

BC FINANCIAL SERVICES AUTHORITY

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
SBC 2004, c. 42 as amended**

AND

IN THE MATTER OF

**DAVID WILLIAM RODNEY FOXWELL
(141706)**

NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: David William Rodney Foxwell
c/o RE/MAX Aldercenter Realty
26641 Fraser Hwy
Aldergrove, BC | V4W 3L1

TAKE NOTICE that the Superintendent of Real Estate (the “Superintendent”) of the BC Financial Services Authority (“BCFSA”) will hold a discipline hearing under Part 4 of the *Real Estate Services Act* (“RESA”) on **January 16 to 17, 2025 commencing at 9:30 am** in the virtual Hearing Room at BCFSA’s offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine

whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the “Regulation”), or the *Real Estate Services Rules* (the “Rules”).

AND TAKE NOTICE that the allegations against you are as follows:

1. You committed conduct unbecoming within the meaning of section 35(2) of the RESA in that:
 - a. You committed the following *Criminal Code* offences on December 15, 2021 in Leduc, Alberta, for which you were convicted on or about July 4, 2023 in the Provincial Court of Alberta:
 - i. Unlawfully resisted [Officer 1], a peace officer, in the execution of his duty, contrary to section 129(a);
 - ii. Unlawfully resisted [Officer 2], a peace officer, in the execution of his duty, contrary to section 129(a);

- iii. Committed an assault on [Officer 1] while he was engaged in the execution of his duty, causing bodily harm to him, contrary to section 270.01(b);
- iv. Operated a conveyance in a manner that was dangerous to the public, having regard to all the circumstances, contrary to section 320.13(1);
- v. Operated a conveyance while your ability to operate it was impaired, to any degree, by alcohol or a drug or by a combination of alcohol and a drug, contrary to section 320.14(1)(a);
- vi. Without reasonable excuse, failed or refused to comply with a demand made pursuant to section 320.27(1)(b) to immediately provide samples of your breath necessary to enable a proper analysis to be made by means of an approved screening device, contrary to section 320.15(1).

AND FURTHER TAKE NOTICE that if the Superintendent finds you committed conduct unbecoming, the Superintendent must make an order against you, and may also order you to pay enforcement expenses incurred by BCFSA, under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of the RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this 14th day of May, 2024 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Jonathan Vandall”

Jonathan Vandall
Delegate of the Superintendent of Real Estate
Province of British Columbia