

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 006396
Process: Section 39 & 83 of the *Real Estate Act*
Industry Member: Soroka, Mr. Marvin Neil
Authorization: Real Estate Associate
Registration: Challenge Realty Ltd. o/a Realty Executives Challenge.

Document: ADMINISTRATIVE PENALTY

TO: Mr. Marvin Soroka,

The Executive Director of the Real Estate Council of Alberta (RECA) has determined that there is sufficient evidence that you have contravened **section 40(1)(h) of the Rules** and this is conduct deserving of sanction.

Penalty: \$1000.00

Particulars of the contravention(s):

1. In or around August 29, 2016 you failed immediately notify the Executive Director, in writing, of a criminal conviction against you contrary to section 40(1)(h) of the *Real Estate Act* Rules:
 - a) On March 23, 2016, you were charged with assaulting Mr. K.S. You did not immediately notify RECA in writing, of the charge.
 - b) On August 29, 2016, you pled guilty to the charge of assault in court.
 - c) On September 23, 2016, sent a letter the Executive Director informing him of the charge, conviction and Probation Order.

The Real Estate Act is very clear regarding the requirement to notify the Executive Director, in writing, of criminal proceedings and convictions. The legislations requirements allow RECA the opportunity to review the charges and take the appropriate steps to maintain public safety and the integrity of the industry.

Payment

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

If you fail to pay the Penalty the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization under section 38.1 of the Rules [remove if unauthorized].

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.

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 Executive Director **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: Sherry Hillis, Professional Conduct Review Officer
Email: shillis@reca.ca
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
350 4954 Richard Road SW
Calgary, Alberta, T3E 6L1

Issued at Calgary, Alberta, on December 2, 2016.

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

cc. Gary Zimmer, Real Estate Broker
Challenge Realty Ltd. o/a Realty Executives Challenge