

March 23, 2023

To: Michael Emmanuel Francis
Via Email:

Dear Michael Emmanuel Francis,

RE: WITHDRAWAL APPLICATION APPROVED– s.54 REAL ESTATE ACT

On March 14, 2023, the Residential Real Estate Broker Industry Council of the Real Estate Council of Alberta approved your application dated October 5, 2022 under section 54 of the *Real Estate Act* (the "Act") to permanently withdraw as a licensee under the Act, effective immediately.

As a result of several complaints, investigations were commenced into your conduct.

Within the first matter, the issues investigated are:

- Failed to act competently in a transaction, contrary to s. 41(b) of the *Real Estate Act Rules*.
- Signed a backdated Contract for Posting Without Representation with an inflated purchase price on February 9, 2019 that had been prefilled by an unlicensed third party.
- Listed a property on MLS prior to having this contract signed and did so with an inflated purchase price despite the broker advising you based on a comparative market analysis that the price was too high.
- Provided backdated FINTRAC sheet to the brokerage for this transaction.
- Posted the property on MLS without measuring it, and relied on measurements from an unlicensed third party.
- Relied on an unlicensed third party to pull title.
- Failed to provide your broker in a timely manner all original documentation provided to the parties or maintained by other brokerages, contrary to s. 53(c) of the *Real Estate Act Rules*.

- Failed to provide your brokerage with the transaction record sheet nor the measurements of the property.
- Provided the Contract for Posting Without Representation and FINTRAC sheet to the brokerage more than a month after the property was already listed.

Within the second matter, the issues investigated are:

- Failed to act competently in the transaction contrary to s. 41(b) of the *Real Estate Act Rules*.
- Signed a backdated Contract for Posting Without Representation with an inflated purchase price which was pre-filled by an unlicensed third party.
- Posted the property on MLS without measuring it, but rather relied on measurements from an unlicensed third party.
- Did not inform your brokerage of this transaction yet a third party drafted forged documents from your brokerage confirming commissions.
- Failed to provide your broker in a timely manner all original documentation provided to the parties or maintained by other brokerages, contrary to s. 53(c) of the *Real Estate Act Rules*.
- Did not provide your brokerage with any information about the listing and transaction until the brokerage demanded it during the investigation well after the listing and sale.

Within the third matter, the issues investigated are:

- Failed to act competently contrary to s. 41(b) of the *Real Estate Act Rules*.
- Inflated the purchase price of the property on the MLS listing without basis.
- Did not inform your brokerage of this transaction.
- Presented a Residential Purchase Contract to sign which was prefilled by an unlicensed third party, and which falsely listed a party as the buyer's associate.

- Failed to provide your broker in a timely manner all original documentation provided to the parties or maintained by other brokerages, contrary to s. 53(c) of the *Real Estate Act Rules*.
- Did not provide your brokerage with information about the listing and transaction until the brokerage demanded it during the investigation, after the listing and sale.

Within the fourth matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

Within the fifth matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

Within the sixth matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

Within the seventh matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

Within the eighth matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

Within the ninth matter, the investigative findings are:

- That investigation has not concluded and no finding of conduct deserving of sanction has been made.

You were notified the investigations were opened in accordance with Part 3 of the Act and the corresponding *Real Estate Act Rules*.

The review into these matters is complete, however, no finding of conduct deserving of sanction or a referral to a hearing has been made by the Registrar on any of them.

Section 54(4) of the Real Estate Act states the Industry Council must not approve a s.54 application "if, in the opinion of the Industry Council, allegations of fraud or criminal activity have been made against the licensee, and those allegations warrant an investigation.". At the time of your

application, the investigation was complete and we do not believe any additional investigation is warranted.

Accordingly, section 54(4) is not a barrier to the Industry Council approving this application.

Under the *Act*, the approved withdrawal application results in your lifetime prohibition as a licensee with immediate effect. It also results in the discontinuance of the aforementioned conduct proceedings.

If you have questions, please contact Warren Martinson, Registrar.

Yours truly,

Sano Stante,
Residential Real Estate Broker Industry Council
Real Estate Council of Alberta