

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012778
Name on Licence: Christina Marie Giuffre
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Century 21 Bamber Realty Ltd.
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: Christina Marie Giuffre

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

Rule at time of conduct:

Rule 41 – *Industry members must:*

(d) fulfill their fiduciary duties to their clients

Particulars of the contravention(s):

1. In or around October 2020, you failed to fulfill your fiduciary duty to your client, contrary to section 41(d) of the *Real Estate Act* Rules:
 - a) You represented a Seller in negotiations for the property located at [ADDRESS].
 - b) The Buyer was a licensee and initially offered \$135,700 and agreed to waive the buyer brokerage commissions in the purchase contract.
 - c) The Seller countered this at \$147,000 without buyer commissions. You texted the Seller "I presented our counter at \$147,000 (without her commissions)."
 - d) The Buyer then countered price at \$142,500. You texted the Seller "We need to adjust price given she is taking off her commissions" The Seller was confused and believed he had to accept this counteroffer from the Buyer. You implied the Seller and Buyer counteroffers were the same, which was incorrect. Both counteroffers were without buyer commissions but had a different purchase price. The net proceeds to the Seller were less in the \$142,500 counteroffer. The Seller was not required to adjust the price and had the option to refuse this counteroffer. Your text was misleading and failed to describe the Seller's options accurately. This was a failure to meet your fiduciary obligation to the Seller of providing advice that was consistent with the Seller's best interest.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your communications were misleading and contributed to your client believing he had to accept a counteroffer and sell his property for a lower price.

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 17, 2022.

“Signature”

Warren Martinson, Registrar
Real Estate Council of Alberta

cc [G.B], Real Estate Broker
Century 21 Bamber Realty Ltd.