

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

**AND IN THE MATTER OF Stefan Franklin, Salesperson for
Pace Real Estate Ltd. - Sutton Group Southwest Real Estate**

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta (the Executive Director) conducted an investigation during August, September and October, 1996 into whether Pace Real Estate Ltd. - Sutton Group and Stefan Franklin's conduct is deserving of sanction and/or whether they otherwise breached the requirements of the Act or the Rules prescribed pursuant to the Act.
2. The Executive Director and Stefan Franklin, salesperson with Pace Real Estate Ltd. - Sutton Group Southwest Real Estate have agreed to resolve the allegations against Stefan Franklin and Pace Real Estate Ltd. - Sutton Group and on the terms and conditions set out below.

AGREED STATEMENT OF FACTS

3. Mr. Franklin is a licensed real estate salesperson pursuant to section 3(3) of the Rules. He has been employed by Pace Real Estate Ltd. - Sutton Group - Southwest Real Estate from September 2, 1996 until present.
4. J.P. is the designated representative for Pace Real Estate Ltd. - Sutton Group - Southwest Real Estate.
5. On August 2, 1996, Mr. Franklin placed an advertisement in the Calgary Real Estate News in which he advertised a property for sale which was owned by the Society of Dominican Sisters (the Society). At the time of the advertisement, he did not have a written listing in place in regard to this property and did not have the written or verbal consent of the Society to advertise the property for sale.
6. By reason of the matters described herein, Mr. Franklin's conduct is deserving of sanction under Part 3 of the Act in that his conduct misled, caused confusion and misunderstanding in relation to a trade in real estate.

SETTLEMENT TERMS

7. In settlement of these issues, Stefan Franklin of Pace Real Estate Ltd. - Sutton Group Southwest Real Estate agrees to pay a fine in the amount of

\$500.00. Mr. Franklin advises that he has attended the Reducing Risk post licensing course.

8. Costs of the investigation and terms of settlement are waived.

9. Stefan Franklin of Pace Real Estate Ltd. - Sutton Group Southwest Real Estate acknowledges that he has been given an opportunity to seek the advice of legal counsel and acknowledges that he is agreeing to the terms of settlement of his own free will.

10. Stefan Franklin of Pace Real Estate Ltd. - Sutton Group Southwest Real Estate hereby waives any rights he may have under the Act or otherwise to a hearing, review, judicial review or appeal of the matter referred to herein.

11. 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 steps including the initiation of any proceedings before the Real Estate Council of Alberta or the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 11 day of APR, 1996.

Signed and Delivered
in the presence of:

"J.P."
J.P.

"Stefan Franklin"

Stefan Franklin

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

December 11/96
Date

"Bob Myroniuk"

Bob Myroniuk
Executive Director

Recommendation Approved BG

Recommendation Denied _____

Dated at Edmonton, Alberta,
this 12 day of March, 1996

"Barry Gogal"

Hearing Panel Chairperson
Real Estate Council of Alberta

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AFFIDAVIT OF EXECUTION

CANADA)	I, J.P. , of the City
PROVINCE OF ALBERTA)	of Calgary, in the Province of
TO WIT:)	Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see Stefan Franklin 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 Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said Stefan Franklin 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 <u> 11 </u> day of)	"J.P."
December, 1996.)	J.P.
)	
)	
"B.B.")	

A COMMISSIONER FOR OATHS
IN AND FOR THE PROVINCE
OF ALBERTA



March 14, 1997

Mr. Stefan Franklin

Dear Mr. Franklin:

Re: Ratification of Consent Agreement

This is to advise that on March 12, 1997, a hearing panel reviewed and ratified the consent agreement relating to the investigation into the matter involving yourself and the Society of Dominican Sisters. A copy of the consent agreement is attached for your records.

If you require any further information please contact Ms. Jean Pearce at 228-2954.

Yours truly,

"Bob Myroniuk"

Bob Myroniuk
Executive Director

Real Estate Council of Alberta

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Licensing\Invest\Letter\Bob\Franklin