

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: \$3,000

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 62(2) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 62(2) When any person employed by or associated with a brokerage wishes to acquire an interest in a property that is listed for sale with or managed by the brokerage, the brokerage must immediately:

- (a) disclose to the seller of the property the existence of a conflict of interest;*
- (b) disclose to the seller the name of the buyer and the nature of their relationship to the brokerage;*
- (c) disclose to the seller any confidential information of the seller that the buyer may have already received;*

- (d) disclose to the seller who will be representing the buyer with respect to the transaction; and*
- (e) provide the seller with an opportunity to seek legal and independent advice.*

Particulars of the contravention(s):

In or around March 18, 2021, upon a property being listed for sale with your brokerage and upon you and your family member wishing to acquire an interest in that property, you failed to immediately disclose to the sellers the existence of a conflict of interest and disclose any confidential information that you had already received contrary to section 62(2) 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. The sellers also entered into a listing agreement for the Property.
- g) After the sellers entered in an Exclusive Representation Agreement and listing agreement, you presented them with the Residential Purchase Contract that was prepared on March 16, 2021.
- h) You simultaneously presented the sellers with an Agreement to represent Both Seller and Buyer that was prepared on March 16, 2021.
- i) You did not present to the sellers a written conflict of interest Disclosure Statement until April 5, after the closing date for the sale.
- j) You failed to immediately provide all the required disclosure to the sellers for a personal trade in real estate as is required by rule 62(2). By failing to provide the required disclosure, the sellers were not able to make an informed

decision in regards to their representation and their decision to proceed with the sale.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You failed to follow your brokerages policy in regards to personal trades. You admitted that you did not know the contents of your brokerage policy. As an Associate Broker you should be aware of brokerage policy as well as follow it.

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