

Improper conversion

ANTHONY ERIC WYNNE PEYTON

Kelowna, B.C.

Called to the Bar: September 16, 1975

Ceased as a member January 1, 1989

In April, 1983 the member began acting for F who was charged with the possession of marijuana for the purpose of trafficking.

On August 31 the member directed that a bill for \$2,000 be rendered to F for “all work and preparation on file re: Preliminary Hearing, attending at Preliminary Hearing and reporting.” That same day the member transferred \$2,000 from his trust to his general account. The member’s bill was misleading since it referred to “attendance at Preliminary Hearing” and that hearing did not in fact take place until November 16.

In June, 1984 a Provincial Court judge ordered that \$23,741.26 seized from F at the time of his arrest be restored to him. The member received this sum in cash on behalf of his client but he did not so advise F. He did not account for the funds or deposit them to either his trust or his general account.

The member used \$1,573.99 of the restored money to pay his statement of account to F dated June 18, 1984. He did not notify F of this payment.

On April 22, 1985 the member wrote to F, enclosing two \$500 cheques which he said represented the funds restored to his client. One of the cheques, drawn on the member’s account, was dishonoured for lack of sufficient funds.

The member improperly converted to his own use \$1,667.27, which was the balance of the restored funds, including the dishonoured cheque.

During a spot audit of the member’s practice in 1987, the member failed to produce a trust ledger card relating to client F and it was discovered that he had not in fact maintained one.

While under citation, Mr. Peyton ceased as a member of the Society on January 1, 1989 for failure to renew his practising certificate. The Standing Discipline Committee decided to withdraw the outstanding citation on January 15, 1990 upon the member admitting he was guilty of wrongful conversion, professional misconduct and breach of the Law Society Accounting Rules.