

REAL ESTATE COUNCIL OF ALBERTA

NOTICE OF ADMINISTRATIVE PENALTY

To: **DOUG R. McKAY**

c/o 569429 Alberta Inc. o/a Re/Max Classic Realty
3923 -17th Avenue S.W.
Calgary, Alberta
T3E 0C3

In accordance with Section 39, Section 82 and the Bylaws of the Real Estate Act, the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to Doug R. McKay, a salesperson then registered with Calgary Independent Realty Ltd. o/a C.I.R. to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

That in a Real Estate Purchase Contract dated December 29, 1995, Doug R. McKay, a salesperson then registered with Calgary Independent Realty Ltd. o/a C.I.R. represented the Purchaser in the sale of an empty lot.

Upon acceptance of the offer by the Vendors, Doug R. McKay entered into an Assignment agreement with the Purchaser to personally buy the said property from the Purchaser, who was encountering personal difficulties. Prior to the assignment, Doug R. McKay did not disclose in writing to the Vendor details of the negotiations for the trade of the lot to him by the Purchaser.

The Executive Director believes this conduct was in contravention of section 33 of the Real Estate Agents' Licensing Act, Rule 27 of the Real Estate Act and is conduct deserving of sanction.

In accordance with Section 39, Section 82 and Part 4 of the Bylaws of the Real Estate Act, an Administrative Penalty in the amount of **\$1,000.00** has been assessed against Doug R. McKay for this contravention. 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 Real Estate Act will be taken against you in respect of the 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 P. Jean Pearce, Legal Counsel at the Real Estate Council of Alberta.

DATED this 14th day of **NOVEMBER, 1998.**

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director

cc: A.F. , designated representative
c/o Re/Max Classic Realty