

## ENFORCEMENT SUMMARY

In the Matter of The Real Estate Brokers Act ("REBA")  
and in the Matter of Sebastiao Manuel Vieira

### Charges:

On July 19, 2002, Judge Collerman of the Provincial Court of Manitoba accepted the guilty plea of Sebastiao Manuel Vieira ("Vieira") to four counts of failing to report a transaction to his employer contrary to ss.15(5) of REBA, four counts of committing a fraudulent act contrary to subsection (i) of the definition of "fraud" as found in s.1 of REBA, and one count of attempting to collect remuneration or reward in respect of a real estate transaction from a person other than his employer contrary to ss.15(6). Accordingly Vieira committed offences pursuant to s.42(3) of REBA.

### Facts:

The offences arose out of Vieira's conduct in connection with the attempted purchases of 4 properties. At all material times, Vieira had been registered as a salesman under REBA. Each of the attempted purchases involved Vieira preparing the Offer to Purchase, collecting deposit monies, not reporting the transaction to his employing broker, and not paying over the deposit monies to the broker. In one of the cases the arrangements amounted to Vieira attempting to collect remuneration from someone other than his employer. A total amount of \$5,500.00 in deposit monies was collected by Vieira. None of the transactions proceeded. Upon each of the transactions failing, Vieira did not return the deposit monies to the purchasers, but instead kept the deposit monies for his own personal use. In particular, Vieira had used deposit monies for gambling.

### Sentencing:

In one of the four cases, after diligent pursuit by the purchaser, the full deposit of \$1,000 was eventually repaid to the purchaser by Vieira approximately one year later. In the other three cases, the purchasers eventually recovered their deposit monies through payments made by the Manitoba Real Estate Association Inc. out of the Real Estate Reimbursement Fund as a result of a proceeding before The Manitoba Securities Commission in which Vieira had acknowledged the factual basis therefor. At the time of sentencing, Vieira was no longer registered as a salesman under REBA.

Vieira was sentenced on July 19, 2002. Judge Collerman accepted the joint recommendation of a fine in the total amount of \$4,000.00, apportioned as follows: \$450.00 per count for each of Counts 2, 6, 9, 13, 15, 16, 17, and 18 and \$400.00 for Count 4. No costs or surcharges were ordered. The court further set in each case a period of one month imprisonment in default, consecutively, for a total of nine months default time. A payment schedule was set at a rate of \$200.00/month, the first of which was to be paid on or before September 20, 2002, with the remaining payments to be made on the third Friday of each month thereafter until fully paid.

The Manitoba Securities Commission  
July 30, 2002.