

**THE REAL ESTATE BROKERS
ACT**

) Order No. 3907

)

Section 11(1)

) October 9, 2002

JOSE ANTONIO PEREIRA

WHEREAS:

(A) A hearing ("Hearing") was held by The Manitoba Securities Commission ("Commission") on November 13 - 16, 2001 inclusive and continued on January 9 and 10, 2002 and further continued on July 18, 2002, with previous appearances before the Commission on July 6, July 11, August 20, August 22, and September 19, 2001, pursuant to a Notice of Hearing dated July 4, 2001 and Statement of Allegations of Staff dated July 4, 2001 as amended by Amended Statement of Allegations dated July 10, 2001, by Amended Amended Statement of Allegations dated August 14, 2001, and by oral Amendment on November 15, 2001, to consider:

(i) whether it is in the public interest that the registration of Jose Antonio Pereira ("Pereira") as a salesman under The Real Estate Brokers Act ("Act") be suspended or cancelled;

(ii) whether Pereira committed a fraudulent act or acts within the meaning of the Act;

(iii) whether Pereira acted in contravention of subsection 22(1)(f)(iv) of the Act by failing to clearly show in an offer or offers to purchase real estate a promise, undertaking or guarantee made or given by a salesman that he would in any way obtain a loan for the offeror;

(iv) whether pursuant to subsection 34(1) of the Act it is in the public interest to order that Pereira pay the costs of the investigation and hearing;

(v) whether Pereira engaged in a real estate transaction while not registered to do so, contrary to section 40(1) of the Act;

(vi) such further and other matters and the making of such further and other orders as the Commission may deem appropriate.

(B) After reading the Notice of Hearing and Statement of Allegations of Staff, as amended, and upon hearing the evidence and submissions of staff and of Pereira, the Commission issued Reasons for Decision with respect to the Hearing dated March 18, 2002 and dated September 20, 2002;

(C) In the opinion of the Commission, it is in the public interest to make this Order.

IT IS ORDERED:

1. THAT, pursuant to subsection 11(1) of the Act, Pereira's registration as a salesman under the Act shall be suspended for a period of 15 months, commencing June 22, 2001 to September 22, 2002, both dates inclusive.

2. THAT, after September 22, 2002, in the event that Pereira is registered under the Act, Pereira's registration will be subject to the following conditions:

(1) Within six months of being re-registered Pereira must provide evidence that he has successfully re-taken the second part of the Real Estate Course which deals with conduct;

(2) During the first 12 months of his registration, Pereira will be closely supervised by his broker, who will report monthly to the Registrar on Pereira's activities in a form to be determined by the Registrar at that time.

3. THAT, Pereira shall be barred from becoming registered as a real estate broker for a period of five years from the original date of the suspension, being June 22, 2001.

4. THAT Pereira will pay to the Commission costs in the amount of \$20,000.00.

5. THAT the costs ordered above at paragraph 4 shall be paid by Pereira in instalments of a minimum of \$5,000.00 per year, each such instalment payable prior to the anniversary date of Pereira's reinstatement as a salesman under the Act and, furthermore, any failure to comply with this order of costs will result in a suspension of Pereira's registration until such time as the payment is made.

6. THAT should Pereira not seek reinstatement of his registration as a salesman under the Act within three months of September 22, 2002, the entire award of costs as ordered above at paragraph 4 will become due and payable forthwith.

BY ORDER OF THE COMMISSION

Director, Legal and Enforcement