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REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: Home & Ranch Realty Ltd.
203, 8408 Elbow Dr. SW
Calgary, AB T2V 1K7

And To: Norman McNally, broker
Home & Ranch Realty Ltd.
203, 8408 Elbow Dr. SW
Calgary, AB T2V 1K7

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 Norman McNally, broker (hereafter "McNally") Home & Ranch Realty Ltd. and Home & Ranch Realty 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 December 5, 2002, 919894 Alberta Inc. o/a RE/MAX Classic Realty (hereafter "RE/MAX Classic Realty") terminated P.J. , real estate agent registered with RE/MAX Classic Realty. The appropriate termination forms were signed and registered with RECA by RE/MAX Classic Realty.

On December 6, 2003 P.J. filled out the transfer forms from CREB. P.J. and Norman McNally, of Home & Ranch Realty Ltd. signed the CREB transfer forms and sent them to CREB. On this date P.J. and McNally signed the independent contractor agreement with Home & Ranch Realty Ltd.. Neither P.J. nor McNally checked to see if P.J. was registered with RECA.

On January 10, 2003, P.J. listed two properties in Vulcan on MLS. These listings were advertised by CREB as all new listings are advertised by CREB. The listings were also advertised on P.J.'s website, [("Website")].

On April 8, 2003 P.J. contacted RECA licensing on another licensing issue to find that her real estate agent licence was terminated on December 5, 2002.

On April 14, 2003 P.J. became licensed with RECA registered with Home & Ranch Realty Ltd..

McNally and Home & Ranch Realty Ltd. employed an unauthorized person (P.J.) to hold herself out as a real estate agent without the proper authorization from RECA.

The Executive Director therefore, believes the conduct of Home & Ranch Realty Ltd. and McNally, as registered broker with Home & Ranch Realty Ltd. jointly and severally were in contravention of Rule 20(f) of the Act and this 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 Home & Ranch Realty Ltd. and McNally, 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 4th day of **December, 2003**.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"

Bob Myroniuk
Executive Director