

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 014387
Name on Licence: Daniel Jason Scott
Licence Type & Class: Real Estate Broker
Brokerage Name on Licence: 697567 Alberta Ltd. O/A Sutton Group Grande
Prairie Professionals
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: Daniel Jason Scott

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 54(3) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 54 (3) *A licensee shall not provide any services to the client or potential client in a trade or anticipated trade in which the licensee has, or will have, a conflict of interest without receiving the written and informed consent of the party.*

Particulars of the contravention(s):

1. In or around February 2022, you failed to obtain the informed written consent from a Buyer, contrary to section 54(3) of the *Real Estate Act* Rules:
 - a) You were representing the Seller for the property located at [ADDRESS].
 - b) An interested Buyer contacted you to view the property. There were discussions about you representing both the seller and buyer in the transaction. You did not present the Buyer with any information in writing about the nature of the services you would provide and seek the Buyer's acknowledgement.
 - c) On February 6, 2022, you drafted a purchase contract on behalf of the Buyer and presented it to the Seller. At this point you were in a conflict of interest with representing both the Buyer and Seller. You did not have the written and informed consent of the Buyer to proceed with providing services in the face of this conflict of interest.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The Buyer was confused about your role and obligations in the transaction.
- As a broker, you are held to a higher standard.

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], Investigator
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 June 13, 2024.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta