

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 015172
Name on Licence: Indrani Asis Roy
Licence Type & Class: Mortgage Licensee
Brokerage at time of Conduct: TMG The Mortgage Group Inc. O/A TMG
Currently Registered with: Dominion Lending Centres Equity Central Inc.
O/A Dominion Lending Centres Equity Central
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$5,000 (see Schedule 2 of the Bylaws)

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: Indrani Asis Roy

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 70(1)(c) of the *Real Estate Act Rules***, and this is conduct deserving of sanction.

Rule 70(1) – *A mortgage broker or associate, as the case may be, must not:*

(c) accept a commission, referral fee or other remuneration, directly or indirectly, for dealing in a mortgage from any person except the brokerage with which he is registered.

Particulars of the contravention(s):

1. Between January 2023 and November 2023, you accepted commissions outside of your brokerage, contrary to section 70(1)(c) of the *Real Estate Act* Rules:
 - a) On January 24th, 2023, you accepted a \$1,500 e-transfer from borrower [K.S] as commission for mortgage services you provided. This commission was not paid through your brokerage.
 - b) On March 20th, 2023, you accepted a \$3,000 e-transfer from borrowers [V.S & P.V] as commission for mortgage services you provided. This commission was not paid through your brokerage.
 - c) On May 11th, 2023, you accepted a \$1,000 cheque from borrower [S.D] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - d) On May 15th, 2023, you accepted a \$2,000 e-transfer from borrower [K.S] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - e) On May 25th, 2023, you accepted a \$1,000 cheque from borrower [S.D] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - f) On June 15th, 2023, you accepted a \$2,000 e-transfer from borrowers [S.S & B.N] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - g) On June 22nd, 2023, you deposited a \$1,000 cheque from borrower [S.D] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - h) On September 22nd, 2023, you deposited a \$8,000 cheque from borrowers [S.S & A.S], which included a \$2,000 commission for mortgage services you provided. The remainder was paid out as a referral fee. This commission was not paid through your brokerage.
 - i) On September 20th, 2023, you deposited a \$1,000 cheque from borrower [S.D] as a commission for mortgage services you provided. This commission was not paid through your brokerage.
 - j) On November 8th, 2023, you deposited a \$2,000 from borrowers [P.B & P.S] as a commission for mortgage services you provided. This commission was not paid through your brokerage.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You accepted commissions outside your brokerage ten times.
- You were aware of brokerage policies related to the payment of commissions at the time of the misconduct.

Mitigating Factors

- You admitted to the conduct and expressed remorse.
- You were terminated from the brokerage.

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: [S.W], 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 December 9, 2024

Warren Martinson, Registrar
Real Estate Council of Alberta

cc. [D.T], Mortgage Broker
TMG

[N.F], Mortgage Broker
Dominion Lending Centres Equity Central