

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: \$1,000

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 40(1)(g) of the *Real Estate Act Rules*** and this is conduct deserving of sanction.

40 (1) A licensee must immediately notify, in writing, the executive director when:

(g) Proceedings pursuant to the Criminal Code are commenced against the licensee;

Particulars of the contravention(s):

1. In or around October 2019 you failed to immediately notify the executive director when proceeding pursuant to the Criminal Code were commenced against you contrary to section 40(1)(g) of the *Real Estate Act* Rules:
 - a) On October 17, 2019, proceedings pursuant to the Criminal Code of Canada were commenced against you.
 - b) On September 29, 2020, you notified RECA in writing of these charges.
 - c) You notified RECA of these charges more than 11 months after they were laid. This was a failure to notify the executive director immediately when criminal proceedings were commenced against you.

RECA's mandate includes consumer protection. RECA reviews certain events that may affect a licensee's suitability for licensing and the public's perception of the industry. This is why you must immediately notify the registrar in writing when any event listed under section 40(1) of the *Real Estate Act* Rules occurs. Immediately is defined as "without delay," and in the absence of extraordinary circumstances, written notification to the registrar should occur no more than five business days after the event in question.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The delay in notifying the executive director was significant and well past the 5 business days that is expected.

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.