

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

**To: Duane Jones**  
**c/o Point McKay Realty Ltd.**  
**317 Patina Court SW**  
**Calgary, AB T3H 4K9**

In accordance with s. 39 and s. 83 of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "Act") and the Bylaws of the Act (the "Bylaws"), 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 Duane Jones, broker for Point McKay Realty Ltd. (the "Brokerage") to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

In December 2004, a regularly scheduled audit of the Brokerage's accounts was conducted by the Real Estate Council of Alberta. At that time, inconsistencies between the accounting practices of the Brokerage and the requirements under the Act and the Bylaws were identified. Details of these inconsistencies are outlined below.

Between approximately February 2004 and December 2004, you failed to ensure that the trust accounts and trust account records of the Brokerage were maintained in accordance with the Act, the Bylaws and the Rules associated with the Act (the "Rules"). Specifically, you: failed to ensure that accurate and complete records of all trust activities were maintained; failed to ensure that money received in trust was deposited into the Brokerage's designated trust account; failed to ensure that money received or held in trust was kept separate from other monies of the Brokerage; and failed to disburse money received or held in trust in accordance with the Rules.

The Executive Director therefore believes that your conduct was in contravention of Rule 21(1)(g) of the Rules which reads:

21(1) A broker

(g) must ensure the required trust accounts and trust account records are maintained in accordance with the Act, the Bylaws, these Rules and the law as it relates to trustees.

In accordance with s. 39 and s. 83 of the Act and Part 5 of the Bylaws, an Administrative Penalty in the amount of **\$1000.00** has been assessed against you for your contravention of Rule 21(1)(g). 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 this contravention.

This sum 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. 35 of the Bylaws, 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 to make representations in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Jemison Jackson, Conduct Enforcement Counsel, at the Real Estate Council of Alberta.

DATED this 13<sup>th</sup> day of December, 2005.

**REAL ESTATE COUNCIL OF ALBERTA**

Per: "Bob Myroniuk"  
Bob Myroniuk  
Executive Director