

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 015197
Name on Licence: Jeramel Quincina
Licence Type & Class: Mortgage Broker
Brokerage Name on Licence: Not Registered
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$25,000.00

Payment

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

If you fail to pay the Penalty the 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: Jeramel Quincina

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 38(4)(a) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

38(4) A person who is required under subsection (2) to answer the questions of a person conducting an investigation
(a) shall co-operate with the investigator and promptly respond to the questions

Particulars of the contravention(s):

1. From April 2024 to July 2024, you failed to cooperate with an investigator, contrary to section 38(4)(a) of the *Real Estate Act*:
 - a) The Registrar appointed a person (RECA Investigator) to investigate your conduct as a licensee. The allegations were serious and involved potential fraud.
 - b) On February 23, 2024, the RECA Investigator sent you a letter notifying you of the investigation and requesting information and documents relating to five transactions of concern. This letter had a deadline of March 15, 2024, to respond. You acknowledged receipt of this letter.
 - c) The RECA Investigator granted you an extension to April 5, 2024, to provide the information. You failed to cooperate and provide the information requested.
 - d) On April 30, 2024, the RECA Investigator sent you a letter notifying you that you had failed to cooperate with the investigation and demanded the information under section 38 of the *Real Estate Act*. This letter was sent registered mail and you accepted it. You were provided with a deadline of May 13, 2024, to provide the information. This demand made clear that failing to cooperate could result in an Administrative Penalty up to \$25,000. You did not provide the requested information by the deadline.
 - e) On July 15, 2024, the RECA Investigator sent you a final notification that you had failed to cooperate with the investigation and were given a final deadline of July 26, 2024, to provide the requested information. The legal authority to demand the information and the consequences for failing to cooperate were explained in the notification. You received this letter in person. You failed to provide the information by the deadline.
 - f) To date, we have not received the information requested. You have failed to cooperate with the RECA Investigator.

The Registrar considered the following aggravating factors:

Aggravating Factors

- There must be specific and general deterrence of this conduct. RECA's ability to effectively investigate complaints depends on co-operation from licensees.
- The allegations under investigation include fraud and theft which present serious consumer risk. Your cooperation is critical to investigating what occurred.

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: [R.B], 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 August 29, 2024.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta