

JTHE REAL ESTATE COUNCIL OF ALBERTA

Case: 007015-CM; 011077.001
Process: A Hearing under Part 3 of the *Real Estate Act*
Licensee: Casurt Roy Morgan
Class of License: Mortgage Associate
Registration: Axiom Mortgage Solutions Inc. O/A Axiom Mortgage
Solutions (Formerly Invis Inc. O/A Invis)

Document: NOTICE OF HEARING

TO: Casurt Roy Morgan

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: March 21 – March 24, 2023

Time: 9:30 a.m.

Location: Virtual Hearing

Hearing Panel: [K.S]

[J.D]

[C.S]

(Alternates: [J.A], [K.M], [D.R])

Counsel for the Panel: Ricki Johnston – Gowling WLG

It is alleged that your conduct is deserving of sanction for breaching sections of the *Act* or Rules. Here are the details:

- 1) On or about February 2016, you committed forgery in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules:
 - a. You represented [T.B] and [T.O] ("the clients") regarding a mortgage for [ADDRESS 1] ("the property").
 - b. You knowingly added the clients' signatures and other false information to a Client Consent form.
 - c. You provided this document to your brokerage and intended that the brokerage act upon it as if it were genuine, thereby committing forgery.
 - d. You committed forgery so that you could be paid a commission.

- 2) On or about February 2016, you committed forgery in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules:
 - a. You represented the clients regarding a mortgage for the property.
 - b. You knowingly added the clients' signatures, licence number, and other false information to a Mortgage Disclosure form.
 - c. You provided this document to your brokerage and intended that the brokerage act upon it as if it were genuine, thereby committing forgery.
 - d. You committed forgery so that you could be paid a commission.

- 3) On or about February 2016, you committed forgery in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules:
 - a. You represented the clients regarding a mortgage for the property.

- b. You knowingly added the clients' signatures, licence number, and other false information to an Initial Disclosure and Lenders available form.
 - c. You provided this document to your brokerage and intended that the brokerage act upon it as if it were genuine, thereby committing forgery.
 - d. You committed forgery so that you could be paid a commission.
- 4) On or about February 2016, you committed forgery in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules:
- a. You represented the clients regarding a mortgage for the property.
 - b. You knowingly added the clients' signatures, the client's initials, and other false information to a Canada Life iprotect application for insurance form.
 - c. You provided this document to your brokerage and intended that the brokerage act upon it as if it were genuine, thereby committing forgery.
 - d. You committed forgery so that you could be paid a commission.
- 5) On or about April 2016 to May 2016, you committed forgery in connection with the provision of services, contrary to section 42(b) of the Real Estate Act Rules:
- a. You represented [S.C] regarding a mortgage for [ADDRESS 2].
 - b. You knowingly created a false gift letter and provided this letter to the National Bank and your brokerage, thereby committing forgery.
 - c. The mortgage was ultimately funded, and you were paid a commission.

- 6) On or about April 2016 to May 2016, you failed to provide adequate supervision for an assistant who was performing duties on your behalf, contrary to section 69(e) of the Real Estate Act Rules:
- a. You represented [S.C] regarding a mortgage for [ADDRESS 2]
 - b. Your assistant, [ASSISTANT], submitted a false gift letter to the National Bank while performing duties on your behalf.
 - c. [ASSISTANT] was able to submit the false gift letter because he was inadequately supervised.
 - d. The mortgage was ultimately funded, and you were paid a commission.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website:

- *Hearing and Appeal Practice and Procedures Guideline and*
- *Guide for How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal Panel*

Both are found on the RECA Website: RECA>Complaints & Discipline>Hearing Information and Procedures

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen At the Hearing

After hearing all evidence and argument the Panel will decide whether the Executive Director has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your license
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Hearing

You can provide written arguments at the end of the hearing or after the end of the hearing

You must provide these to the **Hearings Administrator** and **Counsel for the Registrar** (contact information below) **no later than 15 days after the end of the Hearing**.

Contact the Hearing Administrator if you need more time.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing.

If you do not have a representative please read *Information for Unrepresented Industry Members*:

<http://www.reca.ca/industry/content/publications-resources/guides.htm>.

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on February 6, 2023.

(date)

“Signature”

Warren Martinson, Registrar

of the Real Estate Council of Alberta

Contact Information

Hearings Administrator: Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9	Lawyer for the Registrar: Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9
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