

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008714
Process: Section 83 of the *Real Estate Act*
Person: Olufemi Ojo
Document: ADMINISTRATIVE PENALTY
Penalty: \$10,000.00

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)(a) of the *Real Estate Act***.

Section 38 - Investigation

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

- by notice in writing demand that any person produce to the investigator*
 - (a) *any books, documents, records and other things in that person's possession or under that person's control that are relevant to the investigation,*
 - (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 Toluope Akinbode being the buyers.
2. On November 22, 2018 an investigation was opened into Jagdeep Duggal's conduct. Toluope Akinbode, 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 Toluope Akinbode to questions relating to the process of obtaining a mortgage for the purchase of the property.
3. Numerous attempts were made via email, telephone conversations and regular mail, to have you attend the RECA offices to answer the questions of an investigator. You failed to respond with a date to attend.
 - a) On August 27, 2021 the Registrar concluded an Administrative Penalty was appropriate for your failure to cooperate. This Administrative Penalty was sent to you via registered mail and via email.
 - b) On September 13, 2021 RECA received your payment for the Administrative Penalty.
 - c) On September 15, 2021 you were again emailed a demand letter advising you of your legal requirements to attend the RECA office to answer the questions of an investigator. The act of paying the Administrative Penalty did not alleviate your responsibility to cooperate with the investigator. Interview dates were included in the letter for you to choose from.
 - d) On September 21, 2021 you were again emailed a demand letter advising you of your legal requirements to attend the RECA office to answer the questions of an investigator. Dates for an interview were presented to you to choose from.
 - e) The email advised you that although you had paid the previous Administrative Penalty, it did not absolve you from cooperating with the investigator. The email also advised you that continued failure to cooperate could result in a larger Administrative Penalty being accessed.

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.
- An Administrative Penalty has been levied and you have continued to not 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 September 30, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta