on cooperation from witnesses.
- An investigator has explained RECA's authority to you and provided to you copies of the legislation. Despite this, you still failed to cooperate.

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: [R.B], 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