

THE REAL ESTATE COUNCIL OF ALBERTA

Case: 008459
Process: Section 39 of the *Real Estate Act*
Industry Member: Kenneth Richter
Authorization: Real Estate Associate
Registration: 4th Street Holdings Ltd O/A Re/Max Real Estate (Central)
Document: LETTER OF REPRIMAND

TO: Kenneth Richter

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 August, 2018, you made representations or carried on conduct that is reckless or intentional and that misleads or deceives any person or is likely to do so, contrary to section 42(a) of the *Real Estate Act Rules*:
 - a) You represented the seller, who was the builder, for the sale of the property located at [“address”].
 - b) You texted the buyers’ representative stating Trail Appliances offers a 40% discount to this builder. This discount applies to any brand.
 - c) Trail Appliances did not offer a discount of 40% to buyers. The discount was only 20%.
 - d) Your representation was reckless and misleading.

The Executive Director considered the following aggravating and mitigating factors:

Mitigating Factors

- You took responsibility for your actions

The Executive Director will issue a more severe sanction for further similar instances of this conduct.

Appeal

You have the right to appeal this Letter of Reprimand to a Hearing Panel under **section 40.1(2) of the *Real Estate Act***. Please refer to Guides on RECA's website for more information on the appeal process.

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 be received by the Executive Director **within 30 days** of you receiving this Letter of Reprimand. 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 November 16, 2018.

Charles Stevenson, for
Bob Myroniuk, Executive Director
of the Real Estate Council of Alberta

cc David Eger, Broker
Re/Max Real Estate (Central)