

2004 LSBC 05

Report issued: March 16, 2004

Oral Reasons: February 23, 2004

Citation issued: April 2, 2003

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a hearing concerning

Keith Woodburn Purvin-Good

Respondent

Decision of the Hearing Panel

Hearing date: February 23, 2004

Panel: Margaret Ostrowski, Q.C., Single Bench Panel

Counsel for the Law Society: Jessica Gossen

Counsel for the Respondent: Christopher Hinkson, Q.C.

Background

[1] On April 2, 2003 a citation was issued against the Respondent pursuant to the *Legal Profession Act* and Rule 4-15 of the Law Society Rules by the Executive Director of the Law Society of British Columbia pursuant to the direction of the Chair of the Discipline Committee. The citation directed that this Hearing Panel inquire into the Respondent's conduct as follows:

1. Your conduct in that you failed to remit collected GST and PST contrary to the provisions of the *Social Services Tax Act* and the *Excise (GST) Act*.

[2] The Respondent acknowledged proper service of the citation pursuant to Rule 4-15 of the Law Society Rules.

[3] Pursuant to Rule 5-2(2), the Respondent agreed to a Panel consisting of a single Bench Panel.

Agreed Facts

[4] An Agreed Statement of Facts was filed as Exhibit 3 in these proceedings. It provides as follows:

1. Keith Purvin-Good was called to the Bar of British Columbia on May 14, 1973.

2. From January 1, 1981 to November 8, 1982, Mr. Purvin-Good practiced with the former firm of Warren, Ladner, Berge and between November 8, 1982 and December 31, 1992, he was a partner with the firm, Berge & Company. On January 1, 1993, Mr. Purvin-Good ceased his membership to obtain training in mediation. On September 20, 1994, he returned to practice part-time as a sole practitioner. From January 1, 1994 to present, Mr. Purvin-Good is working as a full time practitioner.

3. In June 2002, Mr. Purvin-Good called Lane Brownell, Director of the Audit and Investigation Department to advise him that he was making an assignment in bankruptcy.

4. In a proposal made under the *Bankruptcy and Insolvency Act*, Mr. Purvin-Good provided a letter to the Law Society dated June 26, 2002 in which he attached his Statement of Affairs.

5. The information provided by Mr. Purvin-Good revealed that he owes PST (plus interest and penalties) in the sum of \$9,631.85, plus GST in the sum of \$3,606.44. His overall debt amounts to \$430,820.82.

6. On July 30, 2002, Gayle Myers, Staff Lawyer of the Professional Conduct Department, wrote to Mr. Purvin-Good requesting an explanation for the failure to remit the monies collected as GST and PST payments.

7. Ms. Myers sent Mr. Purvin-Good two reminder letters on August 21 and September 4, 2002.
8. Mr. Purvin-Good responded to Ms. Myers with his letters dated September 5 and 18, 2002.
9. Mr. Purvin-Good sent Ms. Myers a fax dated January 23, 2003, attaching an additional fax dated November 13, 2002 which sets out his obligations for both PST and GST.
10. Mr. Purvin-Good admits that he failed to remit GST and PST monies collected in the course of his practice.
11. On March 6, 2003, the Discipline Committee resolved to issue a citation against Mr. Purvin-Good for his conduct in failing to meet financial obligations incurred in the course of his practice, contrary to Chapter 2, Rule 2 of the *Professional Conduct Handbook* and in failing to remit monies collected for PST and GST constituting a breach of trust, contrary to provisions of the *Social Services Tax Act* and *Excise Tax (GST) Act*.
12. Mr. Purvin-Good acknowledges that his failure to remit GST and PST monies he collected in the course of his practice constitutes professional misconduct.

[5] The Panel considered the submissions of counsel for the Law Society and for the Respondent. Counsel for the Law Society tendered a Book of Authorities which included the following cases: *Worobec* [2003] LSBC 22; *Chipperfield* [2003] LSBC 24; *Donaldson* [2003] LSBC 27; *Welder* [2002] LSBC 04; and *Bridal* [2002] LSBC 02. The *Ogilvie* decision [1999] LSBC 17 was also tendered. In reviewing the list of factors that are of general consideration in discipline dispositions, Law Society counsel noted that the Respondent had no discipline record, had acknowledged his conduct, took steps to redress the wrong and was not likely to repeat the offence. In the *Worobec*, *Chipperfield* and *Donaldson* decisions a fine of \$1,500 was ordered. Counsel for the Respondent agreed to a fine of \$1,000 and a \$500 contribution to costs on a staggered payment schedule.

[6] After considering the evidence summarized in the Agreed Statement of Facts, and having heard the submissions of counsel, the Panel finds that the allegation contained in the Schedule to citation has been made out and, being proved, constitutes professional misconduct on the part of the Respondent.

[7] It is accordingly ordered that the Respondent be reprimanded, that he pay a fine of \$1,000 and costs of the hearing in the amount of \$500. These sums are to be paid by payments of \$500 on March 31, 2004, April 30, 2004 and May 31, 2004.

[8] The Executive Director is instructed to record this finding of professional misconduct on the Respondent's Professional Conduct Record.

[9] Publication of this finding is to be made to the profession in the normal course.