

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 012545
Process: Section 83 of the *Real Estate Act*
Person: Sabah Al-Hamidi
Document: ADMINISTRATIVE PENALTY
Penalty: \$5000.00

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*.

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: Sabah Al-Hamidi

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 38(4)(a) of the *Real Estate Act***.

Section 38 - Investigation

38(2) *A person conducting an investigation may*

(a) by notice in writing demand that any person produce to the investigator any books, documents, records and other things in that person's possession or under that person's control that are relevant to the investigation,

(b) demand that any person answer any questions that are relevant to the investigation,

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. In or around April 2022 you and your son, real estate licensee Anwar Al-Hamidi, were involved in a real estate transaction for [ADDRESS]:
 - a) You were not the registered owner of the Property, and you were not a real estate licensee. A purchase contract was created listing you as the seller of the Property.
 - b) A complaint was received, and an investigation was commenced against Anwar Al-Hamidi involving the Property. You had information relevant to the investigation. An investigator requested your attendance for an interview to answer questions related to the investigation.
 - c) On November 14, 2022, Anwar Al-Hamidi, stated he would have you contact the investigator to arrange an in person interview. You did not contact the investigator.
 - d) On November 23, 2022, a second request was made through Anwar Al-Hamidi to have you contact the investigator to answer his questions. You did not contact the investigator.
 - e) On December 13, 2022, a demand letter was sent to Anwar Al-Hamidi requesting your contact information for the investigator to contact you. Your address and telephone number were received on December 31, 2022.
 - f) On January 16, 2023, a registered letter was sent to your home address demanding you contact the investigator to arrange an interview. You failed to pick up the letter.
 - g) On February 1, 2023, the investigator telephoned your home number and left a voice message and contact information requesting you return the call. You failed to return this call.
 - h) On March 15, 2023, a demand letter was sent to you requesting you contact the investigator to arrange an interview prior to March 24, 2023. This letter was confirmed to be delivered to you personally by a process server. This demand made clear that failing to cooperate could result in an Administrative Penalty. You were also provided with a copy of the legislation supporting the obligation to cooperate. You failed to comply with the demand letter and contact the investigator. This was a failure to cooperate with a person conducting an investigation.
 - i) On March 30, 2023, a voice message was left for you to contact the investigator. You failed to return this call.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The investigation involves serious allegations of impersonating a seller. You have critical information relevant to the investigation.
- There must be general deterrence of this type of conduct. RECA's ability to effectively investigate complaints depends on cooperation from witnesses and the ability to interview witnesses.
- An investigator has explained RECA's authority to you and provided a copy of the relevant legislation that explains your obligation to cooperate. Despite this, you still failed to cooperate.

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: [R.B], Investigator
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
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Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on April 13, 2023.

“Signature”

Warren Martinson, Registrar
Real Estate Council of Alberta