

THE REAL ESTATE COUNCIL OF ALBERTA

Licence Type & Class: Real Estate Associate
Process: Section 39 of the Real Estate Act

Document: LETTER OF REPRIMAND

TO: [J.M]

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 – *Licensees must:*

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

Particulars of the contravention(s):

1. In or around April 2023, you failed to respond promptly to your broker's inquiries contrary to section 53(g) of the *Real Estate Act* Rules.
 - a) You were representing a buyer in multiple transactions in 2019. A consumer approached the brokerage raising concerns about the transaction several years later. In or around April 2023, the brokerage requested you answer questions about the transaction so the brokerage could understand what occurred and respond to this consumer.
 - b) In or around April 3, 2023, you responded to the brokerage's questions. A few of your answers indicated you had documents in storage, and you would confirm your answers after reviewing your documents in storage.
 - c) You did not provide any further clarification or follow up with your brokerage on what was in storage. It appears there was no further information in storage, but you did not communicate that to your brokerage.
 - d) Overall, your brokerage found you were less than forthcoming in responding and providing information to their inquiries. The broker terminated your registration with the brokerage.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- Your brokerage required information from you to respond to a consumer's concerns.

Mitigating Factors

- The inquiries were related to a transaction that occurred 4 years earlier.

The Registrar may not treat further similar instances of this conduct in the same manner.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

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 be received by the Registrar **within 30 days** of you receiving this Letter of Reprimand. If you have any questions regarding particulars or the appeal process, please contact:

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Issued at Calgary, Alberta, on April 14, 2024.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc. [A.F], Real Estate Broker

[G.B], Real Estate Broker