

**REAL ESTATE COUNCIL OF ALBERTA**

**NOTICE OF ADMINISTRATIVE PENALTY**

To: Larry G. Barkley, Mortgage Associate  
HLC Home Loans Canada  
800, 333 11 Ave SW  
Calgary, AB T2R 1L9

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "**Act**"), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Larry G. Barkley (hereinafter 'Barkley'), at all relevant times, associate, registered with 3877337 Canada Inc. o/a HLC Home Loans Canada (hereafter "HLC Home Loans Canada"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On December 31, 2008, RECA's Industry Standards received the following application from you:

- (a) Brokerage License Application for 1409389 Alberta Ltd o/a Dominion Lending Centres – Larry Barkley;
- (b) Associate/Associate Broker Registration Cancellation for Mr. Larry Barkley;
- (c) Broker Application for License and Registration for Mr. Larry Barkley.

On December 30, 2008, you executed an "Associate/Associate Broker Registration Cancellation" form. The form states the associate has notified the broker in writing that he has been terminated and all related documents have been transferred to the broker. You attested to the truthfulness of the information contained in the Associate/Associate Broker Registration Cancellation application by swearing an affidavit.

On January 7, 2009, Mr. Frank Petrin, on becoming aware of advertisements made on your behalf by Dominion Lending Centres, stated that he had not been advised that you had been terminated and that you did not make arrangements for the transfer of documents to HLC Home Loans Canada. In an October 13 2010 conversation with Veronica Rosito you stated that you had not notified Frank Petrin as if you had, he would have terminated you immediately.

The Executive Director is of the opinion that the above noted conduct is in violation of Section 42(a) which sets out that:

*42 Industry members must not:*

*(a) make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so;*

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of \$1,500.00 has been assessed against you for this contravention.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offense in respect of those contraventions.

This sum of \$1,500.00 is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set out in this Notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty in accordance with s. 83.1 of the 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 Notice of Administrative Penalty, please contact Veronica Rosito, investigator, at the Real Estate Council of Alberta.

DATED this 24<sup>th</sup> day of November, 2010

REAL ESTATE COUNCIL OF ALBERTA

Per:

*Bob Myroniuk*  
Executive Director

c. Frank Petrin, Conduct Broker  
HLC Home Loans Canada

Dorothy Kozak, Broker  
HLC Home Loans Canada