

**REAL ESTATE COUNCIL OF ALBERTA**  
**NOTICE OF ADMINISTRATIVE PENALTY**

**To: Dimitrios Chontzias**

In accordance with section 83 and the Bylaws of the *Real Estate Act* RSA 2000 c R-5, (Act), the Executive Director of the Real Estate Council of Alberta (RECA) is of the opinion that Dimitrios Chontzias (Mr. Chontzias) has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of **\$1,500**. The evidence giving rise to the Executive Director's decision is as follows:

You have been dealing in mortgages in Alberta for approximately 4 years. You became involved in the industry from a friend who opened a mortgage brokerage in Manitoba around this time. Mortgage associates or mortgage brokers did not require authorization to deal in mortgages in Manitoba until May of 2011.

You applied to RECA to become authorized in Alberta but did not complete the education requirement. You continued to deal in mortgages after this time. You thought that because you were an associate with a licensed brokerage in Manitoba, you did not require authorization from RECA. You are employed full time in an industry outside of mortgages and complete deals in mortgages as a side job.

Since speaking with an investigator you have immediately ceased all deals in mortgages in Alberta and understand in order to deal in mortgages in Alberta you are required to be licensed with RECA. Failure to do so can result in fines up to \$25,000 per transaction completed while unauthorized.

The Executive Director is of the opinion that the above noted conduct is in violation of section 17 of the *Real Estate Act* which sets out that:

17 No person shall

- (a) trade in real estate as a real estate broker,
- (b) deal as a mortgage broker,
- (c) act as a real estate appraiser, or
- (d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or real estate appraiser

unless that person holds the appropriate authorization for that purpose issued by the Council.

In accordance with section 83 of the Act and Part 4 of the Bylaws, the Executive Director hereby assesses an Administrative Penalty in the amount of **\$1,500** against you.

The circumstances of this matter indicate the following aggravating and mitigating factors were considered:

***Aggravating Factors***

1. You were aware the RECA was the governing body for mortgage associates in Alberta.

***Mitigating Factors***

1. You were upfront and honest with the investigator.
2. You took full responsibility for your actions and thought you were abiding by laws because you were registered with a licensed brokerage, even though it was in Manitoba.
3. Upon hearing from the investigator you immediately cancelled all advertising.
4. You were currently completing one deal and immediately cancelled the deal.
5. Mortgage Associates did not have to become authorized in Manitoba until May of 2011.

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 offence in respect of those contraventions.

This sum of **\$1,500** is payable to RECA 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 RECA.

If you dispute this Notice of Administrative Penalty in accordance with section 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, Tricia Hickey, Professional Conduct Review Officer, at RECA.

DATED this 26<sup>th</sup> day of November, 2012

**REAL ESTATE COUNCIL OF ALBERTA**

Per: *Charles Stevenson*, for  
Bob Myroniuk  
Executive Director

cc: Jason Zarillo, Mortgage Broker  
Integrity Mortgage Solutions - Manitoba