

**DECISION OF
THE SASKATCHEWAN REAL ESTATE COMMISSION
AND CONSENT ORDER**

Emde (Re), 2025 SKREC 25

Date: November 25, 2025
Commission File: 2024-74

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF GARY EMDE**

Before: A Saskatchewan Real Estate Commission Hearing Committee
comprised of the following:

Jeffrey P. Reimer - Chairperson

Kayla McQueen

Dean Staff

CHARGE and ADMISSION OF MISCONDUCT:

[1] The registrant is charged with and is admitting to professional misconduct as follows:

Count 1:

- That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Emde breached Commission Bylaw 711 by failing to adequately supervise a registrant for whom he was responsible; and,

Count 2:

- That, contrary to section 39(1)(c) of *The Real Estate Act*, Mr. Emde breached Commission Bylaw 712 for failing to review and initial all real estate agreements in a timely manner, failing to ensure that the brokerage utilized only registered personnel to perform duties of registrants on behalf of the brokerage, and failing to take reasonable steps to ensure that the brokerage and its registrants were in compliance with the legislation.

LEGISLATION:

[2] Section 39(1)(c) of *The Real Estate Act* states:

“Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act, if...it is a breach of this Act, the regulations or the bylaws or any terms or restrictions to which the registration is subject.”

[3] Commission Bylaw 711 states:

“A broker or branch manager shall adequately supervise the activities of the registrants and other personnel for whom he or she is responsible. In determining the adequacy of the supervision, the Commission will consider the following factors, but will not be limited to making a determination on these factors alone:

(a) whether the broker or branch manager was physically available to supervise;

(b) whether the broker or branch manager had established written policies and procedures;

(c) whether the broker or branch manager held regular staff meetings to determine that policies or procedures were properly implemented;

(d) whether the broker or branch manager had undertaken all reasonable steps to ensure compliance by all salespersons and other personnel; and

(e) whether the broker or branch manager took corrective and remedial action when a violation by a salesperson or other personnel was discovered.”

[4] Bylaw 712 states:

“A broker or branch manager shall be responsible for:

(a) reviewing and initialling all real estate agreements in a timely manner, including but not limited to those related to agency relationships and accepted offers to purchase;

[...]

(c) ensuring that the brokerage utilizes only registered personnel to perform the duties of registrants on behalf of the brokerage;

[...]

(e) taking reasonable steps to ensure that the brokerage and its registrants are in compliance with the Act, the regulations and the bylaws; and

[...]

FACTS:

- [5] In accordance with subsection 9(4) of The Real Estate Regulations (“the Regulations”), the Hearing Committee accepts Mr. Emde’s Statement of Facts and Admissions, which includes the following relevant points:
- [6] Mr. Emde has been registered as a broker under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission since January 1, 1997. Prior to that, he was registered as a salesperson from December 13, 1983 to December 31, 1996.
- [7] Mr. Emde has taken the following real estate courses:
- Real Estate 100
 - Real Estate 150 Law Review
 - Real Estate 350
- [8] Mr. Emde has completed the continuing professional development seminars each registration year since 2001-2002.
- [9] Mr. Emde is presently registered under the provisions of *The Real Estate Act* as a broker with 101076621 Saskatchewan Ltd. O/A Royal LePage Varsity (“**RLV**”).
- [10] At all times material to this complaint, Salesperson A was registered as a salesperson with RLV.
- [11] Previously, Salesperson A had been registered to trade in residential, farm, and commercial real estate before leaving the industry for a number of years.
- [12] Salesperson A returned to the industry in 2009 and became registered to trade only in residential real estate.
- [13] Mr. Emde was Salesperson A’s broker from 2009 until Salesperson A ceased to be registered in late 2024.
- [14] All registrants with RLV renew their licenses with the Commission online and the renewal document is to be forwarded to the brokerage by the individual registrant.
- [15] As such, Mr. Emde received a copy of Salesperson A’s renewal documents each year that Salesperson A remained a salesperson at RLV.

- [16] Salesperson A maintains that throughout each of the two transactions discussed below, he sought out and relied upon the advice, knowledge and guidance of Mr. Emde as his broker.
- [17] Over the years, and in general discussions, Mr. Emde has previously told all of his registrants they cannot sell outside the parameters of their registration and Salesperson A would have been included in those past conversations while he was a registrant.

2019 Transaction

- [18] Prior to 2019, Owner A was the owner and operator of certain fishing camps (collectively, the “**Property**”).
- [19] In the Statement of Facts and Admissions (the “**SOFAA**”) sworn by Salesperson A on August 15, 2024 as part of Commission file 2023-65, Salesperson A stated that he regularly attended at the Property as a customer and fostered a relationship with Owner A during his visits, which is what led to Owner A approaching Salesperson A and asking him to sell the Property.
- [20] In the SOFAA, Salesperson A stated that he sought advice from Mr. Emde and that Mr. Emde advised him that he could handle the transaction so long as he had a commercially licensed registrant sign the listing documents for the Property. As such, Salesperson A approached Salesperson B, another salesperson at RLV who is a commercially licensed registrant.
- [21] The listing documents for the Property were submitted by Salesperson B
- [22] Mr. Emde denies that Salesperson A sought his advice on this transaction and states that no discussion took place between him and Salesperson A regarding the Property.
- [23] Mr. Emde states that he had no idea that Salesperson A was doing this transaction.
- [24] Mr. Emde provided the documents for this transaction. None of the transaction documents provided contain his signature or initials.
- [25] The sale was completed and possession of the Property transferred to Owner B.
- [26] Mr. Emde provided the Commission with documents from RLV confirming that it paid both the buyer and seller portion of the commission in the amount of \$19,498.52 to Salesperson A.
- [27] Mr. Emde also provided the Commission with the following documents from RLV:
- The Conveyancer’s Instruction Report which states that Salesperson B and Salesperson A were both the Listing Sales Agent and the Selling Sales Agent;

- The Sales Record Sheet dated June 26 which names the Listing Agent and Selling Agent as Salesperson A/Salesperson B; and
- A July 5, 2019, email from Salesperson B to the office Manager of RLV, in which Salesperson B stated that all commission from the transaction was to be directed to Salesperson A.

[28] Mr. Emde does not know why the commission was all paid to Salesperson A, but acknowledges that registrants make deals with each other.

[29] RLV received the standard agent split of the commission on this transaction in accordance with the contract in place with Salesperson A.

2021 Transaction

[30] In the SOFAA, Salesperson A stated that he was approached by Owner B in or around the summer of 2020 about listing and selling fishing camps located at the Property.

[31] In the SOFAA, Salesperson A stated that he sought out Mr. Emde's advice regarding the sale of the Property as he was not licensed to trade in commercial real estate, and Mr. Emde advised him that he could handle the transaction so long as he had a commercially licensed agent sign the listing documents.

[32] In the SOFAA, Salesperson A stated that Mr. Emde offered to list the Property for him if Mr. Emde received a portion of the resulting commissions, or told him that he could find another commercially licensed agent.

[33] Mr. Emde denies the information that Salesperson A swore to in his SOFAA. Mr. Emde maintains that Salesperson A did not and has not asked for his advice regarding the sale of the Property or any other property and that this was a blatant lie by Salesperson A.

[34] Mr. Emde states he had no idea that Salesperson A was doing this transaction.

[35] At Salesperson A's request, Salesperson B listed the Property for sale.

[36] The listing documents were submitted by Salesperson B for this Property.

[37] Salesperson A represented both the sellers and the buyer on the transaction when the Property sold.

[38] Mr. Emde provided the documents for this transaction to the Commission. None of the transaction documents provided contain Mr. Emde's signature or initials.

[39] Mr. Emde also provided the following documents from RLV to the Commission:

- The Conveyancer's Instruction Report which states that Salesperson B was the Listing Sales Agent and Salesperson A was both the Listing Sales Agent and the Selling Sales Agent; and
 - An undated Sales Record Sheet providing that the Listing Agent was Salesperson B/Salesperson A, and the Selling Agent was Salesperson A.
- [40] Salesperson A received both the buyer and the seller portion of commission on this transaction.
- [41] Mr. Emde provided documents from RLV confirming that it paid commission to Salesperson A in the amount of \$20,483.28 for this transaction.
- [42] Mr. Emde does not know why the commission was all paid to Salesperson A, but acknowledges that registrants make deals with each other.
- [43] RLV received a portion of Salesperson A's commissions as per his contract with RLV.
- [44] This transaction ultimately resulted in a complaint to the Commission about Salesperson A and litigation against RLV.
- [45] Salesperson A was not named in the litigation.
- [46] RLV was named in the litigation because the plaintiff could not reach Salesperson A, who was travelling Asia at the time the claim was filed.
- [47] Further, the litigation against RLV was dismissed as there was no evidence of wrong conveyancing.
- [48] Mr. Emde provided a copy of a letter written by his legal counsel indicating that at the case management conference for the lawsuit, RLV took the position that there was no valid claim against them and, as such, did not contribute to the settlement amount that was agreed to by the other involved parties. Counsel confirmed the lawsuit would be dismissed in its entirety.
- [49] Salesperson A was sanctioned under section 39(1)(c) of the Act for acting contrary to the terms to which his registration was subject by doing the above-noted commercial transactions while he was only registered to trade in residential real estate.
- [50] In its decision, *Schatz (Re)*, [2024 SKREC 23](#), the Hearing Committee issued Salesperson A a fine of \$23,138.87 and an order of reprimand.
- [51] Salesperson A has since terminated his registration with the Commission and is no longer working as a registrant.
- [52] For the two commercial transactions noted above, RLV received a commission split in the amount of \$4,725.00, excluding GST.

Mitigating Factors

[53] Mr. Emde was co-operative with the investigation.

Aggravating Factors

[54] Mr. Emde is a registered broker. As the people in charge of ensuring other registrants remain in compliance with the legislation, brokers are held to a higher standard of conduct.

[55] Mr. Emde has prior sanction histories:

- In *Emde (Re)*, 1998 SKREC 12 (file #1998-32), Mr. Emde was issued an order of reprimand and a \$500 fine for breaching Bylaw 702 by stating that his brokerage represented the seller when, in fact, there was no agency relationship between the brokerage and the seller.
- In *Emde (Re)*, 2003 SKREC 9 (file #2002-56), Mr. Emde was issued an order of reprimand and a \$250 fine for breaching Bylaw 726(c) by preparing a feature sheet that did not clearly indicate if a basement apartment conformed or did not conform to municipal bylaws.
- In *Emde (Re)*, 2019 SKREC 18 (file #2018-23), Mr. Emde was issued an order of reprimand and a \$1,000 fine for breaching Bylaw 712(a) when a registrant under his supervision drafted a Notice to Remove Conditions that removed a condition on the buyers' purchase of the Property and purported to amend the possession date. Mr. Emde did not review the document himself, nor did he ensure that the document was subjected to a sufficiently thorough review to identify this error.

Prior Decisions & Other Considerations

[56] In May of 2012, the Appeals Committee of the Real Estate Council of Ontario rendered a decision [*In the Matter of Suzette Thompson*](#) ("*Thompson*"). The Appeals Committee in *Thompson* set out a series of factors to be considered when determining the appropriate sanction for a registrant found in breach of the legislation. The factors are as follows:

1. The nature and gravity of the breaches of the Code of Ethics.
2. The role of the offending member in the breaches.
3. Whether the offending member suffered or gained as a result of the breaches.
4. The impact of the breaches on complainants or others.
5. The need for specific deterrence to protect the public.
6. The need for general deterrence to protect the public.
7. The need to maintain the public's confidence in the integrity of the profession.

8. The degree to which the breaches are regarded as being outside the range of acceptable conduct.
9. The range of sanction in similar cases.

[57] These factors are reasonable considerations and can offer guidance to members of a Hearing Committee tasked with crafting an appropriate sanction for a registrant found to have committed professional misconduct. These factors have been consistently applied in Saskatchewan Real Estate Commission consent orders since September 2016.

1. The nature and gravity of the breaches of the Code of Ethics.

[58] A registrant under Mr. Emde's supervision repeatedly engaged in commercial real estate transactions despite his only being registered to trade in residential real estate. Mr. Emde maintains that he was unaware of the commercial trades that were occurring.

[59] Mr. Emde did not review or initial the real estate agreements for these commercial transactions.

2. The role of the offending member in the breaches.

[60] Mr. Emde was the supervising broker when the registrant under his supervision conducted the commercial trades without being licensed to do so. The registrant was disciplined accordingly.

3. Whether the offending member suffered or gained as a result of the breaches.

[61] Mr. Emde's brokerage earned commissions on all of the commercial transactions that were conducted by the registrant.

4. The impact of the breaches on complainants or others.

[62] One of the commercial transactions conducted by the registrant resulted in litigation between the parties and against Mr. Emde's brokerage regarding disputed deposit amounts.

[63] While Mr. Emde has confirmed the brokerage has been removed from the litigation, the Commission is not privy to the outcomes of the claims against the remaining defendants.

[64] There was the potential for significant harm to the public as the registrant under Mr. Emde's supervision was trading outside the terms of his registration and would not have been covered by insurance in the event of any potential losses arising from the transactions.

5. The need for specific deterrence to protect the public.

[65] Mr. Emde must be reminded of his obligation to adequately supervise the registrants for whom he is responsible and that the duty falls to him to review and initial all real estate agreements in a timely manner.

6. *The need for general deterrence to protect the public.*

[66] All brokers must be reminded of their obligations to ensure the registrants under their supervision are acting within the terms to which their registration is subject, and of their duties to review and initial all real estate agreements in a timely manner.

7. *The need to maintain the public's confidence in the integrity of the profession.*

[67] The public must be confident that the brokers who are responsible for supervising the registrants with which they work are doing their jobs properly to ensure proper conduct by their registrants.

[68] The public must also be confident that brokers are fulfilling their duties to review and initial all real estate agreements in a timely manner to ensure any errors are caught or prevented.

8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*

[69] Mr. Emde's conduct falls below the standard expected of registrants, but it was not egregious.

9. *The range of sanction in similar cases.*

A. What is an appropriate sanction for Mr. Emde's breach of Bylaw 711?

[70] There is an extensive list of previous decisions dealing with Bylaw 711 breaches. The following examples offer helpful guidance for the case at hand.

i. *Duffee (Re)*, [2024 SKREC 20](#) (file #2024-51) ("*Duffee*")

[71] In *Duffee*, Lyndi Duffee was issued an order of reprimand and a \$1,500 fine when she failed to adequately supervise Registrant B on a transaction. Registrant B represented her daughter on the purchase of a property but did not disclose their relationship to the seller. Ms. Duffee also received an order of reprimand and \$1,500 fine for breaching section 65(4) of the Act by acting as a limited dual agent on the sale of Registrant B's husband's home and not disclosing in writing to the purchasers the seller's relationship to the brokerage.

[72] Ms. Duffee had no previous sanction history and was co-operative with the investigation.

[73] Ms. Duffee failed to have appropriate policies in place to ensure that the registrants of her brokerage were meeting the Commission's requirements.

[74] Mr. Emde's breach is significantly more serious than that of the registrant in *Duffee*. While both Mr. Emde and Ms. Duffee are brokers and held to a higher standard of conduct, it was only on one occasion that one of Ms. Duffee's

registrants failed to comply with Commission standards, and Ms. Duffee had no prior sanction history. In contrast, Mr. Emde has three prior sanctions, including one for a failure to fulfill his duty as a broker to review documentation prepared by a registrant under his supervision. Further, the registrant under Mr. Emde's supervision violated the legislation on multiple occasions in the case at hand, none of which were caught or prevented by Mr. Emde.

ii. *Dominguez (Re)*, 2018 SKREC 6 (file #2013-09B) ("*Dominguez*")

- [75] In *Dominguez*, Matt Dominguez was issued an order of reprimand and a \$1,000 fine for failing to ensure that registrants of his brokerage were in compliance with the legislation.
- [76] Salespersons under Mr. Dominguez's supervision hosted an open house at a property with respect to which the owner had not signed an agency agreement with the brokerage nor had the owners provided any other written authorization to advertise the property for sale. A link to a Kijiji advertisement regarding the open house was posted to a Facebook page that the registrants operated together. Neither of the registrants involved in the open house submitted the Kijiji advertisement or Facebook post to Mr. Dominguez for review prior to posting. The brokerage's social media coordinator, using Mr. Dominguez's personal Facebook account, "liked" the Facebook post linking to the Kijiji advertisement for the property. Mr. Dominguez had not advised the social media coordinator that content "liked" should be reviewed and approval given prior to "liking", nor did he advise the registrants involved in the open house that they were required to submit all advertising for approval prior to publication on social media platforms. The registrants involved in the open house had also created posts on another Facebook page that included a list of open houses scheduled in the Moose Jaw area. The owners of the properties included in the list had not provided the brokerage with any written authorization to advertise their properties for sale and neither of the lists of open houses had been submitted to Mr. Dominguez for review prior to posting. The brokerage did not have a written policy regarding advertising through social media at the time.
- [77] Mr. Dominguez had no previous sanction history and was co-operative with the investigation.
- [78] Mr. Dominguez did not have an advertising policy in place to ensure that advertisements created and published by registrants under his supervision were compliant with the Commission requirements. The only employee of Mr. Dominguez's brokerage who was tasked with reviewing advertising posted by registrants of the branch office was not a registrant herself.
- [79] Mr. Emde's breach is significantly more serious than that of the registrant in *Dominguez*. While both brokers failed to adequately supervise their registrants, Mr. Dominguez had no prior sanction history and the issues that occurred at his

brokerage were with regards to advertising, not regarding a registrant trading outside the restrictions of their real estate license.

iii. *Bashutski (Re)*, [2012 SKREC 1](#) (file #2011-07A) ("*Bashutski*")

- [80] In *Bashutski*, Albert Bashutski was issued a \$2,000 fine and a letter of reprimand for failing to adequately supervise the activities of a registrant for whom he was responsible. A registrant under Mr. Bashutski's supervision failed to respond to requests for information from a review officer of the Commission.
- [81] Mr. Bashutski also received another letter of reprimand and an additional \$2,000 fine for breaching Bylaw 712(e) for failing to take reasonable steps to ensure that the brokerage and its registrants were in compliance with the Commission's legislation.
- [82] As mitigating factors, the Hearing Committee noted Mr. Bashutski's lack of sanction history and the length of time he had been in the real estate industry.
- [83] The Hearing Committee emphasized in its decision that it wanted to make clear that brokers must take responsibility for the registrants in their office and that serious sanctions will be in place for failure to do so.
- [84] Mr. Emde's breach is more serious than that of the registrant in *Bashutski*. Unlike Mr. Bashutski, who had no previous sanction history and only failed to supervise a registrant on one occasion, Mr. Emde has several previous sanctions and repeatedly failed to adequately supervise a registrant for whom he was responsible.

iv. *Kotlar (Re)*, [2010 SKREC 6](#) (file #2009-02) ("*Kotlar*")

- [85] In *Kotlar*, Reginald Kotlar was issued an order of reprimand and a \$2,500 fine for authorizing the return of the prospective buyers' deposit without adequately reviewing and understanding the real estate transaction between two of the registrants at his brokerage where the brokerage represented both the prospective buyers and the seller.
- [86] Mr. Kotlar had no prior sanction history and was co-operative with the investigation.
- [87] While Mr. Kotlar reviewed the documents on the transaction, he did not notice the unclear Amendment.
- [88] The Hearing Committee noted that as broker, Mr. Kotlar should have processes in place to ensure conditions in a trade in real estate are clear and verifiable.

[89] The lack of supervision of the contract had significant ramifications for the parties to the transaction.

[90] Mr. Emde's breach is more serious than that of the registrant in *Kotlar*. While both failed to adequately supervise registrants in their office and transactions that were occurring between them, Mr. Kotlar failed to do so on one occasion and had no prior sanction history. In contrast, Mr. Emde failed to do so on at least two separate occasions spanning the course of several years. Further, Mr. Emde has three prior sanctions.

v. *Hodgins (Re)*, [2002 SKREC 4](#), (file #2001-70B) ("*Hodgins*")

[91] In *Hodgins*, Grant Hodgins received a \$2,000 fine and letter of reprimand for failing to adequately supervise the activities of an employee in the handling of trust funds by not reviewing the brokerage's financial records in a timely manner. On two occasions, the office manager created a shortage in the brokerage's trust fund when money was transferred out to cover a cash flow problem in the brokerage's operating account. The money was transferred back in a month later.

[92] Mr. Hodgins had no previous sanction history and was co-operative with the investigation.

[93] In its decision, the Hearing Committee emphasized that broker supervision is a very serious issue as one of the broker's primary functions is to "ensure that the activities of the [personnel] of the brokerage are conducted within the guidelines of the real estate legislation to ensure protection of the public interests." The Hearing Committee further noted that the lack of supervision in *Hodgins* had significant potential to be harmful to consumers because Mr. Hodgins did not know what activities his registrants were undertaking. The Hearing Committee emphasized that delegation to an office manager does not relieve the broker of his/her duty to supervise.

[94] Mr. Emde's breach is more serious than that of the registrant in *Hodgins*. Mr. Hodgins failed to adequately supervise the employees and registrants for whom he was responsible, but he had no prior sanction history. In contrast, Mr. Emde has several prior sanctions and specifically has one in relation to his failure to fulfill his duties as broker. Mr. Hodgins' sanction involved the inappropriate removal of funds from trust. The mishandling of trust funds is among the most serious breaches a brokerage can commit. Even still, Mr. Emde's breach is more serious than that of the registrant in *Hodgins* given the factors already outlined.

[95] *Hodgins* was decided in 2002. In 2008, a significant expansion occurred in the Saskatchewan real estate market that drastically increased property values and the commissions registrants could expect to earn on trades in real estate. Sanctions ordered against registrants must keep pace with the impact the

changing real estate market and inflation have had on property values, or the Commission runs the risk of fines becoming a “cost of doing business”.

- [96] In May of 2020, the provincial legislature amended section 38 of *The Real Estate Act* to increase the maximum fines that can be ordered against registrants found guilty of professional misconduct or professional incompetence. The previous iteration of the legislation capped fines at \$5,000 for each finding up to a maximum of \$15,000 in the aggregate for all findings. The new maximum fine for each finding of professional misconduct or professional incompetence was increased to \$25,000 up to a maximum of \$100,000 in the aggregate for all findings. While this legislative change does not invalidate the precedents to be found in previous hearing decisions, it must be taken as a strong signal from lawmakers that the fines ordered against registrants should be increased so as to ensure the protection of the public.
- [97] Mr. Emde’s failure to supervise is exceedingly concerning as he does not appear to understand the gravity of his actions, or lack thereof.
- [98] It is the opinion of the Commission that Mr. Emde’s failure to supervise a registrant for whom he was responsible is the most serious incident of this nature seen to date.
- [99] It is also important to note the registrant Mr. Emde failed to supervise had two previous sanctions at the time of the transactions that are at issue on this file. Despite this history, Mr. Emde chose not to adequately supervise the registrant.
- [100] It is submitted that the penalty for Mr. Emde’s violation of Bylaw 711 ought to be determined, in part, based upon the remuneration his brokerage received on the transactions that resulted in the complaint against, and ultimate discipline of, the registrant for whom he was responsible. The discipline decision for the registrant under Mr. Emde’s supervision can be found at *Schatz (Re)*, [2024 SKREC 23](#), (file #2023-65) (“*Schatz*”), in which Mr. Schatz’s penalty was determined in part based on the remuneration he received on the transaction that resulted in the complaint against him. Accordingly, Mr. Schatz was issued an order of reprimand and a \$23,138.87 fine.
- [101] The Commission believes these types of penalties are necessary to act as a deterrent for registrants from engaging in similar misconduct, and for other brokers to emphasize the importance of adequate supervision.
- [102] As noted in the *Schatz* decision, several Canadian jurisdictions have begun taking this approach when disciplining their registrants for professional misconduct and the Commission believes it is a logical way to determine a sanction.
- [103] The two commercial transactions at issue in the case at hand resulted in a total commission split paid to Mr. Emde’s brokerage of \$4,725.00, excluding GST. To

act as sufficient deterrence, the fine ordered for Mr. Emde's breach must be more than this profit amount.

- [104] As the remuneration received by the brokerage on the transaction was insignificant in comparison to the severity of Mr. Emde's misconduct, an additional fine is necessary in the circumstances.
- [105] As such, an order of reprimand and a fine of \$8,000 representing the \$4,275 in remuneration plus additional amounts for the severity of the conduct, are appropriate sanctions for Mr. Emde's breach of Bylaw 711.

B. What is an appropriate sanction for Mr. Emde's breach of Bylaw 712?

- [106] There are several previous decisions dealing with breaches of Bylaw 712, including Mr. Emde's own previous sanction history for breach of Bylaw 712(a).

i. [Stewart \(Re\), 2021 SKREC 11, \(file #2021-13\) \("Stewart"\)](#)

- [107] In *Stewart*, Mr. Stewart was issued an order of reprimand and a \$12,000 fine for breaching Bylaw 712(b) by failing to properly review advertising of his brokerage and its registrants. As a result, several advertisements and websites operated by the brokerage and its registrants were not compliant with the legislative requirements.
- [108] Mr. Stewart had a prior sanction for breach of Bylaw 726(c) for authorizing and failing to review advertising in a real estate publication that included inaccurate information about his brokerage's relative market share.
- [109] Mr. Stewart signed a Statement of Facts and Admissions acknowledging his error.
- [110] Commission staff identified several issues with the advertising produced and published by Mr. Stewart's brokerage and by individual registrants of the brokerage.
- [111] Mr. Emde's breach is significantly more serious than that of the registrant in *Stewart*. Mr. Stewart failed to ensure the compliance of the advertising of several registrants of his brokerage as well as the advertising and signage of the brokerage itself. Mr. Emde failed to ensure that Mr. Schatz was trading within the terms of his registration. As Mr. Schatz was trading outside the terms of his registration on at least two commercial transactions, any potential losses arising from these transactions would not be covered by his errors and omissions insurance, which is a risk to the public and could cause significant harm.

ii. *Emde (Re)*, 2019 SKREC 18, (file #2018-23) (“*Emde*”)

[112] In *Emde*, Mr. Emde was issued an order of reprimand and a \$1,000 fine when he failed to review and initial the transaction documents prior to or after the completion of a transaction done by a registrant for whom he was responsible, who was acting in the capacity of a limited dual agent. The registrant was representing the buyers and the seller in the purchase of a property. The parties signed a Notice to Remove Conditions removing the condition respecting the sale of the buyer’s home and including the following: “Deposit is hereby increased to a total of \$15,000. POSSESSION DATE TO BE CHANGED TO OCTOBER 20, 2014.”

[113] Mr. Emde did not review the document himself, nor did he ensure that the document was subjected to a sufficiently thorough review to identify this error.

[114] Mr. Emde advised that the usual practice at the brokerage was for his office manager to review the file once it is conditionally accepted. Though the manager may ask some questions about the offer, the brokerage did not normally get involved directly with agents and their clients.

[115] Mr. Emde was co-operative with the investigation.

[116] Mr. Emde had two prior sanction histories at the time.

[117] Mr. Emde’s conduct in the present case is more serious than his previous conduct in *Emde*. This is Mr. Emde’s second violation of Bylaw 712 for failure to review and initial the transaction documents. The decision of the Hearing Committee in *Emde* was published on April 15, 2019. Approximately two months later, the Seller’s MLS® Brokerage Contract for the one of the transactions at issue in the present case was signed, with the Contract of Purchase and Sale being executed by both the buyer and the seller one week later. Mr. Emde did not review or initial the agency agreement or transaction documents in this case, despite being sanctioned for the same thing only two months prior. The second transaction at issue in the present case occurred in 2021, and Mr. Emde again failed to review and initial the agency agreement and transaction documents. It is extremely concerning that Mr. Emde did not reflect on his previous sanction pursuant to Bylaw 712 and change his practices.

iii. *Wouters (Re)*, 2009 SKREC 26 (file #2008-54A) (“*Wouters*”)

[118] In *Wouters*, the Deputy Superintendent of Real Estate upheld the Hearing Committee’s order that Kevin Wouters be issued an order of reprimand and a \$1,000 fine for his breach of Bylaw 712(b). Mr. Wouters failed to review and approve the advertising of a registrant under his supervision on 51 occasions. After being advised that a registrant’s advertising did not always include the name of the brokerage, Mr. Wouters met with the registrant in May of 2008 to discuss the requirement for brokerage identification in all advertising. However, the registrant went on to place at least 51 advertisements that failed to identify

the name of the brokerage between May and July of 2008. Mr. Wouters acknowledged that he had not exercised all reasonable steps to supervise the registrant and to ensure that he was complying with the legislation, that he did not review and approve all of the registrant's advertising during that period, and that he did not take satisfactory immediate remedial action upon becoming aware that the registrant's activities were not compliant.

- [119] The Hearing Committee had taken into account the fact that Mr. Wouters did not have a previous sanction history and his actions in educating the registrant's assistant with respect to the advertising requirements and reviewing all advertising after the Commission had charged the registrant were viewed as mitigating factors.
- [120] The Deputy Superintendent found it important that Mr. Wouters knew that the registrant had a history of engaging in non-compliant activity, but chose not to monitor the registrant. The non-compliant advertising first appeared two weeks after Mr. Wouters' discussion with the registrant about advertising requirements and, due to Mr. Wouters' decision not to monitor the registrant's activity, continued over a 5-week period. The Deputy Superintendent agreed that public protection was important and that it was also important to ensure that the public can have confidence in the transparency of real estate advertisements. He further supported the Hearing Committee's position that registrants must understand that breaches will be dealt with seriously and that significant fines would be imposed against registrants failing to adhere to advertising rules.
- [121] Mr. Emde's breach of Bylaw 712 is more serious than that of the registrant in *Wouters*. Mr. Wouters did not have a previous sanction history, and he had not been registered as a branch manager for very long at the time of his breach of the bylaw. Further, Mr. Emde has specifically been sanctioned for breach of Bylaw 712 on one previous occasion. The fact he has now re-offended with the same misconduct is a significantly aggravating factor.
- [122] Given the expansion of the Saskatchewan real estate market in 2008 and the change to the legislation in May of 2020, as outlined previously, the fines suggested in this sanction recommendation will be higher than those found in the precedents that pre-date this legislative amendment.
- [123] Accordingly, an order of reprimand and a fine of \$6,000 are appropriate sanctions for Mr. Emde's breach of Bylaw 712.

CONSENT ORDER:

- [124] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. Emde and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:

[125] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Bylaw 711:

- a. Mr. Emde shall receive an order of reprimand for the violation of Bylaw 711;
- b. Mr. Emde shall, within 6 months of the date of this order, pay to the Saskatchewan Real Estate Commission a fine of \$8,000 for the said violation of the *Act*;
- c. Mr. Emde's registration shall be terminated if he fails to make payment as set out above; and

[126] With respect to Count 2, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act* for breach of Bylaw 712

- a. Mr. Emde shall receive an order of reprimand for the violation of Bylaw 712;
- b. Mr. Emde shall, within 6 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$6,000 fine for the said violation of the *Act*; and
- c. Mr. Emde's registration shall be terminated if he fails to make payment as set out above.

[127] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 25th day of November, 2025.

Jeffrey P. Reimer
Hearing Committee Chairperson