

## THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 010453  
Name on Licence: Errol James Scott  
Licence Type & Class: Real Estate Associate  
Brokerage Name on Licence: Elite Ownership Group Ltd. o/a Re/Max Elite  
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY  
Penalty: \$1,500.00

### Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

**If you fail to pay the Penalty** the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence under section 38.1 of the Rules.

### If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

**TO: Errol James Scott**

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(c)(i) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 53– *A real estate associate must:*

*(c) provide to the broker in a timely manner all original documentation and copies of original documents provided to the parties or maintained by other brokerages:*

*(i) related to a trade in real estate.*

### Particulars of the contravention(s):

1. In or around May 2020, you failed to provide your broker with documentation relating to a trade in real estate, contrary to section 53(c)(i) of the *Real Estate Act* Rules:
  - a) May 2020, you represented the seller in a real estate transaction for the purchase of the property located at [ADDRESS], Alberta.
  - b) The seller entered a purchase contract for the property.
  - c) Your brokerage defines timely manner in their policies which states upon an accepted offer, all paperwork must be provided to the brokerage within two business days.
  - d) You failed to provide documentation related to this accepted offer to the brokerage within two business days. This was a failure to provide the broker documentation related to a trade in real estate in a timely manner.

The Registrar considered the following aggravating and mitigating factors:

### *Aggravating Factors*

- You did not follow brokerage policy related submitting documents to the brokerage in a timely manner
- The failure to submit the documentation in a timely manner caused confusion and delay with the brokerage handling the initial deposit for the purchase.

### **Appeal**

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: [C.S], Professional Conduct Review Officer  
Email: [EMAIL]  
Phone: 403.228.2954; Toll Free: 1.888.425.2754  
Fax: 403.228.3065  
Address: Real Estate Council of Alberta  
Suite 202, 1506 11 Avenue SW  
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on December 31, 2020.

"Signature"

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[M.C.S], Registrar  
Real Estate Council of Alberta

cc. Brian Klingspon, Real Estate Broker  
Re/Ma Elite