

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Nasir Ahmad Ali, Real Estate Associate, not currently authorized
80 Christie Park Hill S.W.
Calgary, Alberta T3H 2V4

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the “**Act**”), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to you, Nasir Ali (hereinafter “Mr. Ali”) at all relevant times, a real estate associate, registered with Century 21 Bamber Realty Ltd. to assess an Administrative Penalty. The evidence giving rise to the Executive Director’s decision is as follows:

In or around April 2005, you were representing M.M. in his search for a property to purchase. In or around August 2006, M.M. filed a complaint with RECA about your conduct while you were representing him in his purchase of 2625 – 14 Avenue SE. On or about November 2006, you provided a written statement to RECA where you advised that you provided \$10,000.00 to M.M. for his purchase of this property. On or about December 12, 2006, you were interviewed by the appointed RECA investigator and were asked about a gift letter that was provided to M.M. by yourself while he was applying for mortgage financing for this property. You advised the investigator that you provided consideration to M. M. and that you believed you had provided him with \$10,000.00 as set out in the gift letter. In subsequent written correspondence to the investigator and in a subsequent interview, you advised that no monies between you and M.M. ever changed hands.

On August 21, 2008, the duly appointed investigator sent you correspondence asking you to provide an explanation for the contradictory statements that were given as set out above. You were asked to provide a response by September 16, 2008. You failed to do so and between September 18, 2008 and January 9, 2009, the investigator sent further requests for you to provide this information. To-date, you have failed to do so.

The Executive Director is of the opinion that the above noted conduct is in violation of section 38(4) of the *Real Estate Act* which sets out:

A person who is required under subsection (2) to answer the questions of a person conducting an

investigation

- (a) shall co-operate with the investigator and promptly respond to the questions

For your reference, section 38(2) of the *Real Estate Act* sets out the following:

(2) A person conducting an investigation may

- (a) by notice in writing demand that any person produce to the investigator any books, documents, records and other things in that person's possession or under that person's control that are relevant to the investigation,
- (b) demand that any person answer any questions that are relevant to the investigation,

The Executive Director is also of the view that the above conduct is a violation of section 41(h) of the *Real Estate Act Rules* made pursuant to the *Real Estate Act* which sets out:

41 Industry members must:

- (h) cooperate fully with, and provide any information requested to, any representative of the Council carrying out their duties and responsibilities under the Act;

In accordance with s. 39 and s. 83 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$5,000.00** has been assessed against you for this contravention.

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 offense in respect of those contraventions.

This sum of **\$5,000.00** 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 s. 83.1 of the Act, 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 Leela Ramaswamy, Legal Counsel, at the Real Estate Council of Alberta.

DATED this 18th day of November, 2013.

REAL ESTATE COUNCIL OF ALBERTA

Per: *Charles Stevenson*, for

Bob Myroniuk
Executive Director

CC George Bamber, Broker, Century 21 Bamber Realty Ltd.