

Kenneth Nicholas Taschuk

North Vancouver, BC

Called to the Bar: May 10, 1977

Voluntarily ceased practice: January 1, 2004

Discipline hearing: February 11, 2005

Panel: Ralston S. Alexander, Q.C., as a single Benchers panel by consent

Report issued: February 17, 2005, indexed as 2005 LSBC 07

Counsel: Brian McKinley, for the Law Society, and Donald J. Livingstone, for Mr. Taschuk

Summary

Mr. Taschuk's law firm was the registered and records office for S Ltd. When he moved his place of practice in 1999, Mr. Taschuk failed to provide the required notice to the registrar of companies on behalf of S Ltd., contrary to the requirements of the *Company Act*. By failing to take steps to transfer the registered and records office of S Ltd., Mr. Taschuk also breached a practice condition imposed on him by a previous discipline hearing panel. Under that practice condition, Mr. Taschuk was required to transfer, by May 15, 2000, the registered and records office of each company for which he was the corporate solicitor to his new law practice location, or as instructed by each company. The Discipline Committee and a discipline hearing panel accepted Mr. Taschuk's admission of professional misconduct and his proposed penalty and ordered that he be reprimanded and pay \$2,000 as costs.

Facts

Mr. Taschuk was the corporate solicitor for S Ltd. and maintained the company's registered and records office at his law firm.

When Mr. Taschuk relocated his practice in 1999, he failed to notify the registrar of companies of the change of address for S Ltd. and failed to file the prescribed notice with the registry, contrary to the *Company Act*.

In 2000 another discipline hearing panel imposed a practice condition on Mr. Taschuk. The condition required Mr. Taschuk, with respect to each company for which he was the corporate solicitor and for which he still had the company's registered and records office at his former law firm address, at his own cost, to transfer the company's location to his current law firm address or to such other address as instructed by the company, by May 15, 2000. Mr. Taschuk failed to fulfil this practice condition.

In 2001 S Ltd. was struck from the Corporate Registry for failure to file annual reports. The principal of the company had it restored at his own expense and obtained a judgment against Mr. Taschuk in Small Claims Court for \$2,605.41. Mr. Taschuk paid this judgment in full.

On January 1, 2004, Mr. Taschuk voluntarily ceased membership in the Law Society.

Admission and penalty

Pursuant to Law Society Rule 4-22, Mr. Taschuk admitted that his conduct in breaching his undertaking constituted professional misconduct. The Discipline Committee and the hearing panel accepted his admission and proposed penalty.

The panel noted that it was satisfied the penalty of a reprimand for breach of a practice condition was within the range of appropriate penalties. The panel noted that this was particularly so when breach of the condition is inadvertent as in these circumstances.

The panel accordingly ordered that Mr. Taschuk:

1. be reprimanded; and
2. pay \$2,000 as costs of the discipline hearing, payable within one year or within six months of Mr. Taschuk being requalified/reinstated as a practising member, whichever is sooner.