

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011578
Name on Licence: Julie Colleen Dempsey
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Tempo Real Estate Ltd o/a Royal LePage
Benchmark
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1500.00 (see Schedule 2 of the Bylaws)

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: Julie Colleen Dempsey

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 53(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 53 – *A real estate associate broker and associate must:*

(a) trade in real estate only in the name that appears on that individual's licence and in the name of the brokerage with which that individual is registered.

Particulars of the contravention(s):

1. In or around May 10, 2021, you failed to trade in real estate only in the name that appears on your licence and in the name of the brokerage with which you are registered contrary to section 53(a) of the *Real Estate Act* Rules:
 - a) You advertised services on a bus bench located in Calgary.
 - b) On the bus bench advertisement, you failed to include the name of the brokerage with which you were licensed.
 - c) Your brokerage had an advertising policy that stated all advertising must be approved by management.
 - d) You did not follow your brokerage policy regarding advertising.

Licensees must clearly indicate their name and brokerage name in all advertising. A brokerage name is "clearly indicated" when a reasonable consumer, under normal circumstances, can clearly distinguish the name of a brokerage in an advertisement. A reasonable consumer should be able to identify the brokerage based on the advertisement alone.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There is a need for general deterrence. Consumers must be confident that a real estate professional advertising services is registered with a brokerage. Real estate professionals must clearly indicate the brokerage name in all advertising.
- Your brokerage had an advertising policy that you failed to follow.

Mitigating Factors

- You have accepted responsibility for your conduct.

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: [T.L], 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 August 27, 2021

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [C.L], Real Estate Broker
Royal LePage Benchmark