

REAL ESTATE COUNCIL OF ALBERTA

IN THE MATTER OF Kevin Klymok, agent most recently registered with Royal
Lepage Noralta

Pursuant to s.53(1)(a) of the *Real Estate Act* R.S.A. 2000, c. R-5

To: Kevin Klymok
Edmonton, Alberta

ORDER

IT IS HEREBY ORDERED THAT:

"A.K."

PURSUANT to the provisions of section 53(1)(a) of the *Real Estate Act*, R.S.A. 2000, c. R-5, the authorization of Kevin Klymok to trade in real estate is temporarily suspended pending the outcome of proceedings under Part 3 - Conduct Proceedings - of the *Real Estate Act* R.S.A. 2000, c. R-5.

Dated this 27th day of September, 2005.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Lynn Patrick"

Lynn Patrick
CHAIRMAN
Real Estate Council of Alberta

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agent most recently registered with
Royal LePage Noralta

Pursuant to s.53(1)(a) of the
Real Estate Act R.S.A. 2000, c. R-5

ORDER

REAL ESTATE COUNCIL OF ALBERTA
340-2424 4th Street S.W.
Calgary, Alberta T2S 2T4
Ph: (403) 228-2954
(1-888-425-2754)
Fax: (403) 228-3065

Jean Flanagan
Director of Legal Services

September 26, 2017

Kevin Klymok
Edmonton, Alberta

Re: S. 53(1)(a) of the *Real Estate Act* temporary suspension of authorization of Kevin Klymok, agent most recently registered with Royal LePage Noralta

Pursuant to s. 53(1)(a) of the *Real Estate Act*, the Chairman of the Real Estate Council of Alberta has temporarily suspended your authorization as an agent to trade in real estate pending the outcome of proceedings under Part Three of the *Real Estate Act*.

The suspension order is based on the following:

1. Kevin Klymok (Klymok) has been an industry member since January, 2005. From January 13 to March 23, 2005, he was registered in Edmonton with Re/Max Elite. He was then inactive until May 9, 2005 when he registered with Royal LePage Noralta until his registration was terminated by Royal LePage Noralta on July 29, 2005.
2. In June, 2005, a first time buyer Angelo Chiarella (Chiarella), through his good friend and real estate agent, Klymok, viewed a residential property and requested that Klymok draft an offer to purchase the property. At the urging of Klymok, Chiarella was persuaded to indicate a \$100,000 deposit on the draft offer to purchase and to write a cheque for \$100,000 made payable to River City Law Group. After counter offers, Klymok advised Chiarella that the offer had been accepted by the sellers and produced a signed offer to purchase with closing dates.
3. Unbeknownst to Chiarella, Klymok had large debts. Klymok persuaded Chiarella's bank to exchange the deposit cheque for a bank draft, also payable to River City Law Group. He provided the \$100,000 bank draft in person to Andrew Geisterfer (Geisterfer) a lawyer at the River City Law Group and without supporting documentation to corroborate his statements, persuaded Geisterfer to deposit the \$100,000 into the law firm's trust account on Klymok's account and disburse the \$100,000 on Klymok's account to two different individuals in equal amounts of \$50,000 each.
4. Following the scheduled closing date, Chiarella discovered Klymok had never presented his offer to the sellers but had forged signatures and initials making the document appear as though it were a bona fide document. In fact, the

property had been sold to someone else. He also learned that Klymok had found a way to use Chiarella's \$100,000 bank draft payable to the law firm to pay Klymok's own debts and that his \$100,000 was no longer in the law firm's bank account.

5. Chiarella has contacted the brokerage with which Klymok was authorized and is trying to gain the return of his \$100,000.
6. Klymok's whereabouts are currently unknown.

As a result of the evidence gathered and the seriousness of the matter as illustrated above, including the misappropriation of a client's monies, pursuant to s. 53(1)(a) of the *Real Estate Act*, it is in the public's interest to temporarily suspend your authorization, until Part Three *Real Estate Act* proceedings are concluded. Enclosed is a copy of section 53 of the *Real Estate Act* for your information.

If you have questions regarding these matters please contact Maggie Mondey at (403)228-2954.

Yours truly,

Bob Myroniuk
Executive Director

Encl.

cc. Ken Shearer