

REAL ESTATE COUNCIL OF ALBERTA
NOTICE OF ADMINISTRATIVE PENALTY

To: **James Kang, associate**
Arrakis Associates Inc. o/a Homelife Cityscape Real Estate
#3, 1010 – 1st Avenue NE
Calgary, AB T2E 7W7

In accordance with s. 39 and s. 83 and the Bylaws of the *Real Estate Act*, R.S.A. 2000 c. R-5 (the "Act"), the Executive Director of the Real Estate Council of Alberta has determined that there is sufficient evidence of conduct deserving of sanction in regard to James Kang, at all relevant times, associate, registered with Arrakis Associates Inc. o/a Homelife Cityscape Real Estate (hereafter "**Homelife**"), to assess an Administrative Penalty. The evidence giving rise to the Executive Director's decision is as follows:

On or about March 20, 2006, you, James Kang were convicted of operating a motor vehicle with a blood alcohol level in excess of .08 mgs, contrary to section 253(b) of the Criminal Code of Canada, arising from an incident on or about February 22, 2006 and were ordered to pay a fine in the amount of \$850.00. You did not immediately report this conviction to the Executive Director. It was not until September 2006 that you disclosed the conviction on your real estate associate licence renewal application form.

The Executive Director believes that your failure to immediately notify the Executive Director in writing of your criminal conviction is in contravention of section 15(3)(f), as it then was, of the Real Estate Act Rules made pursuant to the Real Estate Act, R.S.A. 2000 c. R-5, effective October 1, 1999 to September 30, 2006 (hereinafter the "Rules"), and is conduct deserving of sanction.

The Executive Director is of the opinion that the above noted conduct is in violation of section 15(3)(f) of the Rules which sets out that:

15(3) A licensee must immediately notify, in writing, the Executive Director when

- (f) the licensee is convicted of any criminal offence or any other offence under any law of any country, province or state, excluding provincial or municipal highway traffic offences resulting in monetary fines only.

In accordance with s. 39 and s. 83 of the Act and Part 5 of the Act's Bylaws, an Administrative Penalty in the amount of **\$1,000.00** has been assessed against you for this contravention.

Payment of this Administrative Penalty shall be accepted by the Executive Director as complete satisfaction of the amount of the penalty and no further proceedings under Part 6 of the Act will be taken against you in respect of the contravention. A person who pays an Administrative Penalty may not be charged under the Act with an offense in respect of those contraventions.

This sum of **\$1,000.00** is payable to the Real Estate Council of Alberta within thirty (30) days of the date of issuance of this Notice of Administrative Penalty. If you fail to pay the amount set out in this Notice, the Executive Director may commence legal action against you to recover the amount owing in respect of the Administrative Penalty as a debt due to the Real Estate Council of Alberta.

If you dispute this Notice of Administrative Penalty in accordance with s. 35 of the Bylaws, you may appeal it to a Hearing Panel. You will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel and make representations in relation to the contravention.

If you have any questions in regard to this Notice of Administrative Penalty, please contact Victoria Woodworth-Lynas, Case Officer, at the Real Estate Council of Alberta.

DATED this 21st day of November, 2007.

REAL ESTATE COUNCIL OF ALBERTA

Per: "Bob Myroniuk"
Bob Myroniuk
Executive Director

Cc: E.K. , Broker
Arrakis Associates Inc. o/a Homelife Cityscape Real Estate