

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 015493
Name on Licence: Pavan Kumar Kaushal
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: Canadian Independent Realty Ltd O/A CIR Realty
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$5000 (see Schedule 2 of the Bylaws)

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: Pavan Kumar Kaushal

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

Section 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):

- a) When investigating another licensee's conduct, RECA received information on several transactions that supported you were accepting referrals outside of your brokerage.
- b) On or around November 27, 2023, you attended RECA for the purpose of an interview. During the interview you stated you had not accepted referrals.
- c) On or around February 22, 2024, an investigation into your conduct commenced.
- d) On or around April 12, 2024, you provided a response to the Notification of an Investigation. In that response you indicated the money you received was for various outings, dinners and housewarming gifts to mutual clients. You stated the money was not paid referrals.
- e) Your associate broker, [D.A] met with you on at least two occasions to discuss the potential of receiving referrals outside of the brokerage and to cooperate fully with the RECA investigation. Your response to your brokerage indicated you had not received referrals.
- f) Further information obtained during the investigation showed the information you provided in both your interview and written response were inconsistent with the documentation obtained.
- g) On or around August 27, 2024, you attended RECA's office, along with [D.A]. You admitted to receiving direct referrals outside of your brokerage. You apologized for lying during the] investigation.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- You failed to cooperate multiple times with a RECA investigator, including in writing and in an interview setting.
- You failed to answer your brokerage's questions related to this matter truthfully.
- Your failure to cooperate led to delays in RECA investigating an issue. You only admitted what occurred in the face of mounting evidence showing your statements were false.

- There must be specific and general deterrence of this conduct. RECA's ability to effectively investigate complaints depends on the cooperation from 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: [H.C], Senior 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 October 24, 2024.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta

cc. [R.S], Real Estate Broker
CIR Realty