

THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a hearing concerning

AENGUS RICHARD MARTYN FOGARTY

RESPONDENT

**DECISION OF THE HEARING PANEL
ON FACTS AND DETERMINATION**

Hearing dates: November 18 and 19, 2019
October 19, 2020

Written submissions: November 10, 2020

Panel: Philip Riddell, QC, Chair
Brendan Matthews, Public representative
Carol Roberts, Lawyer

Discipline Counsel: Kathleen Bradley

Appearing on his own behalf: Aengus R.M. Fogarty

INTRODUCTION

[1] On June 19, 2019, the Law Society issued a citation regarding the conduct of the Respondent (the “Citation”). The Citation states:

1. Between approximately June 2018 and June 2019, you failed to cooperate in the Law Society of British Columbia’s investigation of complaint file number [number], by doing one or both of the following:

- (a) failing to respond fully and substantively to one or more letters dated June 27, 2018, July 6, 2018, July 12, 2018, and March 19, 2019,

contrary to one or more of Rules 3-5(7), and 3-5(11) of the Law Society Rules, and rule 7.1-1 of the *Code of Professional Conduct for British Columbia*; and

(b) without the written consent of the Executive Director, altering, deleting, destroying, removing, or otherwise interfering with records you were required to produce, contrary to one or both of Rule 10-3 of the Law Society Rules, and rule 7.1-1 of the *Code of Professional Conduct for British Columbia*.

2. On or about June 24, 2014, in a “safekeeping receipt” issued to or for JK in relation to a 1913 Chinese bond, you did one or both of the following:

(a) misrepresented or implied that you were a barrister and solicitor in England, or qualified to act as such; and

(b) described yourself in terms implying that you were a barrister and solicitor in England or qualified to act as such;

when you knew or ought to have known that you were not a barrister or solicitor in England or qualified to act as such, contrary to rule 2.2-1 of the *Code of Professional Conduct for British Columbia* and its commentary.

This conduct constitutes professional misconduct or conduct unbecoming the profession, pursuant to s. 38(4) of the *Legal Profession Act*.

[2] The Respondent was served with the Citation on June 19, 2019.

[3] The hearing commenced on November 18, 2019, and the evidence was completed that day. Discipline counsel commenced submissions on November 19, 2019. Before completing those submissions, counsel sought an adjournment pending a decision of the Law Society on whether or not to apply to re-open the hearing based on concerns arising out of some of the exhibits attached to the Respondent’s affidavit. The hearing was adjourned to April 2 and 3, 2020. The Law Society was directed to file its application and the Respondent was directed to file materials in reply in the interim.

[4] Before the continuation dates of April 2 and 3, 2020, the global pandemic intervened. After several adjournments, the hearing resumed by video conference on October 19, 2020. The Respondent appeared by video conference for a few minutes before being disconnected after experiencing what ultimately turned out to be unresolvable internet instability. Following an adjournment, the Law Society

applied to proceed in the Respondent's absence pursuant to s. 42(2) of the *Act*. This application was allowed in part to allow the Law Society to make submissions on its application to re-open. The Panel dismissed the application to re-open based on the collateral evidence rule. The Panel decided that the evidence that the Law Society sought to adduce on re-opening did not deal with issues that were material to the Citation.

- [5] Having dismissed the application to re-open, the Panel ordered that the matter proceed by way of written submissions. We have received a closing submission from the Law Society and from the Respondent, as well as a reply from the Law Society.
- [6] The evidence in this matter consists of affidavits from the Respondent, an affidavit from Kurt Wedel, a Law Society staff lawyer, and *viva voce* evidence from the affiants.

FACTUAL BACKGROUND

- [7] The Respondent became a member of the Law Society on August 5, 1987. From January 1997 until July 2018 he was a part-time practising member of the Law Society. He was suspended under Rule 3-6 on July 9, 2018. The Respondent was a solicitor in England and Wales from September 2, 1986 until October 12, 2002.
- [8] On June 4, 2018, JK of Washington state complained to the Law Society about the Respondent's involvement in the sale of Chinese historical "Super Petchili" bonds. JK had provided such a bond to the Respondent for the purported sale for \$10 million US. The Respondent was to receive a ten per cent commission.
- [9] The Respondent provided JK with a "Safekeeping Receipt" dated June 24, 2014 (the "SKR"). The SKR was on letterhead entitled "Aengus Fogarty Barrister and Solicitor", with a physical address in London, United Kingdom and a telephone number with a 250 area code. We take notice that the 250 area code is associated with British Columbia.
- [10] The body of the SKR identified the Respondent as the "Issuing Officer" and as "Aengus RM Fogarty, Barrister & Solicitor." The Respondent is also identified as "duly licensed attorney at law with a business address at [London address]."
- [11] JK's complaint to the Law Society does not set out where he met the Respondent nor does it provide any details regarding their interactions. JK sought the return of the bond referred to in the SKR.

- [12] A Law Society staff lawyer contacted the Respondent on June 22, 2018. JK advised the Law Society on June 22, 2018 that the bond had been returned. This led to JK's complaint being concluded on July 19, 2018.
- [13] On June 27, 2018, the Law Society initiated a separate complaint against the Respondent dealing with the sale of historical bonds.
- [14] On June 27, 2018, the Law Society phoned and emailed the Respondent. On the same date, the Law Society sent a letter to the Respondent, by way of the Law Society member portal, requesting various information and an "immediate response." On June 29, 2018, the Law Society sent another letter to the Respondent, again by way of the member portal, citing Rule 3-6(3) and stating that the Respondent would be suspended effective July 9, 2018 if he failed to comply with the requests for information in the letter of June 27, 2018.
- [15] In late June 2018, the Law Society became aware of AB, an individual who had contacted the Law Society in October 2015 regarding the Respondent's involvement in bonds. Although AB provided documents to the Law Society on July 6, 2018, the Law Society did not make the Respondent aware of its communications with AB until the Citation was issued on June 19, 2019. In cross-examination the Respondent stated that he had forgotten about AB's bonds.
- [16] On June 29, 2018, the Respondent emailed the Law Society acknowledging receipt of the June 27 and 29 letters and advising that he was travelling and would be "able to attend to" the letters on July 4, 2018.
- [17] On July 3, 2018, the Law Society sent an email to the Respondent seeking a "prompt response."
- [18] On July 5, 2018, the Respondent provided the Law Society with a response that, in the Panel's view, was unnecessarily sarcastic, and that commented upon much of the material attached to the Law Society's letter of June 27, 2018. The sarcastic comments occupied the first eight pages of the 11-page letter. The Respondent then provided his response to the Law Society's requests for information in approximately one and a half pages of his letter.
- [19] On July 6, 2018, the Law Society responded to the Respondent's letter of July 5, 2018, pointing out the following deficiencies in the responses provided to the June 27, 2018 letter:
- (a) 2. Place [sic] outline where you have lived and worked since January 1, 2014. The Respondent replied: "You have all of the information on file

regarding my address in British Columbia.” To paraphrase more of his response, the Respondent advised that he was an author and had shifted his residence to “pied de terre” in London. The Respondent later stated: “You have on file my law office location in my Annual Trust Reports.” He also stated: “Since 2015 I have lived largely in London, England, but have traveled extensively.”

- (b) 5. Please advise where you keep your:
- b. records pertaining to your involvement in historical bonds, prime bank instruments, trading platforms or programs or similar documents or matters, if outside of your law practice.

The Respondent provided the following responses:

“I have never dealt with prime bank investments and, consequently, have no records pertaining to such matters”; and

“I have never dealt with trading platforms or programs or similar documents or such matters either in my practice or outside of my law practice.”

- (c) 7. Please advise if you have custody of or are presently involved in any matters concerning historical bonds, prime bank instruments, trading platforms or programs or similar documents or matters. If so please provide complete details regarding the matters, the exact location of any such documents and the circumstances of your involvement.

The Respondent, in addition to his above responses stated: “16) I have custody under SKR a few CHINESE historic bonds. As explained above, they are of no value and are not in custody subject to a trust or fee or payment of any sort. 17) I have never received any payment from anybody in connection with CHINESE historic bonds. I have not issued any Fee Note/Invoice to anyone regarding CHINESE historic bonds.”

The Respondent went on to describe how he contacted JK and that his file consisted of a client information sheet, a copy of a passport and a signed purchase contract.

The Respondent offered to provide those client information sheets and the passport to the Law Society upon completion of his vacation.

- (d) 8. Please provide similar information for any past matters of this nature (including matters with [JK]).

The Respondent stated that JK was a client of CB and that CB was a friend and that from time to time he had helped without fee. The Respondent repeated that no Chinese bonds had been redeemed and no redemptions were contemplated.

- (e) 10. Please advise who your client was in [JK's] matter. Please advise if you:
- a. met your client in person;
 - b. obtained and recorded client identification and verification information and records for your client (if so, please produce this immediately).

The Respondent's responses set out above include his offer to provide documents.

The Law Society then reminded the Respondent of the suspension letter stating that the Respondent would be suspended as of 9:00 am on July 9, 2018.

- (f) The Law Society then advised the Respondent that the Chinese bond transactions refer to red flags of fraud.

[20] On July 9, 2018, the Law Society suspended the Respondent pursuant to Rule 3-6(1) for his failure to respond to the Law Society's letter of July 6, 2018.

- [21] On July 12, 2018, the Law Society sent a letter to the Respondent. That letter included six documents that purported to deal with Chinese bonds and their connection to fraudulent schemes. The letter then set out additional requests for information:
- a. How and when the Respondent first became involved with historical bonds;
 - b. Information regarding the background, business dealings with, criminal record, and contact information for CB, SC and DL, and any information as to why CB advised JK in May 2018 to request the immediate return of the bond;

- c. There were several questions dealing with persons other than CB, SC and DL who dealt with Chinese bonds with whom the Respondent had dealings. The Law Society asked for the names of the Respondent's bank contacts; and
- d. Please advise, with details, if you have had any dealings with any of the individuals or entities referred to in the enclosed documents relating to fraud cases, charges and investigations, or if any of the individuals or entities have been involved in any way in any matters involving you.

The scope of inquiries made by the Law Society was broadly based, not transaction specific, and did not call for the Respondent to rely on information beyond his personal knowledge.

[22] In his letter of July 18, 2018, the Respondent replied to the Law Society's letter of July 6, 2018, in the following way:

- a. The Respondent said that the previous document provided by the Law Society has no application to Chinese bonds.
- b. He provided his residential and home addresses from January 1, 2014 to the date of the letter. The Respondent again, in the Panel's view, explained in an overly sarcastic tone that he travels extensively through Europe researching his publications on shipping and that "Ships travel." The Respondent was not prepared to list all the places to which he had travelled.
- c. In response to the request for "records pertaining to involvement in ... **prime bank** investments, trading **platforms** or programs or similar document or matters, if **outside your law practice**", the Respondent provided a critique of the Law Society's research as provided in earlier correspondence. The Respondent in his response of July 5, 2018 had stated that he did not have involvement in these schemes.

[emphasis in original]

- d. The Respondent confirmed that JK was his client, and that he dealt with CB as JK's agent. He confirmed that he had a client information sheet and a passport for JK.

[23] On August 6, 2018, the Respondent provided responses to the Law Society in response to the questions set out in the July 12, 2018 letter. He provided responses

to 12 of the 15 questions put to him. The questions to which he was not responsive and his responses are:

- a. 5. Regarding any other brokers, agents, custodians or similar individuals with whom you have had dealings regarding historical bonds, please provide their names and information similar to that requested above regarding CB, SC and DL.

The Respondent replied: “Too burdensome. You have yet to disclose any problem in my dealings with Chinese historic bonds. Specify what it is that is allegedly wrong and then I will consider such a much narrower and specific request. I can’t see why this is necessary as you have not made out a case – just ill-informed comment so far.”

- b. 6. Please provides [sic] the names and contact details for the “bank contacts” referred to in paragraph 18 on page 9 of your letter dated July 5, 2018.

The Respondent’s response was “No. My contacts are confidential as mentioned in my earlier letter.”

- c. 15. Please produce all of your files, records, documents and communications relating to your involvement in matters involving historical bonds (including since June 27, 2018).

The Respondent’s response was: “Too burdensome by far. Unnecessary, See JK file as the documentation is always the same as found therein. I have already confirmed this to you. *You have had this file of a resolved complaint for months, but you jumped to ignorant, ill-informed conclusions, without ANY research or competent investigation.* Do you seriously expect me to pander to this ill-informed nonsense? You have yet to give me a credible explanation as to the relevance to the BC bar of any of my activities. Do some competent research first. Unlike some, I am very busy.”

[emphasis in original]

- [24] After the flurry of correspondence from the Law Society to the Respondent following the Respondent’s response of August 6, 2018, the Law Society did not communicate with the Respondent again until March 19, 2019. On March 19, 2019, the Law Society set out a number of questions that were said to be outstanding: letter of June 27, 2018 and repeated in letter of July 6, 2018 -

questions 5(b), 7, 8 and 10(b); letter of July 12, 2018 - questions 1, 2(a), 3(a) and (b), 4(a), 5, 6, 9 and 15.

- [25] On April 1, 2019, the Respondent responded that he had no knowledge regarding some of the matters that he was asked about or had not engaged in them. In response to question 5(b) asked in the June 27 and July 6, 2018 letters, the Respondent reiterated that he was not involved in prime bank instruments, trading platforms or programs or similar documents or matters. He advised that he first became involved with historical bonds in 2013. In response to the questions dealing with CB, the Respondent said he had responded in the annexed memo. The memo is lengthy and provides a great deal of information that touches upon many of the outstanding requests. In that memo, the Respondent asked the Law Society to contact him for further clarification or explanation.
- [26] The Law Society did not respond to the Respondent's letter of April 1, 2019. The Law Society staff lawyer was of the view that the April 1, 2019 letter from the Respondent did not contain a full and substantive response to the outstanding requests in the letter of March 19, 2019.
- [27] By letter dated May 31, 2019, the Law Society advised the Respondent that his matter had been referred to the Discipline Committee.

ANALYSIS

- [28] The Law Society bears the onus of proof on the balance of probabilities: *Foo v. Law Society of BC*, 2017 BCCA 151 at para. 63.
- [29] The test for professional misconduct is set out in *Law Society of BC v. Martin*, 2005 LSBC 16 at para. 171: "The test that this Panel finds is appropriate is whether the facts as made out disclose a marked departure from that conduct the Law Society expects of its members; if so, it is professional misconduct." At para. 154 of *Martin*, the panel stated that the question to be answered is: "The real question to be determined is essentially whether the Respondent's behaviour displays culpability which is grounded in a fundamental degree of fault, that is whether it displays gross culpable neglect of his duties as a lawyer."
- [30] A breach of the *Act*, the *Code* or the Rules is not necessarily professional misconduct. The *Martin* analysis needs to be applied.
- [31] Conduct unbecoming is defined in section 1 of the *Act* as:

“conduct unbecoming the profession” includes a matter, conduct or thing that is considered, in the judgment of the benchers, a panel or a review board,

(a) to be contrary to the best interest of the public or of the legal profession, or

(b) to harm the standing of the legal profession.

- [32] Conduct unbecoming has been defined as off-the-job conduct, while professional misconduct has been defined as on-the-job conduct. The rationale for the regulation of a lawyer’s off-the-job conduct is maintenance of public confidence in the lawyer and the profession: *Law Society of BC v. Berge*, 2005 LSBC 28, and *Law Society of BC v. Watt*, 2001 LSBC 16.
- [33] Although the Respondent took the position that the Law Society should not have gone any further once the JK complaint was resolved, the resolution of the JK complaint does not mean that the Law Society could not initiate its own investigation, which it did.
- [34] The Respondent initially took the position that his conduct was in the course of being a businessperson and that such off-the-job conduct was not within the purview of the Law Society to investigate. At the hearing, the Respondent acknowledged that this view was incorrect.
- [35] The Respondent took issue with the reasonableness of the requests made by the Law Society. The Panel finds that there is nothing inherently unreasonable in the Law Society’s desire to investigate conduct that might harm the public.
- [36] The Respondent raised the issue of *de minimis* about the portion of the Citation dealing with the failure to respond. This principle is of no application on these facts.
- [37] We will first address the part of the Citation that deals with the Respondent’s failure to cooperate by examining the requests made by the Law Society and the Respondent’s responses.
- [38] In his affidavit of October 23, 2019, the Law Society’s staff lawyer set out his views on the deficiencies in the Respondent’s responses:

(a) June 27, 2018 requests:

- (i) Request 5(b) – our review of the Respondent’s responses shows he denied involvement in “prime bank instruments, trading platforms or programs or similar documents or matters.”

The Respondent had earlier said that he had various documents regarding his dealings with JK. Those documents were not delivered to the Law Society. The fact that the Law Society never directed the Respondent’s attention to AB at this point should be considered in light of the Respondent’s evidence that he forgot about AB until the issue was raised with him as part of the hearing process;

- (ii) Requests 7 and 8 are said not to have been complied with because the Respondent did not refer to AB in any of his responses. The Panel finds this troublesome, given that it is not clear on the evidence whether, at the time this request was made, the DL transaction was even contemplated by the Law Society; and
- (iii) Request 10(b) – production of client identification or verification documents has not been complied with. This seems to be the same deficit as contemplated by the breach of request 5(b).

(b) July 12, 2018 requests:

- (i) Request 5 – the Law Society requested information “regarding any other brokers, agents, custodians or similar individuals with whom you have had dealings regarding historical bonds, please provide their names and information similar to that requested above regarding CB, SC and DL.”

The deficiency in the responses provided is that sufficient information was not provided about HR and AO who are referred to in the Respondent’s response of April 1, 2019. It is troubling that, while the Law Society had received information regarding CB, SC and DL, no attempt was made to request similar information for HR and AO. The failure to respond to this new information provided by the Respondent and to comment on the level of completeness before seeking a citation does not seem to be fair in the circumstances. The expectation, in the Panel’s view, is that the person being investigated should be afforded a reasonable opportunity to cure any defects in responses when defects or deficiencies are drawn to their attention.

- (ii) Request 6 was “[P]lease provides [sic] the names and contact details for the ‘bank contacts’ referred to in paragraph 18 on page 9 of your letter dated July 5, 2018.” The Respondent had stated at paragraph 18: “I privately and confidentially checked out each client with my Bank contacts to ensure that there was no known criminal or person of interest to the authorities.” The Respondent’s response, which the Law Society says was not responsive, was “[n]o. My contacts are confidential as mentioned earlier in my earlier letter.”
- (iii) Request 15 was “[P]lease produce all of your files, records, documents and communications relating to your involvement in matters involving historical bonds (including since June 27, 2018).” As this non-compliance deals with documents dealing with the JK bonds, this appears to be a duplication of the non-compliance set out in the June 27, 2018 letter, requests 5(b) and 10(b). The Respondent’s failure to provide documents dealing with the AB bond is, on its face, a non-compliance. We are still concerned that the Respondent’s attention was never directed to the AB matter.

[39] The requirement to cooperate with an investigation is set out in Rule 3-5(7) which states:

- (7) A lawyer must co-operate fully in an investigation under this division by all available means including, but not limited to, responding fully and substantively, in the form specified by the Executive Director
 - (a) to the complaint, and
 - (b) to all requests made by the Executive Director in the course of an investigation.

[40] The *Code*, at section 7.1, places the following obligations upon a lawyer:

7.1-1 A lawyer must

- (a) reply promptly and completely to any communication from the Society;
- (b) provide documents as required to the Law Society;
- (c) not improperly obstruct or delay Law Society investigations, audits and inquiries;

- (d) cooperate with Law Society investigations, audits and inquiries involving the lawyer or a member of the lawyer's firm;
- (e) comply with orders made under the *Legal Profession Act* or Law Society Rules; and
- (f) otherwise comply with the Law Society's regulation of the lawyer's practice.

[41] The Panel finds that the Respondent failed to respond in a substantive manner to the following requests:

- (a) June 27, 2018 requests 5(b) and 10(b) by failing to provide documents in his possession dealing with JK, and requests 5(b), 7, 8 and 10(b) about his dealings on the AB bond. We are concerned, however, that the Law Society did not draw the Respondent's attention to the AB transaction until after the Citation was issued; and
- (b) July 18, 2018 request 6 was not complied with, and the failure to comply with request 15 seems to be dealt with within our comments dealing with requests 5(b), 7, 8 and 10(b) of the June 27, 2018 letter.

[42] The Panel finds that the Respondent did not fail to respond in a substantive manner to the following requests:

- (a) July 18, 2018 request 5 as it deals with HR and AO. We have difficulty with an allegation that the response was not substantive when the information regarding HR and AO was first provided in the Respondent's letter of April 1, 2019, and no comment is made by the Law Society regarding the sufficiency of the response prior to the matter being referred to the Discipline Committee.

[43] While not all breaches of the Rules and *Code* constitute professional misconduct, not all breaches are created equal: *Law Society of BC v. Dobbin*, 1999 LSBC 27, [2000] LSDD No. 12 at para. 19.

[44] The importance of a duty to reply was referred to in *Law Society of BC v. Welder*, 2011 LSBC 06 at para. 29:

The Benchers on the *Dobbin* Review further held at paragraph 28 that, for a professional, one letter and one reminder from the Law Society should be sufficient in the absence of some explanation. If further time is required to respond, the onus must be on the lawyer to write explaining

what time is needed and the reason for which it is needed; *Law Society of BC v. Marcotte*, 2010 LSBC 18, at para. 46.”

- [45] We have applied the test set out in *Martin* and find that the Respondent committed professional misconduct in failing to respond to:
- (a) June 27, 2018 requests 5(b) and 10(b) by failing to provide documents in his possession dealing with JK and requests 5(b), 7, 8 and 10(b) about his dealings with X’s bond; and
 - (b) July 18, 2018 request 6, which was not complied with. The failure to comply with request 15 is dealt with in our comments dealing with request 5(b), 7, 8 and 10(b) of the June 27, 2018 letter.
- [46] The Citation in allegation 1(b) alleges that the Respondent “without the written consent of the Executive Director, altering, deleting, destroying, removing, or otherwise interfering with records you were required to produce, contrary to one or both of Rule 10-3 of the Law Society Rules, and rule 7.1-1 of the Code of Professional Conduct for British Columbia.” The Law Society focused its submissions of the documents relating to the AB transactions and led little evidence on this allegation. As set out in the Wedel affidavit, the substance of the allegation is that the Respondent altered or destroyed his records as they dealt with the AB transaction. The Respondent sent documents to AB on May 2, 2019, before the Citation was issued and before the Respondent’s attention was drawn to the AB transaction. As the Law Society did not draw the Respondent’s attention to the AB transaction, we find no factual basis to support this allegation. This portion of the Citation is dismissed.
- [47] The second part of the Citation deals with the issue of misrepresentation arising from the SKR. This is framed as conduct unbecoming.
- [48] The Panel accepts the Respondent’s evidence that he created the SKR by filling in a precedent.
- [49] The evidentiary basis provided has some inherent weaknesses:
- (a) At the time of the creation of the SKR, the Respondent was a practising lawyer;
 - (b) The Respondent states that he was not carrying on the practice of law in England. He was carrying on various businesses. The Respondent had not practised law for several years and was primarily an author. The

evidence does not show that the Respondent's conduct, on an objective basis, could be considered to be involved in the practice of law;

- (c) JK lodged his complaint with the Law Society, from which we infer that JK believed that the Respondent was a BC lawyer;
- (d) There is no evidence from JK dealing with how and where the Respondent was contacted or what his belief as to the Respondent's status as a lawyer was. Although an objective standard is to be applied, the subjective belief of JK is relevant to determining the objective effect of the SKR.
- (e) The significance of the term "barrister and solicitor" was not fully explored in the evidence. Reference to the *Act* shows frequent reference to the term "lawyer" and very infrequent use of the terms "barrister" and "solicitor";
- (f) The Respondent had a practice address in BC, but was residing in England; and
- (g) The absence of evidence from the Solicitors Regulation Authority as to how or if practitioners of foreign law are regulated in England.

[50] The Panel finds that the conduct of the Respondent in creating the SKR was not, applying an objective standard, a representation or implication that he was a barrister and solicitor in England or that he was qualified to practise or act as a barrister and solicitor in England.

[51] Since we have not found the necessary factual basis to support the second part of the Citation, we are not required to consider if that conduct is conduct unbecoming.

CONCLUSION

[52] We find that the Law Society has proven that the Respondent committed professional misconduct by failing to cooperate with the Law Society investigation and respond to the following:

- (a) June 27, 2018 requests 5(b) and 10(b) by failing to provide documents in his possession dealing with JK and requests 5(b), 7, 8 and 10(b) about his dealings with the X bond; and
- (b) July 18, 2018 request 6, which was not complied with. The failure to comply with request 15 is dealt with in our finding regarding the

Respondent's failure to respond to requests 5(b), 7, 8 and 10(b) of the June 27, 2018 letter.

[53] We find that the Law Society has not proven Allegation 2 in the Citation, and it is accordingly dismissed.