

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012446.001
Name on Licence: Michael Cordell Banks
Licence Sector and Class: Real Estate Associate
Current Brokerage: Excellence Real Estate Edmonton Ltd. o/a
Re/Max Excellence
Conduct Brokerage: Excellence Real Estate Edmonton Ltd. o/a
Re/Max Excellence
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Michael Cordell Banks

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

Hearing Information

Date: Monday, December 9th, 2024
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [R.D]
[L.M]
[J.P]
(Alternates: [G.F], [H.P], [B.W])

Counsel to the Panel: Marc Matras, Gowling WLG LLP

It is alleged that the following conduct is deserving of sanction:

1. Between November 23, 2021, and December 31, 2021, you traded in real estate as a real estate broker without holding the appropriate licence for

that purpose issued by the Industry Council relating to that industry, contrary to s. 17(a) of the *Real Estate Act*:

- a. You provided commercial property listings to a potential client without a commercial real estate licence;
- b. You received financials of commercial properties from a potential client without a commercial real estate licence;
- c. You asked for a letter of intent from the potential client's mortgage broker to secure a showing without a commercial real estate licence;
- d. You provided advice regarding the purchase of commercial properties to the potential client without a commercial real estate licence.

2. On December 8, 2021, you did not comply with the Education Code of Conduct for Learners, Principle 2 – Learners will at all times conduct themselves with honesty, integrity, and respectfulness, contrary to s. 41(k) of the *Real Estate Act Rules*:

- a. You told the educational institution administering the commercial real estate exam that you had a medical reason for not being vaccinated, which was not true. The educational institution required that all exam takers be vaccinated before sitting for the exam unless they had an exemption.
- b. You told the third-party commercial real estate exam provider you had been admitted to the testing centre when you had not, in an attempt to bypass rebooking and repaying for the exam.
- c. You told the third-party commercial real estate exam provider that the exam would not load on the computer in the testing centre, which was not true, in an attempt to bypass rebooking and repaying for the exam.

- d. You were disrespectful on the phone to staff employed by the third-party commercial real estate exam provider.
3. Between November 23, 2021, and December 31, 2021, you made representations or carried on conduct that was reckless or intentional and that misled or deceived any person or was likely to do so, contrary to s. 42(a) of the *Real Estate Act Rules*:
 - a. You told a potential client that you were arranging showings for commercial properties when you were not;
 - b. You told a potential client that you were unable to arrange showings for commercial properties because the selling agents were not getting back to you, which was not true;
 - c. You told a potential client that you had reviewed financials for commercial properties when you had not;
 - d. You provided a vaccination card with a QR code to the institution providing the commercial real estate exam, which did not match your name, in an attempt to gain access to the exam;
 - e. You told the Verification Centre at the institution providing the commercial real estate exam that you were just a visitor who was not going to access labs or learning centres (vaccination not required) to persuade them to send communication to the administrators of the exam to allow you entry.

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.

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

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

Before the Hearing

You will receive full disclosure of all evidence gathered by the Registrar relevant to the allegations in this Notice of Hearing for your review. This disclosure is for use in the conduct proceedings only and you may not use it for any other purpose.

You are also invited to meeting with Counsel for the Registrar prior to the hearing to consider entering agreement on non-contested matters such as:

- An admission of conduct deserving of sanction
- An agreement on facts
- An agreement on breaches
- An agreement on a finding of conduct deserving of sanction
- An agreement on sanction and/or costs.

Admissions or agreements can reduce the time and costs of the hearing.

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 Registrar 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 authorization
- 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 Evidence

You can ask the Panel to allow you to provide written arguments at the end of presentation of evidence. The Panel will give directions on how this may be done.

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 here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

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 November 22, 2024.
(date)

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

Hearings Administrator:	Administrator for Counsel for the Registrar:
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