



IN THE MATTER OF the Real Estate Act, S.A. 1996, c. R-4.5 ("the Act")

AND IN THE MATTER OF MARIE HOLOWIECKI - LYONS

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether Marie Holowiecki-Lyons conduct is deserving of sanction and whether Marie Holowiecki-Lyons breached the requirements of the Act or Rules prescribed pursuant to the Act.
2. The Executive Director and Marie Holoweicki-Lyons have agreed to resolve the allegations against Marie Holoweicki-Lyons on the terms and conditions set out below.

AGREED STATEMENT OF FACTS

1998 Application

3. On September 21, 1998 Marie Holoweicki-Lyons completed and submitted to the Real Estate Council of Alberta her application for Real Estate Salesperson Registration. Marie Holoweicki-Lyons answered two questions incorrectly.

Part A, section (c) read as follows:

Have you been employed by any other Agency between October 1 and September 30 of the current year?

Marie Holoweicki-Lyons answered the above question in the negative even though she was employed with Sutton Group Synergy from October 1, 1997 to November 26, 1997.

4. On that same application Marie Holoweicki-Lyons also answered the following question incorrectly:

Question 4 reads:

In the last FIVE years, have you or has any business you owned or participated in as a director or officer, been in bankruptcy or the subject of any bankruptcy proceedings or receivership actions?

Marie Holoweicki-Lyons answered the above question in the negative even though she was bankrupt at the time of completing the application and had not been discharged.

5. On that application, Marie Holowiecki-Lyons completed an affidavit in which she swore that all answers were true and correct when in fact they were not true and correct.

1997 Applications

6. Marie Holowiecki-Lyons incorrectly completed her application for Salesperson Registration on September 9, 1997 and on her application when she transferred to Century 21 Metro City on November 27, 1997. Question 5 of the applications read as follows:

Are you or is any business you have owned or participated in as a director or officer, currently [or has been] in bankruptcy proceedings or receivership actions?

Marie Holowiecki-Lyons answered the above question in the negative even though she was bankrupt at the time the applications were completed.

7. On that application Marie Holowiecki-Lyons completed an affidavit in which she swore that all answers were true and correct when in fact they were not true and correct.

1996 Application

8. On October 18, 1996, Marie Holowiecki-Lyons incorrectly completed her application to the Real Estate Council of Alberta. Question 1[e] read as follows:

Are you currently in bankruptcy, receivership or the subject of a proposal in bankruptcy?

Marie Holowiecki-Lyons answered the above question in the negative even though she was bankrupt at the time the application was completed.

9. On that application, Marie Holowiecki-Lyons completed an affidavit in which she swore that the statements and answers were true and correct when in fact they were not true and correct.
10. By reason of the matters described herein Marie Holowiecki-Lyons provided false and incorrect information in answer to questions in the applications for authorization as a real estate salesperson which is conduct deserving of sanction. As well, the swearing of affidavits as to the truthfulness of the information supplied in the application for authorization as a real estate salesperson when the information supplied is not true and correct, is a misrepresentation to the Real Estate Council of Alberta and is conduct deserving of sanction.

SETTLEMENT TERMS

11. In settlement of these issues, Marie Holoweicki-Lyons agrees to pay a fine in the amount of \$2000 to the Real Estate Council of Alberta.
12. Marie Holoweicki-Lyons 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.
13. Marie Holoweicki-Lyons is aware that a copy of this Consent Agreement will be placed on her file and may be reviewed and considered in any future disciplinary proceedings.
14. Marie Holoweicki-Lyons is aware the contents of this Consent Agreement may be published by the Real Estate Council of Alberta.
15. Marie Holoweicki-Lyons hereby waives any rights she may have under the Act or otherwise to a review, hearing, appeal or other judicial proceeding involving the matters referred to herein.
16. 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 3 day of **NOVEMBER, 1998.**

Signed and delivered
in the presence of

"S.W."

Witness to the signature
of Marie Holowiecki-Lyons

DECEMBER "S.W."

"Marie Holowiecki-Lyons"

MARIE HOLOWIECKI-LYONS

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

"J.P."

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 22ND day
of January 1998.

Real Estate Council of Alberta

Per: "Thomas (Tim) Davis"
Hearing Panel Chairperson

AFFIDAVIT OF EXECUTION

CANADA)

I, S.W. _____ of

PROVINCE OF ALBERTA)

(name of witness),

the City of Edmonton in the Province of Alberta

TO WIT:)

MAKE OATH AND SAY:

1. THAT I was personally present and did see **MARIE HOLOWIECKI-LYONS** 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 Edmonton 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 Edmonton in the Province of
Alberta this 3rd day of

December, 1998.

"S.T."

A Commissioner for Oaths in and
for the Province of Alberta

"S.W."

(signature of witness)