

2005: No. 02 July-August

Richard Hendery

Vancouver, BC

Called to the bar: January 9, 1987

Discipline hearing: April 5, 2005

Panel: Gordon Turriff, QC, as a single Benchers panel by consent

Report issued: June 2, 2005 (indexed as 2005 LSBC 25)

Counsel: Brian McKinley for the Law Society and David Fredricksen for Mr. Hendery

Facts

In his practice Mr. Hendery failed to:

- register as a vendor as required under the *Social Services Tax Act*;
- charge, collect and remit PST and GST on client billings at various times from June 1992 to October 2003; and
- maintain his books, records and accounts in accordance with Law Society Rules during 2003.

In October 2003 Mr. Hendery disclosed to the Minister of Provincial Revenue and the Law Society his failure to charge, collect and remit PST and GST and to register as a PST vendor.

Verdict

Mr. Hendery admitted and the hearing panel found that his conduct constituted professional misconduct.

Penalty

The hearing panel ordered that Mr. Hendery:

1. pay a \$2,000 fine within 18 months of June 1, 2005;
2. pay costs of \$2,500 within 24 months of June 1, 2005;
3. file quarterly reports for two years outlining his payment of GST in arrears; and
4. file annual reports for two years confirming that he is abiding by all Law Society accounting rules.

The panel noted that the amount of the fine reflected the fact that Mr. Hendery's misconduct had persisted over a long period of time. The costs were lower than they might otherwise have been because, although the Law Society had needed to perform an audit, Mr. Hendery's admission of misconduct had lessened the Society's burden in preparing the case.