

## THE REAL ESTATE COUNCIL OF ALBERTA

Case: 009579  
Process: Section 39 & 83 of the *Real Estate Act*  
Industry Member: Shelly Melaine Shumaker  
Authorization: Real Estate Associate  
Registration: 1063268 Alberta Ltd. O/A Century 21 Reward Realty  
Document: ADMINISTRATIVE PENALTY  
Penalty: \$3,000.00

### Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

**If you fail to pay the Penalty** the Executive Director may commence collection under Part 6 of the *Real Estate Act* and may suspend your authorization 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: Shelly Melaine Shumaker**

The Executive Director of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 42(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

Rule 42 – *Industry members must not:*

- (a) *Make representations or carry on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so.*

### **Particulars of the contravention(s):**

1. In or around November 2018, you made a representation that was misleading or deceiving, contrary to section 42(a) of the *Real Estate Act Rules*:

- a) In November, 2018 you were the listing associate for the property located at [{"Address"}], Edmonton, AB.
- b) You obtained the RMS size of the property by measuring the property with the owner. The RMS size was incorrect.
- c) A potential buyer and their associate asked how you arrived at the RMS size. You stated that you had the property professionally measured. This was false.
- d) The potential buyer ended up purchasing the property and found out later that the RMS size was 57 square feet smaller.

The Executive Director considered the following aggravating and mitigating factors:

### ***Aggravating Factors***

- This was an intentional misrepresentation. A consumer relied on your representation to their detriment when purchasing the property.

### **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 Executive Director **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: CS, Professional Conduct Review Officer  
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 September 10, 2019.

*Charles Stevenson for*  
Joseph Fernandez, Acting Executive Director  
of the Real Estate Council of Alberta

cc Guy Pelletier, Broker  
Century 21 Reward Realty