

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011357
Name on Licence: Arlie Ernest Jespersen
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: 1168980 Alberta Ltd. O/A Century 21 Leading
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: Arlie Ernest Jespersen

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

Rule 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around March 2021, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) You listed the property located at [ADDRESS]. There was an offer on the property, accepted by the Sellers and Buyers #1, subject to conditions. The condition date was March 16, 2021.
 - b) There were some verbal discussions you had with Buyers #1's associate that led you to believe they may not waive conditions.
 - c) On March 12, 2021, you contacted an associate of Buyers #2 who previously made an offer on the property. You told the associate that the condition date of the accepted offer with Buyers #1 was March 12, 2021, and asked if they were interested in making an offer. This was not accurate. The condition date was March 16, 2021 and there was still an active purchase contract in place with Buyers #1.
 - d) Buyers #2 made an offer March 13, 2021, which was accepted by the Sellers.
 - e) March 16, 2021, Buyers #1 sent a waiver of conditions. There was now a firm sale of the property with Buyers #1 and a conditional purchase contract for the same property with Buyers #2.
 - f) The brokerages involved resolved the issue and the sale with Buyers #1 was successful.
 - g) Your brokerage policy states that all negotiations must be in writing.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- This was a serious error. Your clients entered two legally binding contracts for their property. This exposed your clients to potential litigation.
- This issue was avoidable had you confirmed in writing that Buyers#1 were not waiving conditions. Your brokerage had a policy that all negotiations must be in writing.

Mitigating Factors:

- You have taken responsibility for your error and the brokerages worked together to resolve the issue.

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], Investigator
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 February 4, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [K.P], Real Estate Broker
Century 21 Leading