

# REAL ESTATE COUNCIL OF ALBERTA

## NOTICE OF ADMINISTRATIVE PENALTY

To: Taiwo Odetunde  
Bayside Realty Inc.  
167 Castleglen Way N.E.  
Calgary, Alberta  
T3J 1V2

In accordance with 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 Taiwo Odetunde has contravened section 17 of the Act and hereby assesses an Administrative Penalty in the amount of \$5,000. The evidence giving rise to the Executive Director's opinion is as follows:

On September 30, 1999, Taiwo Odetunde ("Odetunde"), broker of Bayside Realty Inc. and his agent V.D. completed renewal applications. On October 1, 1999, Odetunde requested an extension for his required educational course credits. On October 1, 1999, Odetunde received a conditional license. The conditional license was granted until November 30, 1999, and was conditional upon Odetunde providing the Real Estate Council with a schedule of what courses he was enrolled and the dates of the courses. Written confirmation of completion of the courses prior to November 30, 1999, and any changes to the proposed schedule of courses. Odetunde was advised in a letter of the conditions and informed that if he failed to comply with the conditions his authorization would be cancelled. On October 27, 1999, Odetunde wrote to Alf Kaszuba, Manager of Licensing of Real Estate Council of Alberta, and requested a further extension until late spring of 2000. Odetunde was leaving the country for a family reunion overseas. In the same letter Odetunde advised Kaszuba that he had a 3 course credit carryover from the previous educational period. This second request for an extension was denied.

On November 26, 1999, Odetunde attended upon the Real Estate Council of Alberta and he was advised that his request for a second extension had not been granted. On that same day, Odetunde registered in *Self-regulation and the Real Estate Act* course. On December 1, 1999, Odetunde registered in the *Real Estate Law Course*. The courses were not completed. In late December Odetunde left for his holiday overseas.

On January 21, 2000, Alf Kaszuba wrote to Odetunde and advised that as Odetunde had not complied with the requirements of the conditional license, he and agent V.D. no longer had an authorization to trade in real estate. Upon Odetunde's return in March 2000 Odetunde he did not take the required educational courses and continued to trade in real estate.

On August 29, 2000, The Calgary Real Estate Board ("CREB") sent a letter to Odetunde with a carbon copy to V.D. advising that as Odetunde was no longer licensed his membership with CREB was terminated. On September 8, 2000, Odetunde passed his

*Real Estate Law* exam and on September 11, 2000 Odetunde became re-licensed. On September 12, 2000 Dawkins became re-licensed.

Based on the documents provide to the Real Estate Council of Alberta, Odetunde negotiated four real estate purchase contracts, and listed 7 properties from January 22, 2000 to August 30, 2000. Based on the contracts provided, Odetunde earned approximately \$16,0000.00 in commissions.

From January 22, 2000, until August 30, 2000, Odetunde, in contravention of s. 17 of the *Act*, by trading in real estate on behalf of Bayside Realty Inc. without the appropriate authorization issued by the Council. Additionally, as there was no authorized Broker at Bayside Realty Inc. the Brokerage was not longer authorized, and V.D. could no longer trade in real estate.

The Executive Director believes Taiwo Odetunde contravened section 17 of the *Act*. In accordance with Section 82 of the *Act* and Part 4 of the Bylaws, an Administrative Penalty in the amount of \$5000. has been assessed against Taiwo Odetunde.

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. A person who pays an administrative penalty may not be charged under the *Act* with an offence in respect of that contravention.

This sum is payable to the Real Estate Council of Alberta at the above noted address 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 Section 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 Jocelyne J. Caldwell, Assistant Legal Counsel.

DATED this 14<sup>th</sup> day of June, 2002.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"  
 Bob Myroniuk  
 Executive Director