



NBREA AAINB

OFFICE OF THE REGISTRAR / BUREAU DU REGISTRAIRE



COMPLAINT 2023-043

NBREA v. The Respondent

DISCIPLINE DECISION

This Discipline Decision was produced by the Discipline Committee of the New Brunswick Real Estate Association in accordance with *The New Brunswick Real Estate Association Act*

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Recitals

DECISION OF THE DISCIPLINE COMMITTEE WITH RESPECT TO PENALTY

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

BETWEEN

The New Brunswick Real Estate Association (the “Association”)

-and-

the “Respondent”

Date of Hearing: June 12, 2025, 9:30 am

Place of Hearing: Virtually, via Microsoft Teams

Members of Committee: Anne Smith, Chair
Shannon Auffrey
Kerry Culberson
Melissa Doucet
Michèle Morin, Public Appointee

Appearances: Dominic Caron, Counsel for the Association
Sue Duguay, Student-at-Law, for the Association

A member of NBREA, the Respondent
Daniel Wilband, Member’s Counsel
Isaac Corey, Student-at-Law, for the Respondent

The Chair noted persons attending the hearing:

Present: Mrs. Smith, Mrs. Auffrey, Mrs. Culberson, Mrs. Doucet, Mrs. Morin, Mr. Caron, Mrs. Duguay, the Respondent, Mr. Wilband, Mr. Corey, Mr. Mitchell McLean (Registrar), Mrs. Kaitlynn Kozlowski, Mrs. Brittany Trafford (Committee Legal Counsel), the Manager (witness for the Respondent) and Mrs. Christine McLauchlan (Court Reporter).

Background

- [1] Following a hearing on January 9 and 10, 2025, the Discipline Committee (“Committee”) issued a decision dated April 8, 2025, respecting the merits of the Complaint, attached as Schedule “A” (“Decision on Merit”).
- [2] After considering all the evidence and the submissions of the parties, the Committee found that the Complaint had been substantiated and the Respondent committed acts of professional misconduct contrary to section 23(2)(b) of the Act, in that she:
- Failed to deal fairly with all parties of a transaction;
 - Failed to promote and protect the interest of her client(s);
 - Failed to render skilled and conscientious service to her client(s); and
 - Engaged in conduct that is disgraceful, unprofessional or unbecoming of a REALTOR®.
- [3] A copy of the Decision on Merit is attached as Schedule “A” and forms part of this decision on penalty (the “Decision”).
- [4] The purpose of the penalty hearing was to determine sanctions further to the Committee’s Decision on Merit.

Witnesses

- [5] The Committee heard the sworn testimony of the following witnesses:
- the Respondent; and
 - Mitch McLean, the Registrar.

Testimony of the Respondent

- [6] The Respondent testified that the complaint against her had resulted in significant impacts on her professional life. She testified that she had to change her phone number due to

harassment she was experiencing in relation to the situation at issue in the company and that this resulted in clients being unable to reach her for services. She also testified that, as a result of the complaint, she went silent on social media also impacting her career. She experienced damage to her reputation from postings on social media related to the events. According to her testimony, she has experienced stalking by the father of her former partner and has had to have the police involved.

- [7] The Respondent testified that in 2025 she has attended therapy to start rebuilding her professional life. However, the Respondent continues to be concerned for her safety as she has received threatening messages.
- [8] The Respondent testified that she has not spoken or corresponded with the Complainant since the events transpired. She paid the closing costs of the sale of the Complainant's home and assisted with the closing by cleaning and mowing the lawn to try to ensure there were no issues with the closing of the Complainant's home.
- [9] The Respondent confirmed that, upon reflection, when she realized that she had feelings for her client, she should have disclosed the feelings and talked to her clients, including the Complainant, and had a discussion about their options.

Testimony of the Registrar

- [10] Mr. Mitch McLean testified on the cost of the proceeding for the Association to date, including legal fees and expenses.

Decision on Penalty and Order

- [11] The Committee heard submissions from Mr. Caron on behalf of the Association and Mr. Wilband in regards to the appropriate penalty.
- [12] The Committee considered the case law presented by counsel in this matter in coming to their decision on penalty.
- [13] In determining the appropriate penalty, the Committee also considered the following factors:

- The protection of the public;
- The principles of general and specific deterrence;
- The impact of the conduct on the overall reputation of the profession; and
- The Respondent has shown remorse for her conduct.

[14] Finally, the Committee has also considered and weighed the evidence of the Respondent regarding the harassment she has experienced in relation to the matters at issue in the Complaint and her concerns for her safety.

[15] The Committee notes that the above factors and evidence may be very different in another case of a romantic or sexual relationship with a client which is a charge that must be taken very seriously.

[16] In light of the above and in accordance with the submissions of counsel for the Association counsel for the Respondent, the Committee hereby orders the following pursuant to s. 23(4) of the *Act* for the Respondent:

- (a) The Respondent be reprimanded and the reprimand shall remain on the Respondent's file for two years.
- (b) The Respondent pay a fine in the amount of \$4,000 CAD to the Association.
- (c) The Respondent pay costs in the amount of \$10,000 CAD to the Association as partial reimbursement for costs incurred in the processing of the Complaint.
- (d) The Respondent shall pay the fine and costs outlined in paragraphs (b) and (c) within sixty (60) days of the date of this Decision. If payment is not made within sixty (60) days, the Registrar is directed to suspend the Respondent's membership in the Association until such time payment is made.
- (e) The Respondent shall, within six (6) months of the date of this Decision, attend a three (3) hour training session delivered by the Director of Education of the Association to cover Modules 1-11 of the 2019 Mandatory Continued Professional Development Course ("MCPD") and must successfully complete a learning comprehension assessment as directed by the Director of Education following the completion of the training session.

- (f) The Respondent shall, within six (6) months of the date of this Decision, take and successfully pass the REALTOR® Code of Ethics Course as delivered online by the Canadian Real Estate Association and provide a copy of the course completion certificate to the Registrar.
- (g) Pursuant to subsection 23(4)(f) of the Act, that the Registrar publish this Decision, without the Respondent's name, on the Association website;
- (h) Pursuant to subsection 23(4)(f) of the Act, that the Registrar distribute a summary of this Decision, without the Respondent's name, and a website link to the Decision, to all members of the Association by way of email (Notice to the Profession).
- (i) It is the Respondent's responsibility to ensure that she fulfills the requirements in paragraphs (b), (c), (d) (e) and (f), and a failure to fulfill the requirements may result in the suspension of the Respondent's membership in the Association.

[17] 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 by application to the Court of King's Bench of New Brunswick.

Dated at Fredericton, New Brunswick, this 6th day of October, 2025.

// Original signed by the Acting Committee Chair//

Anne Smith, Acting Committee Chair
on behalf of the Discipline Committee,
Complaint 2023-043