

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 015558; MMS-03090  
Process: Section 83 of the *Real Estate Act*  
Person: Fay Ann Blake  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$5,000 (see Schedule 2 of the Bylaws)

### 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: Fay Ann Blake**

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*  
(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. Between February 2025 and March 2025, you failed to cooperate with an investigation contrary to section 38 of the *Real Estate Act*:
  - a) An investigation was opened reviewing the conduct of a licensee. You were a witness that had relevant information to the investigation.
  - b) On February 11<sup>th</sup>, 2025, via email, your attendance was requested for an interview, with multiple potential dates provided. The deadline for the response to the request was February 18<sup>th</sup>, 2025. You failed to respond by the deadline.
  - c) On February 20<sup>th</sup>, 2025, a demand for an interview for an investigation under the *Real Estate Act* was sent to you via email. The deadline for the response to the request was February 28<sup>th</sup>, 2025.
  - d) You confirmed receipt of this email via telephone the same day and you raised concerns with respect to your work schedule conflicting with the potential interview times provided. The investigator explained that an interview time would accommodate any scheduling issues.
  - e) On February 21<sup>st</sup>, 2025, via email, it was confirmed that an interview would be conducted after regular business hours to accommodate your work schedule and three potential dates for the interview were provided. A response to this email was not received.
  - f) On March 3<sup>rd</sup>, 2025, a *Notice of Failure to Cooperate* was issued. This letter demanded your attendance to an in-person interview scheduled on March 20<sup>th</sup>, 2025, at 6:30 PM to accommodate your work schedule. The demand outlined your requirement to attend the interview and provided the legislation supporting the obligation to cooperate. The demand also explained that failing to cooperate could lead to an Administrative Penalty. You did not attend the interview.
  - g) On March 25<sup>th</sup>, 2025, via email, you were provided an opportunity to suggest dates and times you would be able to attend an interview at your convenience. Again, it was explained to you that an administrative penalty may be issued to you if you did not comply.
  - h) To date, you have not cooperated with a person conducting an investigation under the *Real Estate Act*.

The Registrar considered the following aggravating factors:

### ***Aggravating Factors***

- The investigation involves serious allegations of fraud. 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: [S.W], 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 March 31, 2025.

**"Signature"**

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Warren Martinson, Registrar  
Real Estate Council of Alberta