

1317-03 (81)  
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**REAL ESTATE COUNCIL OF ALBERTA**

**NOTICE OF ADMINISTRATIVE PENALTY**

To: Randy Best, Broker  
Equivest Financial Corp.  
o/a Source Mortgage Centre  
P.O. Box 574  
Red Deer, Alberta T4N 5G6

In accordance with Section 83 (formerly Section 82) and the Bylaws of the Real Estate Act (hereinafter the "Act"), the Executive Director of the Real Estate Council of Alberta is of the opinion that Randy Best (hereafter "Best") broker, Equivest Financial Corp. o/a Source Mortgage Centre (hereafter "Source Mortgage Centre") has contravened Rule 21(1)(h) and hereby assesses Administrative Penalty in the amount of **\$1000.00**.

The evidence giving rise to the Executive Director's decision is as follows:

In September 2002, A.S. registered with Source Mortgage Centre, completed her mortgage agent renewal forms. A.S. wrote a cheque for her renewal fees and left the forms and the cheque with Best for submission to RECA. At the same time Best states he signed his own renewal forms and those of Source Mortgage Centre and put all the forms together to submit to RECA. Due to an office move the forms and cheques were forgotten and were not submitted to RECA by Best. This went unnoticed by Best for approximately five months.

It was Best's responsibility to ensure proper management and control of documents or records relating to licensing, registrations and related regulatory requirements.

In accordance with s. 39 and 83 of the Act and Part 4 of the Bylaws of the Act the Executive Director believes Best contravened Rule 21(1)(h) in that he did not ensure proper management and control of documents or records relating to licensing, registrations and related regulatory requirements and hereby assesses an Administrative Penalty in the amount of **\$1000.00**.

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.

The sum of **\$1000.00** is payable to the Real Estate Council of Alberta at the above noted address 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 section 35 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 these contraventions.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Susan Cavanagh, Case Officer at the Real Estate Council of Alberta 403-813-6330.

DATED this 4<sup>th</sup> day of December, 2003.

**REAL ESTATE COUNCIL OF ALBERTA**

Per: "Bob Myroniuk"  
Bob Myroniuk  
Executive Director

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REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Equivest Financial Corp.  
o/a Source Mortgage Centre  
P.O. Box 574  
Red Deer, Alberta T4N 5G6

And To: Randy Best, Broker  
Equivest Financial Corp.  
o/a Source Mortgage Centre  
P.O. Box 574  
Red Deer, Alberta T4N 5G6

In accordance with Section 83 (formerly Section 82) and the Bylaws of the Real Estate Act (hereinafter the "Act"), the Executive Director of the Real Estate Council of Alberta is of the opinion that Randy Best (hereafter "Best") broker Equivest Financial Corp. o/a Source Mortgage Centre (hereafter "Source Mortgage Centre") and Source Mortgage Centre, have jointly and severally contravened s.17(b) of the Act and hereby assesses an Administrative Penalty in the amount of **\$3500.00**.

The evidence giving rise to the Executive Director's decision is as follows:

In September 2002, Amanda Scott (hereafter "Scott") registered with Source Mortgage Centre, completed her mortgage agent renewal forms. Scott wrote a cheque for her renewal fees and left the forms and the cheque with Best for submission to RECA. At the same time Best states he signed his own renewal forms and those of Source Mortgage Centre and put all the forms together to submit to RECA. Due to an office move the forms and cheques were forgotten and were not submitted to RECA by Best. This went unnoticed by Best.

Best continued to deal as a mortgage broker and continued to run Source Mortgage Centre as a mortgage brokerage until Scott's unauthorized status was discovered by Scott and RECA in February 2003. Scott informed Best of her unauthorized state February 12, 2003, thus alerting Best to check into both his and Source Mortgage Centre licence status. Best was surprised to learn his own licence and that of Source Mortgage Centre had not been renewed in September 2002. Best did not check with RECA to see if his mortgage broker licence, Scott's mortgage agent licence or that of the mortgage brokerage were renewed over the five-month period they were unlicensed. Best continued to run the brokerage and act as a mortgage broker until he renewed both Source Mortgage Centre and his own licence on March 6, 2003.

From October 1, 2002 until March 6, 2003, Best and Source Mortgage Centre were paid approximately \$27,000.00 (from approximately 22 deals) in finder fees/co-broker net.

It was Best's responsibility to ensure he held the appropriate authorization from RECA to deal as a mortgage broker and that Source Mortgage Centre held the proper authorization for a brokerage.

In accordance with s. 39 and 83 of the Act and Part 4 of the Bylaws of the Act the Executive Director believes Best and Source Mortgage Centre jointly and severally contravened s.17(b) of the Act and hereby assesses an Administrative Penalty in the amount of **\$3500.00**.

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 offense in respect of those contraventions.

The sum of **\$3500.00** is payable to the Real Estate Council of Alberta at the above noted address 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.

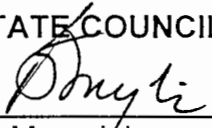
If you dispute this Notice of Administrative Penalty, in accordance with section 35 of the Bylaws, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations in relation to these contraventions.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Susan Cavanagh, Case Officer at the Real Estate Council of Alberta 403-813-6330.

DATED this 4<sup>th</sup> day of **December**, 2003.

**REAL ESTATE COUNCIL OF ALBERTA**

Per: \_\_\_\_\_

  
Bob Myronjuk  
Executive Director