

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Steve Wener, Agent
Realty Executives Devonshire
11058 51 Avenue
Edmonton, AB T6H 0L4

In accordance with section 39 and 83 of the *Real Estate Act*, R.S.A. 2000 c. R-5 and the Bylaws of the *Real Estate 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 Steve Wener, agent registered with Devonshire Realty o/a Realty Executives Devonshire Realty, to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On or about August 17, 2003, you, Steve Wener showed your buyer client the seller's condominium property and drafted a successful offer to purchase on behalf of the buyer with a completion date of September 29, 2003.

On or about September 11, 2003, you obtained the condominium unit key from the listing brokerage and signed a Key Release Trust Letter which states, "The undersigned [Steve Wener] hereby accepts, in trust, keys for the above mentioned property and undertakes not to use or release the aforementioned keys to the buyer until he or she is authorized by REID BUILT REALTY LTD."

On or about September 12, 2003, you did provide the condominium unit key to your buyer client. You stated that you were going out of the country at the same time your buyer client was to take possession of the condominium property and gave the buyer the key to hold, with the understanding there was to be no access to the property until the buyer's lawyer gave permission to enter the suite.

You, Steve Wener allowed control of the seller's condominium unit key to your buyer clients prior to the condominium property possession date without the seller or listing brokerage authorization.

The Executive Director believes Steve Wener, agent registered with Realty Executives Devonshire Realty, did allow unauthorized control of the seller's condominium unit key to his buyer clients in contravention of section 2(i) of the code of conduct made pursuant to the Act and is conduct deserving of sanction.

In accordance with section 39 and 83 of the Act and Part 4 of the Bylaws of the Act an Administrative Penalty in the amount of \$1500.00 has been

assessed against Steve Werner, agent registered with Realty Executives Devonshire Realty for this contravention. Payment of the 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 contraventions.

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 section 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 make representations in relation to the contravention.

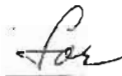
If you have any questions in regard to this Notice of Administrative Penalties, please contact Monica Burman, Case Officer at the Real Estate Council of Alberta 1-888-425-2754.

DATED this 23rd day of August, 2005.

REAL ESTATE COUNCIL OF ALBERTA

Per:

"A.K."



Bob Myroniuk
Executive Director

cc: G.K.

Broker, Realty Executives Devonshire Realty