

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008559
Process: Section 39 of the *Real Estate Act*
Industry Member: Gary John Gordon
Authorization: Real Estate Broker
Registration: Century 21 1st Choice Realty
Document: LETTER OF REPRIMAND

TO: Gary John Gordon

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(k) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 41 – *Industry members must:*

(k) comply with Education Code of Conduct for Learners

Education Code of Conduct

Principle 3: Learners may assist other learners when the assistance provided to them supports their engagement in the learning process and results in their honest acquisition of knowledge and skills

Particulars of the contravention(s):

1. In or around September 2018 you failed to comply with the Education Code of Conduct for Learners, contrary to section 41(k) of the *Real Estate Act Rules*:
 - a) On September 24, 2018, a learner completing the Commercial Real Estate Update course posted a question on a group social media site. The learner was asking for assistance with an approach to a question.
 - b) While you initially answered with assistance in helping the learner understand the correct approach, you also provided the specific answer to the learner's question. This was a failure to comply with the Education Code of Conduct for Learners.

RECA welcomes cooperation and discussion between learners based on intellectual engagement leading to knowledge and skills acquisition. Learners must not help other learners complete a course, knowledge check, or exam in a way that prevents

or detracts the learners from honestly acquiring knowledge and skills. Learners can assist other learners by providing training and advice to help learners understand or work through assignments or activities if the assignment or activity guidelines allow it. A learner providing assistance must never provide answers to assignments, exams or knowledge checks. Please refer to the Information Bulletin on the Education Code of Conduct for more information.

The Executive Director considered the following aggravating and mitigating factors:

Aggravating Factors

- You are a real estate broker and held to a higher standard

Mitigating Factors

- You have taken responsibility for your actions

The Executive Director will issue a more severe sanction for further similar instances of this conduct.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

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 be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand.

If you have any questions regarding particulars or the appeal process, please contact:

Name: CS, Professional Conduct Review Officer
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 7, 2018.

Charles Stevenson, for
Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta