

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Ken Kanten, Agent
Maxwell-Oasis Realty Ltd o/a Maxwell-Oasis Realty
5913 50 Ave
Red Deer, AB T4N 4C4

In accordance with Section 83 and the Bylaws of the *Real Estate Act* (hereinafter the "Act"), the Executive Director of the Real Estate Council of Alberta is of the opinion that Ken Kanten (hereafter "Kanten"), then an agent registered with Sutton Group – Red Deer Ltd. o/a Sutton Landmark Realty and presently an agent registered with Maxwell-Oasis Realty Ltd o/a Maxwell-Oasis Realty, has contravened s.4(b) of the Code of Conduct made pursuant to the Act and hereby assesses an Administrative Penalty in the amount of **\$1500.00**. The evidence giving rise to the Executive Director's decision is as follows:

Kanten advertised a condominium property, which was placed in the Red Deer Advocate on June 19, 20 and 21, 2003. This property was listed with a brokerage other than Kanten's brokerage. The sellers and the listing agents did not have knowledge of the advertisement, and they did not give Kanten their consent to place this advertisement.

s.4(b) of the Code of Conduct provides:

4. An industry member must not make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so. This includes the following:

(b) An industry member must not advertise or market a property without the seller's knowledge and consent.

In accordance with section 39 and 83 of the Act and Part 4 of the Bylaws of the Act the Executive Director believes Kanten contravened s.4(b) of the Code of Conduct and hereby assesses an Administrative Penalty in the amount of **\$1500.00**.

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 the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offence in respect of those contraventions.

This sum of **\$1500.00** 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 Penalty, please contact Susan Cavanagh, Case Officer at the Real Estate Council of Alberta 1-888-425-2754.

DATED this 15th day of November, 2004.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director

cc. B.D. , Broker, Maxwell Oasis Realty
N.S. , Broker, Sutton Landmark Realty