

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 009352.003
Name on Licence: Paul Allen Seib
Licence Type and Class: Real Estate Broker
Brokerage Name on Licence: Currently unregistered, formerly registered
with Dione Irwin Real Estate Inc. O/A Royal
Lepage Innovate
Process: Section 39 and 83 of the *Real Estate Act*
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 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: Paul Allen Seib

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened section **38(4)a of the *Real Estate Act*** and this is conduct deserving of sanction.

Section 38(4)a - *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. In or around June and July of 2019 you failed to cooperate with a RECA investigation, contrary to section 38(4)a of the *Real Estate Act*:
 - a) The Registrar appointed a person (a "RECA Investigator") to investigate your conduct as a licensee. The investigation concerned your management of Royal LePage Innovate.
 - b) On June 21, 2019, the RECA Investigator sent you a letter notifying you of the investigation and requesting information by June 28, 2019. This request was not complied with.
 - c) On July 2, 2019, the RECA Investigator sent you a follow up email requesting the same information as above. You did not respond to this email.
 - d) On July 3, 2019, the RECA Investigator sent you a letter notifying you that you had failed to cooperate. The letter demanded you provide the requested information by July 10, 2019. The letter stated that if you failed to comply it would result in your suspension.
 - e) On July 10, 2019, you emailed the RECA Investigator confirming you were aware of the demand for information and the potential suspension. You did not provide any information requested.
 - f) On July 15, 2019, the RECA Investigator sent you a letter notifying you that the Executive Director had suspended your authorization to trade in real estate as a real estate broker.
 - g) On July 16, 2019, you confirmed you had received the suspension. This was the last communication from you.
 - h) As of the date of this penalty all the information demanded remains outstanding.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors:

- There must be specific and general deterrence of this conduct. RECA's ability to effectively investigate complaints depends on cooperation from licensees.
- You have failed to meet multiple deadlines given to you to provide information throughout the investigation.
- Your failure to cooperate prevented RECA from fully investigating the underlying issues in this matter.

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 full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing 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: [A.B], Legal Counsel
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on May 11, 2022.
(date)

"Signature"
Charles Stevenson, Registrar
of the Real Estate Council of Alberta