

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011017
Name on Licence: Blaire Danielle Borle
Licence Type & Class: Mortgage Associate
Brokerage Name on Licence: MA Mortgage Architects Inc. O/A Mortgage Architects
Process: Section 39 & 83 of the *Real Estate Act*
Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

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: Blaire Danielle Borle

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(1)(d) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

54(1) A real estate broker, associate broker or associate, as the case may be, must not:

(d) directly or indirectly, advertise, communicate or offer to any person an incentive except an incentive that is provided by and on behalf of the brokerage with which he is registered;

Particulars of the contravention(s):

1. In or around December 2020, you advertised a personal incentive contrary to section 54(1)(d) of the *Real Estate Act* Rules:
 - a) You posted an advertisement on your Facebook account located at Blaire Borle-Mortgage Architects that stated "Countdown to Christmas Giveaway". Enter to win by commenting the Christmas Carol you can't stop singing!
 - b) This incentive was not approved or authorized by your Broker.

Only a brokerage can advertise incentives to the public. Industry professionals must not directly or indirectly, advertise, communicate or offer to any person their own incentives whose sole purpose is to attract business to them personally. An "incentive" is anything a brokerage advertises, communicates or offers to the public to attract business. Examples of incentives include travel miles, gifts, contests, gift certificates, games of chance or anything else of value. A brokerage incentive must be available to all clients or potential clients of a brokerage.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- RECA has received numerous complaints about personal incentives. RECA must send a message to deter this misconduct.
- Your brokerage policy prohibited this type of incentive.

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: [C.S], 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 May 31, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc [D.L], Mortgage Broker
Mortgage Architects