

**IN THE MATTER OF The Real Estate Act, S.A. 1996, c. R. – 4.5**

**AND IN THE MATTER OF DOG LEG LEFT REALTY INC. o/a SUTTON GROUP –  
SOUTHWEST REAL ESTATE; GARY SHANTZ DESIGNATED REPRESENTATIVE;  
ROBERT KENNEDY, SALESPERSON**

**INTRODUCTION**

1. The Executive Director of the Real Estate Council of Alberta conducted an investigation into whether Dog Leg Left Realty Inc. o/a Sutton Group – Southwest Real Estate, Gary Shantz, designated representative and Robert Kennedy, salesperson breached the Real Estate Act (the "Act") or the Rules prescribed pursuant to the Act.
2. The Executive Director, Dog Leg Left Realty Inc. o/a Sutton Group – Southwest Real Estate, Gary Shantz and Robert Kennedy have agreed to resolve the allegations against Dog Leg Left Realty Inc. o/a Sutton Group – Southwest Real Estate, Gary Shantz and Robert Kennedy on the terms and conditions set out below.

**AGREED STATEMENT OF FACTS**

3. Gary Shantz has been the designated representative for Dog Leg Left Realty Inc. o/a Sutton Group – Southwest Real Estate ("Sutton Group – Southwest") since May 5, 1997.
4. Robert Kennedy is a registered real estate salesperson and has been employed by Sutton Group - Southwest since October 17, 1997.
5. During late March and early April 1998, Robert Kennedy distributed approximately 17,000 promotional flyers in Southwest Calgary which indicated that a minimum of \$500 would be donated to a charity in the name of anyone providing information that resulted in a real estate transaction.
6. Gary Shantz advised that he had reviewed the flyer prior to distribution but was not aware that the promotion was in breach of the Act. When Gary Shantz learned of the breach, he discussed the matter with Robert Kennedy and ended the promotion. No trades in real estate resulted from the distribution of the promotional flyer.
7. Payment of remuneration to any person for services rendered in connection with a trade in real estate is in breach of Rule 24(b) of the Act. This is conduct deserving of sanction.

**RECEIVED**

JUN 6 1998

REAL ESTATE

## SETTLEMENT TERMS

8. In settlement of these matters, Sutton Group – Southwest, Gary Shantz and Robert Kennedy agree to each receiving a written Letter of Reprimand.
9. Robert Kennedy agrees not to use remuneration incentives which are contrary to the Real Estate Act.
10. Costs of the investigation and terms of settlement are waived.
11. Sutton Group – Southwest, Gary Shantz and Robert Kennedy acknowledge that they have been given an opportunity to seek the advice of legal counsel and acknowledge that they are agreeing to the terms of settlement of their own free will.
12. Sutton Group – Southwest, Gary Shantz and Robert Kennedy are aware that a copy of the written Letter of Reprimand will be placed on their respective files and may be reviewed and considered in any future disciplinary proceedings.
13. Sutton Group – Southwest, Gary Shantz and Robert Kennedy are aware the contents of this Consent Agreement may be published by the Real Estate Council of Alberta.
14. Sutton Group – Southwest, Gary Shantz and Robert Kennedy hereby waive any rights they may have under the Act or otherwise to a review, hearing, appeal or other judicial proceeding involving the matter referred to herein.
15. 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 26 day of March, 1998.

Signed and delivered  
in the presence of

"E.M."

Witness to the signature  
of Gary Shantz

"Gary Shantz"

**GARY SHANTZ**

Designated Representative  
Dog Leg Left Realty Inc. o/a Sutton  
Group – Southwest Real Estate

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"E.M."

Witness to the signature  
of Gary Shantz

"Gary Shantz"

**GARY SHANTZ,**  
Designated Representative

"E.M."

Witness to the signature  
of Robert Kennedy

"Robert Kennedy"

**ROBERT KENNEDY,** Salesperson

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**


"E.A."

Witness

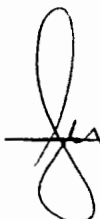
Per: "Bob Myroniuk"

Bob Myroniuk  
Executive Director

Recommendation Approved  
Recommendation Denied

  
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DATED at the City of Calgary, in the Province of Alberta this 16 day of June, 1998.



**Real Estate Council of Alberta**

Per: "Barry Gogal"

Hearing Panel Chairperson



**AFFIDAVIT OF EXECUTION**

CANADA ) I, E.M.  
 ) (name of witness),  
PROVINCE OF ALBERTA ) of the City of Calgary in the Province of Alberta  
 )  
TO WIT: ) MAKE OATH AND SAY:

4. THAT I was personally present and did see **ROBERT KENNEDY** 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.
5. THAT the same was executed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.
6. THAT I know the said party and he 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 29 day of  
May, 1998.

"G.L."  
A Commissioner for Oaths in and  
for the Province of Alberta

"E.M."  
(signature of witness)



June 16, 1998

Inv. File No:

**Re: Letter of Reprimand**

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As a result of an investigation by the Real Estate Council of Alberta, a Hearing Panel found that [("the Brokerage")] and [(the "Industry Member")] contravened Rule 24(b) of the Real Estate Act by distributing promotional flyers indicating a payment of remuneration for services rendered in connection with a trade in real estate.

The Hearing Panel finds that your conduct in this matter is deserving of sanction and as such, we are issuing you this Letter of Reprimand.

Please be advised that future contravention(s) may not be treated as leniently by the Real Estate Council of Alberta.

Yours truly,

"Barry Gogal"

Barry Gogal  
Hearing Panel Chairman

BG/ea

*Real Estate Council of Alberta*

Suite 340, 2424 - 4th Street S.W. Calgary, Alberta T2S 2T4 Telephone: (403) 228-2954 Fax: (403) 228-3065 Toll Free: 1-(888) 425-2754  
Website: [www.reca.ab.ca](http://www.reca.ab.ca)



June 16, 1998

Inv. File No:

**Re: Letter of Reprimand**

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As a result of an investigation by the Real Estate Council of Alberta, a Hearing Panel found that [(the "Industry Member, a salesperson registered with ["the Brokerage")]] contravened Rule 24(b) of the Real Estate Act by distributing promotion flyers indicating a payment of remuneration for services rendered in connection with a trade in real estate.

The Hearing Panel finds that your conduct in this matter is deserving of sanction and as such, we are issuing you this Letter of Reprimand.

Please be advised that future contravention(s) may not be treated as leniently by the Real Estate Council of Alberta.

Yours truly,

"Barry Gogal"

Barry Gogal  
Hearing Panel Chairman

BG/ea

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