

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011657
Name on Licence: Yuan Liu
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Kirin Realty & Management Inc.
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: Yuan Liu

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(k) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(k) comply with the Education Code of Conduct for Learners

Particulars of the contravention(s):

1. You were licensed to practice residential real estate as a real estate associate. You studied the Practice of Property Management course and took the exam for that course.
2. On May 22, 2021, you wrote an online exam for the Practice of Property Management. You received a failing grade of 64%.

3. On May 25, 2021, you rewrote the online exam for the Practice of Property Management. You received a grade of 84%.
4. Prior to writing the exam you reviewed a Permission to Write document and acknowledged you had read and understood the Exam Guidelines. The Exam Guidelines stated:
 - a) No electronic device in exam room
 - b) Close all programs running on your computer
 - c) You are not permitted to use any external resources
5. You took the exam on a computer and had another laptop beside you while writing the exam. You searched the online text book on your laptop to help answer exam questions. This was a prohibited action.

Principle 2 of the Education Code of Conduct states: *Learners will at all times conduct themselves with honesty, integrity and respectfulness.* You failed to comply with this Principle when you used your laptop to help answer exam questions.

Principle 4 of the Education Code of Conduct states: *Learners will support RECA's education requirements and will conduct themselves in a manner that does not undermine the integrity, efficacy, and efficiency of any aspect of RECA's education.* You failed to comply with this Principle when you used your laptop help answer exam questions.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Learners are trusted to follow the Education Code of Conduct and comply with Exam Guidelines. We must send a strong message that this conduct is not acceptable.

Mitigating Factors

- You admitted the conduct and showed remorse for your actions.
- You received a failing grade for the course.

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 September 13, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [B.Z], Real Estate Broker
Kirin Realty & Management Inc.