

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011581
Name on Licence: Brent Randy Anderson
Licence Type & Class: Real Estate Associate Broker
Brokerage Name on Licence: Challenge Realty Ltd. o/a Maxwell Challenge Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$2,000

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: Brent John Anderson

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(c) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

42 Licensees must not:

(c) use confidential information obtained from any person for personal gain nor should that information be used for any purpose other than that for which it was obtained;

Particulars of the contravention(s):

In or around March 2021 you used confidential information obtained from your clients for personal gain and used that information for a purpose other than what it was obtained contrary to section 42(c) of the *Real Estate Act* Rules.

- a) On March 11, 2021 you attended a property located at [ADDRESS] (Property). You were invited to this Property by the sellers for the purpose of evaluating the Property and entering into a client relationship with the sellers to list the Property for sale.
- b) You attended the Property on March 11, 2021 with the mindset that you may purchase the Property for your mother. You did not clearly disclose this fact to the sellers.
- c) You solicited confidential information from the sellers about the Property, their financial position and real estate needs. The sellers communicated to you on this day that the lowest price they would take for the Property would be \$365,000. The listing price was \$369,900.
- d) On March 16, 2021 your brokerage entered into an Exclusive Buyer Representation Agreement with you and your cousin as buyers. You also signed an Agreement to represent both Seller and Buyer with you and your cousin both listed as buyers.
- e) On March 16, 2021 you prepared and signed a Residential Purchase Contract for this Property listing yourself and your cousin as the buyers. You offered \$365,000.
- f) On March 18, 2021 you met with the sellers of the Property and formally entered into an Exclusive Representation Agreement with them.
- g) After the sellers entered in an Exclusive Representation Agreement you presented them with the Residential Purchase Contract that was prepared on March 16, 2021.
- h) You simultaneously presented the sellers with the Agreement to represent Both Seller and Buyer which was prepared on March 16, 2021.
- i) You did not present to the sellers a conflict of interest Disclosure Statement until April 5, after the closing date for the sale. This Disclosure Statement advised the sellers that you were in a conflict of interest as both their representative and the buyer, and it advised them you had used their confidential information as a buyer.
- j) You used the confidential information that you obtained from the sellers to prepare a Residential Purchase Contract listing you as the buyer for the exact price the sellers indicated would be the lowest amount they would accept for the Property. The sellers did not provide you this information for the purpose of you purchasing the Property; they provided it to you for the purpose of sharing details with a Real Estate Associate they wished to retain to sell their Property. You did not disclose that you had used the seller's confidential

information until after you had purchased the Property. You used their information for personal gain.

The Registrar considered the following aggravating and mitigating factors:

Mitigating Factors

- You have admitted to the conduct.
- You have no previous discipline history

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: [B.T], 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 September 13, 2021.

“Signature”

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [G.Z], Real Estate Broker
Maxwell Challenge Realty