

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013475
Name on Licence: Frank Paul Peresta
Licence Sector and Class: Real Estate Associate
Current Brokerage: Unlicensed
Conduct Brokerage: Redline Real Estate Group Inc. o/a Greenleaf
Property Management and Real Broker AB Ltd.
o/a Real Broker
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Frank Paul Peresta

A hearing is set to review allegations about your conduct. Read this entire document to see what you must do.

Hearing Information

Date: October 10 and 11 2024
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [J.G]
[M.K]
[L.M]
(Alternates: [A.T], [A.S], [D.T])
Counsel to the Panel: Shanna Hunka, Bishop & McKenzie LLP

It is alleged that the following conduct is deserving of sanction:

1. In or around 2022 you participated in fraudulent or unlawful activities in connection with the provision of services or in any dealings, contrary to section 42(b) of the *Real Estate Act Rules*:
 - a. In or around 2021, you represented [S.G] in the potential sale of [ADDRESS] (the "Property").
 - b. The Property did not sell over this period and the listing was not renewed.
 - c. On or about January 11, 2022, you advised [S.G] that you had accrued \$25,000 in expenses (the "Expenses") on the listing of the Property.
 - d. On or about February 21, 2022, you advised [S.G] that you had been contacted about an interested buyer (the "Buyer") for the Property.
 - e. On or about February 21, 2022, [S.G] advised you that she would be willing to pay you a \$5,000 fee and your Expenses if the Buyer purchased the Property.
 - f. You agreed to these terms and connected the Buyer and [S.G].
 - g. On or about April 1, 2022, [S.G] advised you the Property had sold to the Buyer and asked you to prepare an invoice for your Expenses.
 - h. On or about May 9, 2022, you provided an invoice to [S.G] along with receipts detailing approximately \$25,000 of Expenses. All of the receipts were fabricated by you.
 - i. On or about May 17, 2022, [S.G] contacted you and advised you she would not pay the Expenses without proof of payment.
 - j. On or about May 18, 2022, you provided [S.G] Visa statements. The statements were altered or fabricated by you to show payments made by you towards the false Expenses.
 - k. You provided the false receipts and Visa statements to [S.G] and intended that she act upon them as if they were genuine, thereby committing forgery.

- l. You did this to induce [S.G] to pay you approximately \$25,000 for false expenses.

Virtual Hearings

Hearings at RECA are conducted virtually. The Hearing Administrator will provide you with the Guide to Virtual Hearings and you will receive help in participating in the virtual process.

Why You Should Attend the Hearing

The hearing is your opportunity to respond to the allegations and state your side of the case in front of the Panel.

Learn About the Hearing Process

Please read these guides on the RECA website <https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

- *Hearing and Appeal Practice and Procedures Guidelines and*
- *How to Represent Yourself at a Real Estate Council of Alberta Hearing or Appeal*
- *RECA Self-Represented Program*

Before the Hearing

You will receive full disclosure of all evidence gathered by the Registrar relevant to the allegations in this Notice of Hearing for your review. This disclosure is for use in the conduct proceedings only and you may not use it for any other purpose.

You are also invited to meeting with Counsel for the Registrar prior to the hearing to consider entering agreement on non-contested matters such as:

- An admission of conduct deserving of sanction
- An agreement on facts

- An agreement on breaches
- An agreement on a finding of conduct deserving of sanction
- An agreement on sanction and/or costs.

Admissions or agreements can reduce the time and costs of the hearing.

What You Should Bring to the Hearing

Bring any witnesses and evidence you want the Panel to consider, with you to the hearing.

What Will Happen If You Don't Attend

If you do not attend the Panel may proceed to make a decision without you.

What Will Happen at the Hearing

After hearing all evidence and argument the Panel will decide whether the Registrar has proven any of the breaches. If no breach is proven you will face no sanction.

If the Panel finds a breach is proven the Panel may do one or more of the things listed in **section 43** of the *Real Estate Act*:

- Cancel or suspend your authorization
- Order you to pay a fine for each breach
- Order you to pay the cost of the investigation and the hearing
- Order you to complete an education course

Submitting Written Arguments After the Evidence

You can ask the Panel to allow you to provide written arguments at the end of presentation of evidence. The Panel will give directions on how this may be done.

You Can Get Legal Advice

You may get legal advice and may be represented by legal counsel at the hearing. If you do not have a representative please read information for unrepresented Licensees here:

<https://www.reca.ca/complaints-discipline/hearings-information-procedures/>

If You Object to a Panel Member

Please review who is on the Panel. If you object to any of the people being on the Panel, you must advise the Hearings Administrator **who you object to and why within 14 days** of receiving this Notice.

If you do not object to the Panel within 14 days, this Panel will conduct the hearing.

Postponing the Hearing

If you are not available on the date set for the hearing you can apply to the Panel for a new date. Contact the lawyer for the Registrar and the Hearings Administrator as soon as possible if you need a new date.

Dated at Calgary, Alberta, on **September 11, 2024.**
(date)

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

<p>Hearings Administrator:</p> <p>Email: hearingsadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7913 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>	<p>Administrator for Counsel for the Registrar:</p> <p>Email: conductadmin@reca.ca Fax: 403 228 3065 Direct: 403 685 7944 Toll Free: 1 888 425 2754 Address: Real Estate Council Suite 202, 1506 11 Avenue SW Calgary, Alberta T3C 0M9</p>
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