

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 011159
Name on Licence: Nathan James Koenigsberg
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: CHARLES REAL ESTATE INC. O/A CHARLES
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: Nathan James Koenigsberg

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 February 2021 to July 2021 you failed to cooperate with an investigator during an investigation into your conduct, contrary to section 38(4)(a) of the *Real Estate Act*:
 - a) In February of 2021 you were contacted by an investigator that inquired if proceedings pursuant to the Criminal Code were commenced against you.

You informed this investigator that such proceedings had not occurred. This was not a truthful statement.

- b) In February of 2021 you responded to questions posed in a notification of investigation. In this response you refused to provide details of the incident that lead to proceedings pursuant to the Criminal Code being commenced against you when you were specifically asked to provide those details.
- c) In May of 2021 during an interview, you informed an investigator that the crown attorney determined that you were acting in self-defense therefore the charges against you were withdrawn. This was not as truthful statement.
- d) In June of 2021, you were sent a Formal Demand for Information by the investigator demanding you provide documentation and answers to questions relevant to the investigation. You failed to answer the questions posed in this demand for information.
- e) RECA's Guide to Investigations for Licensee's states "licensees are required to cooperate with the investigation. Cooperation means providing truthful, complete responses in a prompt and constructive manner."
- f) Information you provided during the course of this investigation were not truthful or accurate and you failed to provide answers to questions posed to you by the investigator. This was failing to cooperate with the 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.
- You have failed to take responsibility for your conduct.

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], Investigator
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 February 18, 2022.

"Signature"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc. [A.J], Real Estate Broker
Charles Real Estate Inc. O/A Charles