

IN THE MATTER OF The Real Estate Act, S.A. 1996, c. R-4.5 ("the Act")

AND IN THE MATTER OF Merrill Lynn Gullackson

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether the conduct of Merrill Lynn Gullackson is deserving of sanction and/or whether she breached the requirements of the Act or Rules prescribed pursuant to the Act.
2. The Executive Director and Merrill Lynn Gullackson have agreed to resolve the allegations against Merrill Lynn Gullackson on the terms and conditions set out below.

AGREED STATEMENT OF FACTS

3. Merrill Lynn Gullackson became authorized as a salesperson with Jayd Realty (1990) Ltd. on March 22, 1994. Merrill Lynn Gullackson has been continuously registered as a salesperson since that date.
4. There is no history of discipline on file for Merrill Lynn Gullackson.
5. Merrill Lynn Gullackson was at all material times employed as a salesperson by Jayd Realty (1994) Ltd. o/a Century 21 Jayd Realty.
6. On September 2, 1998, Merrill Lynn Gullackson completed a Real Estate Salesperson Registration form, including an affidavit, pursuant to the *Real Estate Act*. By the said affidavit, Merrill Lynn Gullackson solemnly swore that she had read and understood all of the questions and statements contained in the form and that all of her answers were true and correct to the best of her knowledge, information and belief.
7. Question 3 in the said form was:
 3. In the past FIVE years, have you or has any business you owned, or participated in as a director or officer, had any judgment(s) rendered against you or the business in relation to a trade in real estate, fraud or breach of trust?
8. Merrill Lynn Gullackson answered "no" to question 3 although the true answer to the question was "yes" as such a judgment had been rendered against Jayd Realty Ltd. on September 4, 1998.

"M.G." "B.M."

9. Merrill Lynn Gullackson knew or ought to have known of the existence of the said judgment and now states that the correct response to question 3 was "yes".
10. In answering "no" to question 3, Merrill Lynn Gullackson did not meet the requirement to answer all questions completely and truthfully. Further, such incorrect answer constituted the making of a false statement on an affidavit.
11. By reason of the matters described herein, Merrill Lynn Gullackson's conduct is deserving of sanction.

SETTLEMENT TERMS

1. In settlement of these issues Merrill Lynn Gullackson agrees to:
 - a. pay a fine in the amount of \$1,000 to the Real Estate Council of Alberta; and
 - b. pay costs in the amount of \$200 to the Real Estate Council of Alberta.
 - c. the fine and costs, referred to in "a" and "b" above, shall be paid as follows:
 - i. \$600 immediately; and
 - ii. \$600 on or before November 19, 1999.
2. Merrill Lynn Gullackson is aware that a copy of this Consent Agreement will be placed in her file and may be reviewed and considered in any future disciplinary proceedings.
3. Merrill Lynn Gullackson is aware that the contents of this Consent Agreement may be published by the Real Estate Council of Alberta.
4. Merrill Lynn Gullackson acknowledges that she has been given the opportunity to seek the advice of legal counsel and acknowledges that she is agreeing to the terms of the settlement of her own free will.
5. Merrill Lynn Gullackson hereby waives any rights that she may have under the Act or otherwise to any review, appeal or other judicial proceeding involving the matters referred to herein.
6. These settlement terms are intended to resolve all matters described herein and subject to the approval of the Hearing Panel, the Executive Director will take no further steps in these matters against Merrill Lynn Gullackson including the initiation of any proceedings before the Real Estate Council of Alberta or the courts in this regard.

IN WITNESS WHEREOF the undersigned agrees and accepts the terms and conditions of this settlement this 21 day of September, 1999.

Signed and delivered)
in the presence of)

"C.F.")
_____)
Witness to the signature)
Of Merrill Lynn Gullackson)

"Merrill Lynn Gullackson"

MERRILL LYNN GULLACKSON

AFFIDAVIT OF EXECUTION

CANADA) I, M.F.
)
) (name of witness),
PROVINCE OF ALBERTA) of the City of Cold Lake
)
) in the Province of Alberta
TO WIT:) MAKE OATH AND SAY:

1. THAT I was personally present and did see Merrill Lynn Gullackson named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. THAT the same was executed at the City of Cold Lake, in the Province of Alberta, and that I am the subscribing witness thereto.
3. THAT I know the said Merrill Lynn Gullackson and she is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City)
of Cold Lake)
in the Province of Alberta this 27)
day of September, 1999)
) "M.F."
) (signature of witness)
)
)
)
"C.F.")
A Commissioner for Oaths in and)
for the Province of Alberta)

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

Real Estate Council of Alberta

"J.P."

Witness to the signature
of Bob Myroniuk

Per: "Bob Myroniuk"

BOB MYRONIUK
Executive Director

Recommendation Approved "D.H."

Recommendation Denied _____

DATED at the City of Calgary, in the Province of Alberta this 3rd day
of November, 1999.

Real Estate Council of Alberta

Per: "David Hicks"
Hearing Panel Chairperson