

## Admission to Discipline Committee

David Kok Kwong Tsang

### AGREED STATEMENT OF FACTS

1. David K.K. Tsang was called to the Bar in British Columbia on September 2, 1999. From September 2, 1999 until May 26, 2002, he practiced as an associate with Jack L. Lee. From May 26, 2002 until October 18, 2004, he practiced law as a sole practitioner in Vancouver. On October 18, 2004, Mr. Tsang provided an undertaking to not practice law until outstanding citations had been dealt with. On January 1, 2006, Mr. Tsang's membership with the Law Society of B.C. ceased for non-payment of fees.
2. On or about April 19, 2005, the Law Society of B.C. received a complaint from R.W., the financial controller of a former corporate client of Mr. Tsang. Mr. R.W. complained that the company provided Mr. Tsang with a retainer of \$1,000.00 in September of 2003 to obtain a work permit for an Australian employee, Mr. S.B., and that Mr. Tsang did not perform any services or provide an accounting for the retainer.
3. On May 31, 2005, Jim Dent, then staff lawyer with the Law Society Professional Conduct Department, wrote to Mr. Tsang requesting a response to the complaint.
4. Mr. Tsang did not reply to the letter of May 31, 2005. Mr. Dent sent reminder letters on June 22, July 18, and July 28, 2005.
5. Mr. Tsang did not respond to any of the letters. On October 6, 2005, the Law Society sent Mr. Tsang a letter indicating the matter would be referred to the Discipline Committee.
6. On October 13, 2005, the Discipline Committee authorized the issuance of a Citation. Mr. Tsang admits service of the Citation.
7. Mr. Tsang admits that his failure to respond to letters from the Law Society was contrary to Chapter 13, Rule 3 of the *Professional Conduct Handbook* and was professional misconduct.
8. Mr. Tsang admits that his failure to account to his client S.B. for funds he received in trust from F.D.L. on behalf of his client was contrary to Rule 3-48(1) of the Law Society Rules and was professional misconduct.