

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013645
Name on Licence: Austin Huan Dang Nguyen
Licence Type & Class: Condominium Management Broker
Brokerage Name on Licence: Linc Realty Advisors Inc. o/a AG Property Services
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: Austin Huan Dang Nguyen

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 80.84(1)(e) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 80.84 *A condominium manager broker must:*

(e) ensure the business of the brokerage is carried out competently and in accordance with the Act, the Bylaws, and these Rules.

Rule 118.2(2) *Every condominium manager brokerage shall, at all times while it holds a licence, maintain errors and omissions insurance in the form of insurance and terms and conditions approved by the Registrar.*

Particulars of the contravention(s):

1. From January to September 2022, you failed to ensure the business of the brokerage was carried out competently and in accordance with the Act, the Bylaws, and these Rules, contrary to section 80.84(e) of the *Real Estate Act* Rules:
 - a) January 13, 2022, your condominium management brokerage Linc Realty Advisors Inc. o/a AG Property Services was licensed.
 - b) On the licensing application, you responded "yes" to the question confirming the condominium management brokerage has an active errors and omissions insurance policy in compliance with section 118.2(1) of the *Real Estate Act* Rules.
 - c) From January 13, 2022, to September 19, 2022, your brokerage failed to have errors and omissions insurance.
 - d) September 20, 2022, you obtained errors and omissions insurance for your brokerage.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage did not have errors and omissions insurance for over 8 months.
- You confirmed in a licensing application that your brokerage had insurance in place.

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], Investigator
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 November 10, 2022.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta