

Falsely Purporting to Witness Fixing of Seal

CHARLES LOUIS ALBAS

(Whitehorse)

Called to the bar: May 14, 1976

In October 1980, while practising law in Penticton, the member was retained by B Bank to draft a chattel mortgage and personal guarantees for execution by Mr. and Mrs. H, the principals of E Enterprises Ltd.

Mr. and Mrs. H met with the member to execute these documents Mr. H signed the chattel mortgage on behalf of E Enterprises Ltd., and the member formally acknowledged that Mr. H had affixed the company's seal to the chattel mortgage. The member did not in fact turn his mind to sealing the document until after its execution. Mr. H noted that the company seal was in the offices of his own solicitor. The member gave Mr. H the chattel mortgage, and asked him to affix the seal in front of his solicitor before returning the document.

The member met alone with Mrs. H and purported to give her independent legal advice by explaining the effect of signing a personal guarantee, and asking whether she was acting of her own free will. He then executed a Certificate of Independent Legal Advice to accompany the guarantee.

The member admitted that his conduct in falsely purporting to witness the fixing of a corporate seal, and in signing a Certificate of Independent Advice when he had a conflict of interest constituted professional misconduct.

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