

## THE REAL ESTATE COUNCIL OF ALBERTA

**Case Number:** 007466.002  
**Name on Licence:** Farouk Mohamed  
**Licence Sector and Class:** Real Estate Associate Broker  
**Current Brokerage:** R&D Realty, operating as Maxwell Canyon  
Creek  
**Conduct Brokerage:** Real Estate Professionals Inc.  
**Process:** Appeal of a Hearing Panel Decision s.48 of  
the *Real Estate Act*

### NOTICE OF RECORD ON APPEAL

**To:** Farouk Mohamed c/o Todd M. Lee (Counsel)

A hearing is set for your appeal. Read this entire document to see what you must do.

#### Appeal Hearing Information

**Date:** To be Set by Appeal Panel  
**Time:** To be Set by Appeal Panel  
**Location:** Virtual Hearing  
**Appeal Panel:** [G.H.F] Chair, Panel Member  
[G.P] Panel Member  
[A.S] Panel Member

(Alternates: [J.G], [J.L], [B.W])

## **The Record of the Hearing Panel Decision**

Enclosed is the hearing record from the original hearing and copies of all documents that were entered as evidence in the hearing. This is called the "record". Your appeal must be based on the record of the hearing (see section 50(1) of the *Real Estate Act*).

## **Exchange of Written Arguments before the Hearing**

Write a summary of why you are appealing for the Appeal Panel to review before the hearing. Limit the summary to 10 pages and address the following:

- What part of the Hearing Panel decision are you appealing: the finding of breach, the sanction, and/or the costs
- Your reasons for your appeal: why is the decision wrong
- What in the Record supports your reasons
- Is there any law (past decisions, legal cases or legislation) that supports your reasons

Send your summary by email, fax or mail to the **Hearings Administrator** and the **Legal Counsel for the Registrar** (contact information below) **on or before the close of business on November 10, 2023**.

The Registrar has **until December 11, 2023** to provide a response. You will receive a copy of this response.

Your reply, if any, is to be provided by email, fax or mail to the **Hearings Administrator** and the **Legal Counsel for the Registrar** (contact information below) **on or before December 29, 2023**.

The Appeal Panel will receive your summary and the Registrar's reply before the hearing. Each member of the Appeal Panel will have a copy of the Record.

## **You need Permission to use New Evidence**

An appeal is not a rehearing. It is a review by the Appeal Panel of the decision the Hearing Panel made and how it reached that decision. The Appeal Panel reviews the Record.

If you want to use new evidence in your appeal you must explain to the Appeal Panel

- Why you need the new evidence and
- Why you didn't use it in the first hearing

If your appeal is based on new evidence, contact the Hearings Administrator **immediately**. You will need to submit an application to the Appeal Panel before the hearing requesting the new evidence by heard [s.50(2)(b) of the *Real Estate Act*].

## **Virtual Hearings**

Hearings at RECA are conducted virtually using Microsoft Teams. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive assistance to participate in the virtual process.

## **Why You Should Attend the Appeal Hearing**

The hearing is your opportunity to argue 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 Guidelines and*
- *Information for Unrepresented Licensees*

They are under the *Publications and Resources* tab under the heading *Guides to Disciplinary Proceedings*.

### **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 reviewing the Record and hearing all arguments the Panel must do one of the following under **section 50(4)** of the *Real Estate Act*:

- Make a finding or order that, in its opinion, ought to have been made by the hearing panel.
- Quash, confirm or vary any finding or order of the hearing panel or substitute or make a finding or order of its own.
- Refer the matter back to the hearing panel for further consideration in accordance with any direction that the Appeal Panel makes.
- Order you to pay the cost of the Appeal if you are unsuccessful.

### **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 Licensees*:

<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, tell the Hearings Administrator **who** you object to and **why** within **14 days** of receiving this Notice.

If you do not object to the Hearing Panel within 14 days, this Hearing 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 Counsel for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on October 10, 2023.



**"Signature"**  
Warren Martinson, Registrar  
Real Estate Council of Alberta

*(Faint contact information follows)*

<p>Hearings Administrator:</p> <p>Email: <a href="mailto:hearingsadmin@reca.ca">hearingsadmin@reca.ca</a> 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</p>	<p>Administrator for Counsel for the Registrar:</p> <p>Email: <a href="mailto:conductadmin@reca.ca">conductadmin@reca.ca</a> 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</p>
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