

April 13, 2022

To: David Lawrence Bauer
Via Email: david@maxwelldirectrealty.ca

Dear David Lawrence Bauer,

RE: WITHDRAWAL APPLICATION APPROVED– s.54 REAL ESTATE ACT

On April 13, 2022, the Residential Property Manager Industry Council of the Real Estate Council of Alberta approved your application dated March 9, 2022, under section 54 of the *Real Estate Act* (the "Act") to permanently withdraw as a licensee under the Act, effective immediately.

As a result of a complaint, an investigation was commenced into your conduct.

The issues investigated are:

- Failed to file brokerage Fiscal Year End reports by the deadline
- Failed to file Fiscal Year End reports & providing false and misleading information to an investigator relevant to an investigation.
- Failed to provide documents used to review the brokerage trust accounts as requested by Trust Assurance Practice Review.
- Failed to respond to an offer for purchase from another licensee, providing misleading information to the property owner.
- Failed to provide the property owner rental disbursements and security deposit when requested.
- Failed to adequately manage the property, including issues concerning non-payment of owner rental disbursements.

- Failed to provide the property owner rental disbursements and allegation of misappropriation of those trust funds.
- Failed to provide the property owner rental disbursements and accounting errors concerning trust funds.
- Failed to adequately manage the property.
- Failed to adequately manage the property, made false statement regarding property, and failed to enter into a written service agreement with the property owner.
- Failed to provide the property owner rental disbursements, failed to keep property owner informed of issues concerning the property.
- Provided false or misleading information to an investigator relevant to an investigation, provided fraudulent bank account statements concerning brokerage trust accounts.
- Failed to provide the property owner rental disbursements and/or security deposit, failed to provide accounting documents related to the management of the property.
- Failed to enter into a written management agreement, cocaine found at property found at the property while the Applicant was in control of the property, failed to provide the property owner rental disbursements.
- Applicant failed to pay contractor invoices even though money was paid into trust account from an insurance company.

You were notified this investigation was opened in accordance with Part 3 of the Act and the corresponding *Real Estate Act Rules*.

The review into most of these matters is complete, however, no finding of conduct deserving of sanction or a referral to a hearing has been made by the Registrar on any of them.

Section 54(4) of the Real Estate Act states the Industry Council must not approve a s.54 application "if, in the opinion of the Industry Council,

allegations of fraud or criminal activity have been made against the licensee, and those allegations warrant an investigation.”. At the time of your application, based on our investigation to date, the Industry Council is satisfied there is insufficient evidence of fraud or criminal activity.

Accordingly, section 54(4) is not a barrier to the Industry Council approving this application.

Under the *Act*, the approved withdrawal application results in your lifetime prohibition as a licensee with immediate effect. It also results in the discontinuance of the aforementioned conduct proceedings.

If you have questions, please contact Charles Stevenson, Registrar.

Yours truly,

Don Newell, Chair
Residential Property Manager Industry Council
Real Estate Council of Alberta