

2019-004

**DECISION OF THE DISCIPLINE COMMITTEE  
WITH RESPECT TO PENALTY**

In the matter of a Discipline Committee Hearing held pursuant to Section 23(1) of *An Act to Incorporate the New Brunswick Real Estate Association* (the "Act"):

**BETWEEN**

The New Brunswick Real Estate Association (the "Association")

**-and-**

Pierre Basque  
**RESPONDENT**

Date of Hearing: March 10, 2021, 1300hrs

Place of Hearing: Teleconference

Members of Committee: Anne Smith, Chair  
Fanny Bodart  
Jean LeBlond  
Sarah Justason  
Marc Richard, Q.C., Government Appointee

Appearances: Dominic Caron, Counsel for the Association

The Chair noted persons attending the hearing:

Present: N/A

Via Teleconference: Mrs. Smith, Mrs. Bodart, Mr. LeBlond, Mrs. Justason, Mr. Richard, Mr. Townsend, Mr. Pierre Basque, Mr. Andre Malenfant (Manager), Mr. Mitchell McLean (Registrar), and Mrs. Colette McLaughlin (Court Reporter).

The Chair read the charges, directly quoted from the Notice of Penalty Hearing, submitted by Mr. Caron, counsel for the Association:

Between December 17, 2018 and February 6, 2019, both dates inclusive, Pierre Basque being a member, as defined by The Act to Incorporate the New Brunswick Real Estate Association, Chap. 115, S.N.B., 1994 (the Act):

(i) attempted to sell an interest in a property, directly or indirectly, for himself or for any entity in which he has a financial interest without first having informed the buyer in writing

All as set out in the complaint of [REDACTED] dated March 3, 2019, thereby committing an act of professional misconduct, in violation of Article 11 of the REALTOR® Code (effective March 2016), and punishable under ss. 23(4) and 23(5) of the Act.

The charges were contained in the Discipline Committee File dated 4 March 2021 (file 2019-004), which was entered into the record as Exhibit A.

All parties acknowledged the jurisdiction of the Committee to hold the hearing.

Mr. Basque confirmed that she wished to proceed to the penalty hearing stage, without a hearing on the merits of the charges.

**Submissions:**

Mr. Caron stated, as a result of pre-hearing consultation, he and Mr. Basque had agreed to make a joint submission respecting the charges. The pre-hearing consultation was conducted at an earlier date between Mr. Basque, Mr. Malenfant, and Mr. Mitchell McLean and was held without prejudice.

Mr. Caron stated that the joint submission should be accepted by Discipline Committees or Courts unless it can be demonstrated that the proposal is unreasonable or contrary to the public interest. He explained that a joint submission is not intended to take decision making power away from the Discipline Committee. He further explained that a joint submission demonstrates a high degree of cooperation between the parties as they work in a responsible, reasonable, and in good faith manner to resolve issues. He reiterated that the Discipline Committee retains the discretion to reject the terms of the joint submission, but only if the terms are unreasonable or contrary to the public interest.

Mr. Caron stated that Mr. Basque was willing to admit to the substance of the complaint through an admission of guilt respecting the charge. Mr. Basque had also accepted the proposed fine of \$900 and hearing costs of \$600, both to be paid within 30 days of receipt of the Committee's decision.

Mr. Caron recommended that the Discipline Committee accept the joint submission as presented.

Mr. Basque also agreed upon the recommendation made by Mr. Caron.

**Findings:**

The Committee considered the facts as set out in Exhibit A which was jointly submitted by all parties. Recognition was given to the Respondent's willingness to accept full responsibility for the substance of the complaint pursuant to a breach under Article 11 of the REALTOR® Code as alleged in the Discipline Committee File.

The Committee finds that the Joint Submission is reasonable and hereby orders the following pursuant to s. 23(4) of *the Act*:

1. The Committee Accepts the Joint Submission of the parties dated 25 February 2021 including all terms and conditions contained therein. Mr. Basque is directed to pay a fine of \$900 and a cost assessment of \$600 on or before 28 April 2021, 1700hrs.
2. Should the noted fine and cost assessment not be received by the deadline indicated, membership in the Association will be automatically suspended. Future membership with the Association will not be considered unless both the fine and cost assessment are paid in full to the Association by Mr. Basque. Reinstatement of membership will be subject to Association policies, including an absence time limit of two years, reinstatement fees and mandatory course requirements.
3. Pursuant to s. 23(4)(f) of *the Act*, the Discipline Committee directs the Registrar to publish this decision on the Association website: [www.nbrea.ca](http://www.nbrea.ca).

In accordance with s. 25(1) of *the Act*, the Respondent may appeal this decision within thirty (30) days from the date of the decision.

Dated this 26 day of March, 2021.

  
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Anne Smith, Chair, on behalf of the Committee  
2019-004

