

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 015711
Name on License: Andrew Vu
License Type & Class: Real Estate Associate
Brokerage Name on License: Real Broker AB Ltd. o/a Real Broker; currently
licensed with 4th Street Holdings Ltd. o/a Re/Max
Real Estate (Central)
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500

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* and may suspend your license under section 38.1 of the Rules.

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: Andrew Vu

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(g) of the *Real Estate Act* Rules**, and this is conduct deserving of sanction.

Rule 53 – *A real estate associate broker and associate must:*

- (g) - respond promptly to any inquiry that is addressed to him by the broker.

Particulars of the contravention(s):

1. In or around April 2024 you failed to respond promptly to your broker's inquires contrary to section 53(g) of the *Real Estate Act* Rules:
 - a) Real Broker was representing a Buyer. You facilitated the Buyer signing a representation agreement (Agreement). This Agreement was signed electronically by the Buyer using DocuSign.
 - b) At closing, the Buyer alleged they had not signed the Agreement and contacted your brokerage.
 - c) [R.V] was a broker delegate for Real Broker. On April 1, 2024, [R.V] contacted you requesting the DocuSign records supporting the Agreement was signed. You did not provide the DocuSign records.
 - d) The brokerage made subsequent follows up to get the DocuSign records. You did not provide the DocuSign records.
 - e) You had the DocuSign records that supported the Buyer's signature was legitimate. You refused to provide those records to your brokerage because you were unhappy with how the brokerage was handling commissions for the deal.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The brokerage was facing allegations that one of their licensees had produced an Agreement with a fake signature. You had information to refute that allegation and refused to provide that information. This further fueled the allegation that the Agreement was fraudulent.
- The brokerage released their claim to commissions on the transaction because they could not provide the DocuSign records. This was a direct result of your misconduct and your refusal to respond promptly to the brokerage and provide the requested information.

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: [J.C], Investigator
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on April 14, 2025.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc. [T.L], Real Estate Broker
Real Broker

[D.L], Real Estate Broker
Re/Max Real Estate (Central)