

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Susanna Martin, Agent
Jayman Financial
#200, 3132 – 118 Avenue SE
Calgary, Alberta
T2Z 3X1

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 Susanna Martin, mortgage agent then registered with Invis Inc. o/a Invis ("**Invis**") and now mortgage agent registered with Jayman Financial Corp. o/a Jayman Financial ("**Jayman**"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On or about May 26, 2005, you terminated your employment as a mortgage agent with Invis. The termination with Invis was to be effective on or about June 1, 2005. On or about June 1, 2005, you commenced employment as a client care coordinator/mortgage agent at Jayman. You did not inform the Real Estate Council of Alberta that you had moved from Invis to Jayman at this time.

Between June 1, 2005 and August 29, 2005, you were involved in two separate mortgage transactions on behalf of Jayman. Specifically, on or about June 21, 2005, you were involved in arranging a mortgage commitment on behalf of a client with First National Mortgage Corporation. In addition, on or about July 7, 2005, you were involved in arranging another mortgage commitment on behalf of a different client, again with First National Mortgage Corporation.

During the period commencing on or about June 1, 2005 and ending on or about August 29, 2005, you were not registered as an agent with Jayman. During this period, you were registered as an agent with Invis.

Notwithstanding that you were registered as an agent with Invis during the period in question, you represented clients in mortgage transactions on behalf of Jayman.

The Executive Director believes this conduct is in contravention of Rule 23(b) made pursuant to the Act, which states:

23 An associate broker and agent must

(b) trade in real estate or deal in mortgages, as the case may be, only in the name that appears on the individual's licence and in the name of the brokerage with which that individual is registered.

In accordance with s. 39 and s. 83 of the Act and Part 5 of the Bylaws of the Act, an Administrative Penalty in the amount of **\$1000.00** has been assessed against you for your contravention of Rule 23(b). 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.

This 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. 345 of the Bylaws, 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 Stephen Wheeler, RECA Legal Services, at the Real Estate Council of Alberta.

DATED this 19th day of June, 2006.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"

Bob Myroniuk
Executive Director

cc: B.D. , Broker
Jayman Financial

J.S. , Broker
Invis Inc.