

December 22, 2010

Private and Confidential

**Notification of Reprimand Discipline Pursuant to s. 39 of the
*Real Estate Act***

In accordance with s. 39 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, [(“the Industry Member”)], Real Estate Broker, registered to trade in real estate with [(“the Brokerage “)] at all material times, to issue a letter of reprimand. The evidence giving rise to the Executive Director’s decision is as follows:

L.H. was acting as a property manager for [(“the Brokerage “)] from February 1, 2001 until July 25, 2006. You were the registered broker of [(“the Brokerage “)] from October 1, 2001 until October 21, 2005. While you were the broker of [(“the Brokerage “)], L.H. was practicing while unauthorized to trade in real estate according to the *Real Estate Act*.

The Executive Director believes that this conduct is in contravention of Section 50(B) of the *Real Estate Act Rules* made pursuant to the *Real Estate Act* which sets out that:

A real estate brokerage must not employ a person to trade in real estate unless that person meets the requirements of the Act, Regulations, Rules and Bylaws, and all levies, fees, premiums, fines, administrative penalties and other amounts that are payable under or pursuant to the Act, Regulations, Rules, or Bylaws or under any predecessor enactments in respect of that person have been paid.

The Executive Director believes that this is conduct deserving of sanction but also believes this matter can be dealt with by way of this Letter of Reprimand.

In determining the Letter of Reprimand assessed herein, the Executive Director of the Real Estate Council of Alberta has taken into consideration the following aggravating and mitigating circumstances:

1. You acknowledged responsibility for your inaction regarding this situation.
2. A substantial administrative penalty has been issued to [(“the Brokerage “)] regarding this situation.

If you dispute this Letter of Reprimand, in accordance with s. 40.1(2) of the *Real Estate Act*, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations in relation to the contravention.

If you have any questions in regard to this Letter of Reprimand, please contact Tricia Hickey, Conduct Enforcement Counsel at the Real Estate Council of Alberta.

REAL ESTATE COUNCIL OF ALBERTA

Per:

Bob Myroniuk, Executive Director
Real Estate Council of Alberta