

10-2-06

**REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY**

To: Cindy Bouteiller
Sutton Group Landmark Realty
#1 5000-51 Ave.
Red Deer, AB T4P 2J3

In accordance with s. 39 and s. 82 of the *Real Estate Act* (the "Act") and the Act's Bylaws, 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 Cindy Bouteiller to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows.

In or about May, 2002, the Sellers attended at a Rockport Developments show home. At all relevant times, Bouteiller was working at the Rockport Developments' show home as a Sutton Group Landmark Realty employee. Bouteiller provided the Sellers with details of the lots and homes for sale by Rockport Developments. The Sellers retained Bouteiller write up an offer on a lot and home in Rockport Developments. In or about June, 2002, Bouteiller later added an addendum to the deal under which she guaranteed the sale of the Sellers' home for \$120,000 on or before October 31, 2002. The guaranteed sales agreement was not backed by the brokerage, nor did it otherwise comply with the brokerage's policies and procedures regarding guaranteed sales. Bouteiller did not deposit 5% of the sale price in trust. The Sellers' home was ultimately sold without the guaranteed sale agreement being exercised. All of the foregoing happened in or near Red Deer, Alberta.

The Executive Director believes that Cindy Bouteiller's conduct is deserving of sanction in contravention of Rule 29 of the Act's Rules.

In accordance with s. 39 and 82 of the Act and Part 4 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,500** has been assessed against Cindy Bouteiller. 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 in respect of the contravention.

This sum is payable to the Real Estate Council of Alberta at the above noted address within 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, you may appeal it to a Hearing

Panel further to s. 35 of the Act. 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 regarding this Notice of Administrative Penalty, please contact Todd M. Lee of Miles Davison McCarthy McNiven LLP at (403) 298-0342.

Dated this 27th day of **August, 2003**.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk" _____

Bob Myroniuk
Executive Director

cc: N.S. Broker