

IN THE MATTER OF The Real Estate Act, S.A. 2000, c. R- 4.5

AND IN THE MATTER OF Deborah Windle, agent then registered with R.B. Campbell Realty Ltd o/a The Prudential Rocky Mountain Real Estate and then an agent registered with Partners Real Estate Corp. o/a Re/max Partners and now an agent registered with R.E.S. Real Estate Solutions Inc. o/a Prudential Solutions for Real Estate

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether the conduct of Deborah Windle, agent registered with R.E.S. Real Estate Solutions Inc. o/a Prudential Solutions for Real Estate (hereafter "Prudential Solutions for Real Estate"), is deserving of sanction and/or whether she breached the requirements of the *Real Estate Act* (hereafter "the Act") or the Rules prescribed pursuant thereto (hereafter "the Rules") or the Code of Conduct prescribed pursuant thereto (hereafter "the Code of Conduct").
2. The Executive Director and Deborah Windle agree to resolve all matters against Deborah Windle on the terms and conditions set out herein.

AGREED STATEMENT OF FACTS

3. Deborah Windle (hereafter "Windle") first became authorized to trade as a salesperson (agent) in 1997. She has been registered to three (3) brokerages since 1997 and has been registered to Prudential Solutions for Real Estate since 2001.
4. There is no history of discipline on file for Windle.

Re: Deborah Windle—1998 Real Estate Agent/Associate Broker licence application

5. On September 14, 1998, Windle completed a Real Estate Agent/Associate Broker licence application, including an affidavit, pursuant to the *Real Estate Act*. By the said affidavit, Windle solemnly swore that she had read and understood all of the questions and statements contained in the form and that all of her answers were true and correct to the best of her knowledge, information and belief.
6. Question 3 in the said form was:
 3. In the past FIVE years, have you been disciplined by any real estate board, real estate or mortgage broker association, or any professional or occupational society?

7. Windle answered "no" to question 3 although the true answer to the question was "yes" as she had been personally disciplined by the Alberta District Council of the Investment Dealers Association of Canada on about April 30, 1996.
8. Windle knew of the Settlement Agreement between herself and the Alberta District Council of the Investment Dealers Association of Canada and now states that the correct response to question #3 was "yes".

Re: Deborah Windle--1999 Salesperson Registration Form

9. On September 23, 1999, Windle completed a Real Estate Agent/Associate Broker licence application, including an affidavit, pursuant to the *Real Estate Act*. By the said affidavit, Windle solemnly swore that she had read and understood all of the questions and statements contained in the form and that all of her answers were true and correct to the best of her knowledge, information and belief.
10. Question 2 in the said form was:
 2. In the past FIVE years, have you been disciplined by any real estate board, real estate or mortgage broker association, or any professional or occupational society?

11. Windle answered "no" to question 2 although the true answer to the question was "yes" as she had been personally disciplined by the Alberta District Council of the Investment Dealers Association of Canada on about April 30, 1996.
12. Windle knew of the Settlement Agreement between herself and the Alberta District Council of the Investment Dealers Association of Canada and now states that the correct response to question #2 was "yes".

Re: Deborah Windle--1999 Real Estate Agent/Associate Broker licence application

13. On November 02, 1999, Windle completed a Real Estate Agent/Associate Broker licence application, including an affidavit, pursuant to the *Real Estate Act*. By the said affidavit, Windle solemnly swore that she had read and understood all of the questions and statements contained in the form and that all of her answers were true and correct to the best of her knowledge, information and belief.
14. Question 3 in the said form was:
 3. In the past FIVE years, have you been disciplined by any real estate board, real estate or mortgage broker association, or any professional or occupational society?

15. Windle answered "no" to question 3 although the true answer to the question was "yes" as she had been personally disciplined by the Alberta District Council of the Investment Dealers Association of Canada on about April 30, 1996.
16. Windle knew of the Settlement Agreement between herself and the Alberta District Council of the Investment Dealers Association of Canada and now states that the correct response to question #3 was "yes".

Re: Deborah Windle–2000 Real Estate Agent/Associate Broker licence application

17. In 2000, Windle completed a Real Estate Agent/Associate Broker licence application.
18. Question 2 in the said form was:
 2. In the past FIVE years, have you been disciplined by any real estate board, real estate or mortgage broker association, or any professional or occupational society?
19. Windle answered "no" to question #2 although the true answer to the question was "yes" as she had been personally disciplined by the Alberta District Council of the Investment Dealers Association of Canada on about April 30, 1996.
20. Windle knew of the Settlement Agreement between herself and the Alberta District Council of the Investment Dealers Association of Canada and now states that the correct response to question #2 was "yes".

CONCLUSION

21. By reason of the matters described herein, Deborah Windle's conduct is deserving of sanction in that she
 - (a) Provided false and incorrect information in answer to questions in the application for authorization as a real estate salesperson (agent).
 - (b) The swearing of an affidavit to the truthfulness of the information supplied in the application for authorization as a real estate agent, when the information supplied was not true and correct, is a misrepresentation to the Real Estate Council of Alberta.

SETTLEMENT TERMS

22. In settlement of these issues, Deborah Windle will pay immediately to the Real Estate Council of Alberta a fine in the amount of \$2000.00, together with costs in the amount of \$500.00.
23. Deborah Windle agrees that as a condition of her authorization to trade in real estate, she will prior to February 28, 2003 successfully complete the Ethical Principles and Professional Standards (REIC 2250) course offered by the Real Estate Institute of Canada or an alternate ethics or similar course at the discretion of the Executive Director. The credits obtained in the course will not be applied to the mandatory education course credits required by the Real Estate Council of Alberta.
24. Deborah Windle acknowledges that she has been given an opportunity to seek the advice of legal counsel and acknowledges that she is agreeing to the terms of settlement of her own free will.
25. Deborah Windle is aware that a copy of the Consent Agreement will be placed on her file and may be reviewed and considered in any future disciplinary proceedings.
26. Deborah Windle is aware the Real Estate Council of Alberta may publish the contents of this Consent Agreement.
27. Deborah Windle hereby waives any rights she may have under the Act or otherwise to a review, hearing, appeal or other judicial proceeding involving the matter referred to herein.
17. These settlement terms are intended to resolve all matters described herein and, subject to the approval of the Hearing Panel, the Executive Director will take no further action under the Act or before the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 23rd day of September, 2002.

Signed and delivered
in the presence of

"P.B."

Witness to the signature
of Deborah Windle

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)
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"Deborah Windle"

Deborah Windle

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

Real Estate Council of Alberta

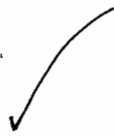
"G.S."

Witness to the signature
of Bob Myroniuk

Per: "Bob Myroniuk"

Bob Myroniuk
Executive Director

Recommendation Approved
Recommendation Denied



DATED at the City of Calgary, in the Province of Alberta this 17 day
of OCTOBER, 2002.

Real Estate Council of Alberta

Per: "John Fraser"

Hearing Panel Chairperson

AFFIDAVIT OF EXECUTION

CANADA)	I, <u>P.B.</u> of
)	(name of witness),
PROVINCE OF ALBERTA)	the City of Calgary, in the Province of Alberta
)	
TO WIT:)	MAKE OATH AND SAY:

1. THAT I was personally present and did see **Deborah Windle** named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.

2. THAT the same was executed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said party and she is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City
 of Calgary, in the Province of
 Alberta this 30 day of
September, 2002.

"P.B."
 (signature of witness)

"S.M."
 A Commissioner for Oaths in and
 for the Province of Alberta