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REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Wayne Stephenson, broker
Stephenson Real Estate Ltd
25234 Township Rd. 245A
Calgary, AB T3L 2P4

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 Wayne Stephenson (hereafter "Stephenson") broker of Stephenson Real Estate Ltd. has contravened Rule 21(1)(e) of the Act and hereby assesses an Administrative Penalty in the amount of **\$1000.00**. The evidence giving rise to the Executive Director's decision is as follows:

On July 29, 2002, S.D. completed her real estate agent course and subsequently paid her CREB dues and received her CREB membership certificate. Believing she was authorized to trade in real estate and with the consent of Stephenson she began to engage in activities of a licensed real estate agent as though she were registered with Stephenson Real Estate Ltd..

On September 24, 2001 S.D. co-listed a property with Stephenson on MLS.

Upon S.D.'s registering her licence with Royal LePage Bow West Realty in March 2003, she was surprised to learn that she had never been authorized to trade in real estate while she was with Stephenson Real Estate Ltd..

From July 29, 2002 until March 9, 2003, S.D. continued to act as a licensed real estate agent, without the appropriate authorization for that purpose. It was the responsibility of Stephenson to ensure she held the appropriate authorization from RECA to trade and hold herself out to be a real estate agent.

Stephenson did not ensure the business of the brokerage was carried out competently and in accordance with the Act, Bylaws and Rules, by allowing S.D. to hold herself out as a real estate agent without the appropriate authorization.

The Executive Director therefore believes Stephenson's conduct is in contravention of Rule 21(1)(e) of the Act and is conduct deserving of sanction.

In accordance with s. 39 and 83 of the Act and Part 4 of the Bylaws of the Act, an Administrative Penalty in the amount of **\$1000.00** has been assessed against Stephenson, for this contravention. 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. 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 the contravention.

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 1/12 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: Stephenson Real Estate Ltd.
25234 Township Rd. 245A
Calgary, AB T3L 2P4

And To: Wayne Stephenson, broker
Stephenson Real Estate Ltd
25234 Township Rd. 245A
Calgary, AB T3L 2P4

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 Wayne Stephenson (hereafter "Stephenson") broker Stephenson Real Estate Ltd. and Stephenson Real Estate Ltd. jointly and severally, have contravened Rule 20(f) of the Act and hereby assesses an Administrative Penalty in the amount of **\$1000.00**. The evidence giving rise to the Executive Director's decision is as follows:

On July 29, 2002, S.D. completed her real estate agent course and subsequently paid her CREB dues and received her CREB membership certificate. Believing she was authorized to trade in real estate, and with the consent of Stephenson she began to engage in activities of a licensed real estate agent as though she were registered with Stephenson Real Estate Ltd..

On September 24, 2001 S.D. co-listed a property with Stephenson on MLS.

On November 10, 2002 Stephenson Realty Ltd., placed an ad in the Cochrane Times welcoming S.D. to the brokerage.

Neither S.D. nor Stephenson checked with RECA to see if S.D. had been authorized to trade in real estate while she was with Stephenson Real Estate Ltd..

From July 29, 2002 until March 9, 2003, S.D. continued to act as a licensed real estate agent, without the appropriate authorization for that purpose. It was the responsibility of Stephenson and Stephenson Real Estate Ltd. to ensure she held the appropriate authorization from the Real Estate Council to trade and hold herself out in real estate.

The Executive Director therefore believes the conduct of Stephenson Real Estate Ltd. and Stephenson, as registered broker with Stephenson Real Estate Ltd. jointly and severally were in contravention of Rule 20(f) of the Act and is conduct deserving of sanction.

In accordance with s. 39 and 83 of the Act and Part 4 of the Bylaws of the Act, an Administrative Penalties in the amount of **\$1000.00** has been assessed against Stephenson Real Estate Ltd. and Stephenson, jointly and severally for this contravention. 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. 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 the contravention.

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 11th day of **December, 2003**.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"

Bob Myroniuk
Executive Director