

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011284
Name on Licence: Christopher Andrew Muchena
Licence Type & Class: Real Estate Associate, currently not licensed
Brokerage Name on Licence: Colliers Macaulay Nicolls Inc. O/A Colliers International, currently not licensed with brokerage.
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$5,000

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence under section 38.1 of the Rules.

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: Christopher Andrew Muchena

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 38(4)(a) of the *Real Estate Act*** and this is conduct deserving of sanction.

38 (4) A person who is required under subsection (2) to answer the questions of a person conducting an investigation

(a) shall co-operate with the investigator and promptly respond to the questions

Particulars of the contravention(s):

1. In or around July 2021 you failed to cooperate with an investigator, contrary to section 38(4)(a) of the *Real Estate Act* Rules:
 - a) In July 2021 you were sent questions by an Investigator appointed by the Registrar to conduct an investigation into your conduct. You were provided with a date of July 23, 2021 to provide answers to these questions.
 - b) As of September 21, 2021, you have not provided the answers to these questions.
 - c) As of September 21, 2021, you have failed to return the phone calls of the Investigator and have ceased communication with the Investigator regarding this matter. This was a failure to cooperate with an investigator.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- There must be specific and general deterrence of this conduct. RECA's ability to effectively investigate complaints depends on the co-operation of licensees.

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: [B.T], Professional Conduct Review Officer
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on September 24, 2021.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [M.K], Real Estate Broker
Colliers Macaulay Nicolls Inc. O/A Colliers International