

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

LaMotte (Re), 2025 SKREC 30

Date: December 18, 2025
Commission File: 2025-37

**IN THE MATTER OF
THE REAL ESTATE ACT, C. R-1.3 AND
IN THE MATTER OF DARREN LAMOTTE**

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

Jeffrey P. Reimer - Chairperson

Lori Patrick

Kayla McQueen

CHARGE and ADMISSION OF MISCONDUCT:

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

Count 1:

- That, Mr. LaMotte breached Section 39(1)(c) of the *Act* by breaching Section 55(2) of the *Act* by advertising trade in real estate without indicating the name of the brokerage for which he is authorized to act.

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] Section 55(2) of the Commission Bylaws states:

“No broker, branch manager, associate broker or salesperson shall advertise a trade in real estate unless the advertisement indicates the name of the brokerage for which the broker, branch manager, associate broker or salesperson is authorized to act.”

FACTS:

- [4] In accordance with subsection 9(4) of The Real Estate Regulations (“the Regulations”), the Hearing Committee accepts Mr. LaMotte’s Statement of Facts and Admissions, which includes the following relevant points:
- [5] Mr. LaMotte has been registered under the provisions of *The Real Estate Act* in the Province of Saskatchewan with the Saskatchewan Real Estate Commission as a salesperson since November 2, 2023.
- [6] Mr. LaMotte has taken the following real estate courses:
- Phase 1 – Real Estate as a Professional Career
 - Residential Real Estate as a Professional Career
 - Commercial Real Estate as a Professional Career
 - Farm Real Estate as a Professional Career
- [7] Mr. LaMotte has completed the continuing professional development seminars each registration year since 2023-2024.
- [8] Mr. LaMotte is presently registered under the provisions of *The Real Estate Act* as a salesperson with eXp Realty.
- [9] The Commission opened a complaint on its own motion after receiving a number of anonymous complaints against Mr. LaMotte from multiple sources regarding advertising infractions.
- [10] On April 16, 2025, the Commission sent Mr. LaMotte a letter advising of the complaint file and explaining that the conduct being investigated was various postings made by Mr. LaMotte on Facebook “buy and sell” groups that did not disclose that he is a registrant and failed to include the name of his brokerage.
- [11] The Commission provided Mr. LaMotte with screenshots of 3 posts as examples.
- [12] On April 30, 2025, Mr. LaMotte responded advising that one of the screenshots was of a property he listed on MLS® on August 21, 2024 which he shared on a local buy sell group on Facebook in September of 2024. The property has since sold and the posting was removed on March 31, 2025.
- [13] The other screenshot was a recent listing that Mr. LaMotte posted, and he attached a link to Realtor.ca later that afternoon.

[14] The screenshots failed to indicate that Mr. LaMotte is a registrant and did not include his brokerage name as required by section 55(2) of the *Act*.

REASONS:

Mitigating Factors

[15] Mr. LaMotte has only been a registrant since November 2, 2023.

[16] Mr. LaMotte has no previous sanction history.

[17] Mr. LaMotte was cooperative with the investigation.

Aggravating Factors

[18] In September of 2024 the Commission sent a mass email to registrants advising of the newly published Advertising Guidelines.

Prior Decisions & Other Considerations

[19] 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.

[20] 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.*
[21] Mr. LaMotte advertised trades in real estate without including the name of the brokerage for which he is authorized to act.
2. *The role of the offending member in the breaches.*
[22] Mr. LaMotte was the only registrant involved in his breaches of the legislation.
3. *Whether the offending member suffered or gained as a result of the breaches.*
[23] There is no evidence to suggest that Mr. LaMotte suffered any losses or enjoyed any gains as a result of his breaches of the legislation.
4. *The impact of the breaches on complainants or others.*
[24] All advertisements for trade in real estate must include the name of the brokerage with which the property is listed so that members of the public are able to clearly ascertain who they are dealing with, and that they are dealing with a registrant rather than another member of the public.
5. *The need for specific deterrence to protect the public.*
[25] Specific deterrence is needed to remind Mr. LaMotte that he must familiarize himself with and adhere to the advertising requirements, including clearly indicating the name of his brokerage.
6. *The need for general deterrence to protect the public.*
[26] General deterrence is needed to remind all registrants that they must adhere to the advertising requirements and that the name of the brokerage for which they are authorized to trade must be clearly indicated in all advertising.
7. *The need to maintain the public's confidence in the integrity of the profession.*
[27] Members of the public must always be able to easily identify when they are dealing with a registrant, as well as the brokerage involved. Members of the public must also be confident that the registrants they deal with are conducting themselves with honesty and integrity, and in compliance with the requirements set out in the legislation.
8. *The degree to which the breaches are regarded as being outside the range of acceptable conduct.*
[28] Mr. LaMotte'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. LaMotte's breach of Section 55(2) of the Act?

- [29] In *Zareh (Re)*, [2018 SKREC 30](#) (file 2013-61) (“*Zareh*”) Shaheen Zareh was issued an order of reprimand and a \$1,500 fine for advertising a trade in real estate without indicating the name of the brokerage for which he was authorized to act. Mr. Zareh was also issued an order of reprimand, a \$1,000 fine, and a two week suspension of his registration for trading in real estate outside of his brokerage.
- [30] Although Mr. Zareh was registered with Royal LePage Regina Realty, Mr. Zareh was also employed by Night Hawk Properties. Through Night Hawk, Mr. Zareh provided property management services with respect to thirteen properties, most of which he owned or in which he had an interest. Mr. Zareh sent a notice to tenants of one of these properties advising that Night Hawk would be managing the property beginning December 1, 2013 and that rent could be paid at Night Hawk’s office. Mr. Zareh did not complete a Disclosure of Interest in Trade form with respect to any of the properties he owned or in which he had an interest, nor did he otherwise disclose in writing to the tenants of the properties that, although he was a registrant, *The Real Estate Act* did not apply to the lease or rental agreement.
- [31] Mr. Zareh had no previous sanction history and was co-operative with the investigation. He signed a Consent Order acknowledging his misconduct.
- [32] Mr. LaMotte’s breach of the legislation is less serious than that of the registrant in *Zareh*. Both Mr. LaMotte and Mr. Zareh were co-operative with the investigations and had no previous sanction history. However, although Mr. LaMotte advertised multiple properties without indicating his brokerage, the listings for those properties did flow through his brokerage while Mr. Zareh operated an extensive property management business, comprising over a dozen properties, outside his brokerage.
- [33] In *Foord (Re)*, [2015 SKREC 6](#) (file 2011-23) (“*Foord*”), the registrant was issued an order of reprimand and ordered to pay a \$1,500 fine for advertising a trade in real estate without indicating the name of the brokerage for which she was authorized to act. Ms. Foord was also issued an order of reprimand and ordered to pay a \$1,000 fine for failing to submit advertising to her broker or branch manager for review prior to publication.
- [34] Ms. Foord’s assistant and a representative of a Saskatoon newspaper communicated back and forth about an advertisement Ms. Foord had submitted for placement in the newspaper’s weekly real estate feature. At no point did Ms. Foord or her assistant note that the name of the brokerage was not included in the advertisement, nor did Ms. Foord or her assistant view the final proof of the advertisement before it was published. Ms. Foord did not submit the advertisement to her broker, her branch manager or the front desk staff at the office for review prior to publication as required by her brokerage’s advertising policy. The advertisement that appeared in the weekly real estate feature did not contain any reference to Ms. Foord’s brokerage.

- [35] Ms. Foord had no prior sanction history and she had only been registered for about 18 months when the advertisement was published.
- [36] Ms. Foord did not comply with her brokerage's advertising policy, nor did she provide the advertisement directly to her broker or branch manager for review.
- [37] Mr. LaMotte's breach is more serious than those of the registrant in *Foord*. While both Mr. LaMotte and Ms. Foord were relatively new registrants and had no previous sanction histories, Ms. Foord ran one add in a newspaper and Mr. LaMotte has posted multiple advertisements on various FaceBook buy and sell groups. A further aggravating factor for Mr. LaMotte is that the Commission published an Advertising Guideline in September of 2024 which clearly outlines the advertising requirements, including the requirements that the brokerage name must be included in all advertisements.
- [38] In *Schriml (Re)*, [2009 SKREC 25](#) (file 2008-54) ("*Schriml*"), the registrant was issued an order of reprimand and fined \$2,000 for advertising or causing to be advertised 42 advertisements without identifying his brokerage between May 10 and July 26, 2008. In May of 2008, Mr. Schriml had met with his branch manager to discuss his advertising practices as a result of internal concern from a fellow registrant. Mr. Schriml failed to provide copies of the 42 advertisements to his branch manager or broker for review prior to publication.
- [39] Mr. Schriml admitted his error and apologized for the incident. He was experiencing serious medical problems at the time and had open heart surgery in June. Mr. Schriml had been a registrant for 24 years at the time of the infraction.
- [40] The fact that the breaches occurred over a two-month time period, took place after Mr. Schriml discussed proper advertising practices with his branch manager, and only ceased after the complaint was filed were aggravating factors. The Hearing Committee stated that the advertising requirements are for the protection of the public and the sanctions must give the public confidence that advertising has to comply with the *Act*, so as not to confuse the public. All registrants must feel confident that such a breach will be dealt with seriously.
- [41] Mr. Schriml unsuccessfully appealed this decision on the basis that the quantum of the penalties was excessive when compared with previous decisions, especially as there was less harm associated with his contraventions than with contraventions that recently received much lower penalty decisions from the Commission. The Deputy Superintendent of Real Estate found that the quantum of penalties was reasonable in light of the number of advertisements involved, the length of time over which the advertisements were published and the fact that Mr. Schriml had very recently met with his branch manager and agreed to provide all advertisements to him for review prior to publication. The Deputy Superintendent

confirmed the Committee's statements about public protection and dealing seriously with registrants' breaches and noted the importance of ensuring the public can have confidence in the transparency of real estate advertisements.

- [42] Mr. LaMotte's actions are not as serious as those of the registrant in *Schriml*. Mr. Schriml published 42 advertisements that did not include the name of his brokerage and had very recently met with his branch manager to discuss concerns about his advertising practices.
- [43] All of the above decisions were rendered prior to May 2020. In May of 2020, the provincial legislature amended s. 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 \$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.
- [44] An order of reprimand and a \$4,000 fine are appropriate sanctions for Mr. LaMotte's breach of Section 55(2).

CONSENT ORDER:

- [45] In accordance with *The Real Estate Act*, its Regulations, and the Commission Bylaws, and with the consent of Mr. LaMotte and the Investigation Committee of the Saskatchewan Real Estate Commission, the Hearing Committee hereby orders:
- [46] With respect to Count 1, the charge of professional misconduct contrary to section 39(1)(c) of *The Real Estate Act*:
- a. Mr. LaMotte shall receive an order of reprimand for the violation of Section 55(2) of *The Real Estate Act*;
 - b. Mr. LaMotte shall, within 3 months of the date of this order, pay to the Saskatchewan Real Estate Commission a \$4,000.00 fine for the said violation of the *Act*; and,
 - c. Mr. LaMotte's registration shall be terminated if he fails to make payment as set out above.
- [47] There shall be no order as to costs.

Dated at Regina, Saskatchewan, this 18th day of December, 2025.

Jeffrey P. Reimer
Hearing Committee Chairperson