

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: Mark Charles Jones, Agent
c/o Re/Max Real Estate Central Alberta
4440 – 49 Avenue
Red Deer, Alberta
T4N 3W6

In accordance with s. 39 and s. 83 of the *Real Estate Act*, R.S.A. 2000 c. R-5 and the Bylaws of the *Real Estate Act* (hereinafter "Bylaws"), 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, Mark Charles Jones, agent, registered to 377245 Alberta Ltd. o/a Re/Max Real Estate Central Alberta, in order to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

From on or about March 2003 until on or about November 2003, G.T. , E.W. , A.B. , M.S. , and C.P. rented a property that you owned located at 21 Baile Close, Red Deer, Alberta [hereinafter "the residence"].

On March 3, 2004, G.T. , E.W. , A.B. , M.S. , and C.P. [hereinafter "the plaintiffs"] filed a Statement of Claim in Red Deer Provincial Court, Civil Division, alleging that you owed them \$850.00 for a damage deposit that you did not return after they moved out of the residence.

On February 15, 2005, the Honorable Judge Lawrence of the Provincial Court of Alberta heard this matter and rendered a judgment ordering you to pay the plaintiffs \$792.50.

You failed to notify the Executive Director about this judgment rendered against you.

The Executive Director believes this conduct is in contravention of s. 15(3)(b) of the *Real Estate Act Rules* (as it then was) made pursuant to the *Real Estate Act*, R.S.A. 2000 c. R-5 which provides that:

A licensee must immediately notify, in writing, the Executive Director when

(b) the licensee has any judgement(s) rendered against the licensee in relation to a trade in real estate, or a dealing in mortgages, fraud or breach of trust;

The Executive Director believes this contravention is conduct deserving of sanction.

In accordance with ss. 39 and 83 of the *Real Estate Act* and Part 5 of the Bylaws of the *Real Estate Act*, an Administrative Penalty in the amount of **\$1000** has been assessed against you. 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 *Real Estate Act* will be taken against you in respect of the contravention.

The sum 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. 35 of the Bylaws, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with the rules of procedural fairness and natural justice to present evidence before the Hearing Panel and to make representations in relation to the contraventions.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Leela Ramaswamy, Conduct Enforcement Counsel, at the Real Estate Council of Alberta.

DATED this 19th day of October, 2006.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director

cc: D.R. , Broker,
Re/Max Real Estate Central Alberta