

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011846
Name on Licence: Mazen Jasen Kamal
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: EXP Realty of Canada Inc o/a EXP Realty
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: Mazen Jasen Kamal

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(c) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 53(c)(i) – *A real estate associate broker and associate must: provide to the broker in a timely manner all original documentation and copies of original documents provided to the parties or maintained by other brokerages: related to a trade in real estate.*

Particulars of the contravention(s):

In or around June 2021, you failed to provide to your broker, in a timely manner, all original documentation and copies of original documents provided to the parties related to a trade in real estate, contrary to section 53(c)(i) of the *Real Estate Act* Rules:

- a) On May 5, 2021, you listed the property located at [ADDRESS]. You did not submit the service agreement to your brokerage in a timely manner.
- b) On June 9, 2021, an offer was received and accepted by the Seller. You did not submit this purchase contract to your brokerage in a timely manner. The brokerage received the Buyer's deposit shortly after but had no transaction documentation related to the deposit. Your brokerage requested you turn in the transaction documentation.
- c) On June 16, 2021, conditions could not be satisfied. The transaction was terminated and the Buyer was to receive their deposit of \$5,000.
- d) Transaction documents were not submitted to the brokerage until June 22, 2021. You uploaded the documents, including the deposit return request, incorrectly. This was discovered on June 30, 2021. At that time you uploaded the documents correctly.
- e) The Buyer did not receive their deposit back until July 6, 2021.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You failed to follow brokerage policy stating that all listing documents are to be provided to the brokerage within 48 hours.
- The delay in providing documents to the brokerage impacted the Buyer by delaying the return of their deposit.

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], Professional Conduct Review Officer
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 October 15, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [W.I], real Estate Broker
EXP Realty