

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Secure Choice Mortgage & Loan Ltd., Brokerage
Suite 376, 440 10816 Macleod Trail South
Calgary, AB T2J 5N8

In accordance with s. 39 and 83 of the *Real Estate Act* 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 Secure Choice Mortgage & Loan Ltd., brokerage to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

During the period of approximately January 2001 to April 2005, Secure Choice Mortgage & Loan Ltd., brokerage made approximately 32 referral fee payments totaling approximately \$34,610.09 directly to an unauthorized person being, 892211 Alberta Ltd. (actual corporate number 872211 Alberta Ltd.). H.H. , a mortgage agent then registered with The Mortgage Alliance Company of Canada and now registered as an agent with MTrust Mortgage & Investments Inc., is the sole director and shareholder of the corporation 872211 Alberta Ltd., the corporation to which the referral payments were made.

The Executive Director believes this conduct is in contravention of Rule 20 (g) (ii) made pursuant to the *Real Estate Act* which provides:

20 A brokerage must

(g) not pay a commission or other remuneration directly or indirectly in connection with a dealing except

(ii) to a brokerage that is licensed under these Rules or under similar legislation in a jurisdiction outside of Alberta

The Executive Director believes this contravention is conduct deserving of sanction.

In accordance with s. 39 and 83 of the *Real Estate Act* and Part 4 of the Bylaws of the *Real Estate Act*, an Administrative Penalty in the amount of \$1000.00 has been assessed against Secure Choice Mortgage & Loan Ltd., brokerage Morgan Robinson, Broker registered with Secure Choice Mortgage & Loan Ltd. 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 *Real Estate Act* will be taken against you in respect of the 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 make representations in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Monica Burman, Case Officer at the Real Estate Council of Alberta.

DATED this 31st day of August, 2005.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director