

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011334.001
Name on Licence: Nel Anderson
Licence Sector and Class: Real Estate Associate
Current Brokerage: Homes & Gardens Real Estate Limited
Conduct Brokerage: Homes & Gardens Real Estate Limited
Process: A Hearing under Part 3 of the *Real Estate Act*

NOTICE OF HEARING

TO: Nel Anderson

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

Hearing Information

Date: February 3-4, 2025
Time: 9:30 a.m.
Venue: Virtual Hearing
Hearing Panel: [W.K]
[L.M]
[J.P]
(Alternates: [A.T], [J.L], [H.P])
Counsel to the Panel: Marc Matras, Gowling WLG

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

1. Between September and October of 2020, you participated in fraudulent or unlawful activities in connection with the provision of services contrary to s. 42(b) of the *Real Estate Act Rules*:
 - a. You forged the signature of your client, [J.M] ("[J.M]") on a RECA Consumer Relationship Guide.

- b. You forged [J.M.]’s signature and initials on a Non-Exclusive Buyer Representation Agreement.
- 2. In or around September 2020, when trading in residential real estate, you failed to enter into a written service agreement with [J.M] contrary to s. 43(1) of the *Real Estate Act Rules*.
- 3. You provided services to a client in a trade in which you had a conflict of interest without receiving the written and informed consent of your client, contrary to s. 54(3) of the *Real Estate Act Rules*:
 - a. You rendered contracting services to [J.M] through a company in which you held ownership. You did not disclose your ownership of the company, nor did you obtain written and informed consent from [J.M] regarding this conflict of interest.
- 4. You failed to provide to your broker in a timely manner all original documentation and copies of original documents provided to you in relation to a trade in real estate, contrary to section 53(c) of the *Real Estate Act Rules*:
 - a. You did not submit to your brokerage two Residential Purchase Contracts signed by [J.M].

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 _____
(date)

Warren Martinson, Registrar
Real Estate Council of Alberta

Contact Information:

Hearings Administrator:	Administrator for Counsel for the Registrar:
Email: hearingsadmin@reca.ca	Email: conductadmin@reca.ca
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