

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010549 and 010118  
Name on Licence: Mohsin Iqbal  
Licence Type & Class: Real Estate Associate  
Brokerage Name on Licence: Five Star Realty Ltd. O/A Five Star Realty  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$25,000 (see Schedule 2 of the Bylaws)

**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: Mohsin Iqbal**

The Registrar of the 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.

*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. From around July 2020 and October 2021 you failed to co-operate with an investigation, contrary to section 38(4)(a) of the *Real Estate Act*:
  - a) The Registrar appointed a person (RECA Investigator) to investigate your conduct as an industry member.

- b) On June 5, 2020, you were notified of an investigation into your conduct under case matter #010118 and asked to provide answers to questions by June 26, 2020. You failed to meet this deadline.
- c) On July 2, 2020 you were notified that you have failed to meet the deadline and if answers to those question were not provided by July 15, 2020, RECA would issue a Notice of Failure to Co-operate and demand information under section 38 of the *Real Estate Act* of Alberta
- d) On July 17, 2020, a response to these questions were received but they failed to answer the questions in any meaningful detail. This was a failure to cooperate with the request for information.
- e) On August 24, 2020, you were notified of an investigation into your conduct under case matter #010549 and asked to provide answers to questions by September 14, 2020. You failed to meet this deadline.
- f) On September 23, 2020 you were resent the notification of investigation under case matter #010549 via registered mail and asked to provide answers to questions by October 14, 2020. You failed to meet this deadline.
- g) On December 3, 2020 you were notified that you had failed to cooperate with the investigation and information was demanded under section 38 of the *Real Estate Act* of Alberta with a deadline of January 7, 2021. This correspondence included a direction to provide dates for the purpose of attending RECA's office for an interview in relation to the above noted case matters. This demand made clear that failing to cooperate could result in an Administrative Penalty up to \$25,000. You did not respond to this demand and ceased all further communication on this matter.
- h) As of October 29, 2021 a response to these questions have not been received and you have failed to attend RECA's offices for an interview.

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 co-operation from licensees
- You have failed to meet multiple deadlines given to provide information throughout these investigations.
- The allegations in these complaints are serious and include fraud and theft of funds.

## 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: [B.T], 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 November 3, 2021.

**"Signature"**

Charles Stevenson, Registrar  
Real Estate Council of Alberta