

2008 : No. 4 - October

Andrew James Bonfield

Vancouver, BC

Called to the bar: May 19, 2000

Discipline hearing : June 25, 2008

Panel : Leon Getz, QC, Chair, Kathryn Berge, QC, David Renwick, QC

Report issued : July 29, 2008 (2008 LSBC 23)

Counsel : Eric Wredenhagen for the Law Society, Jerome Ziskrout for Andrew Bonfield

Facts

Andrew Bonfield was called to the Bar in May 2000 and has operated as a sole practitioner since September 2000.

From approximately 2002 to 2007, Bonfield was not registered for the remittance of British Columbia Provincial Sales Tax. Bonfield collected the sales tax from his clients, but failed to remit the funds to the provincial government.

In 2005 and 2006, Bonfield collected Goods & Services Tax from his clients, but failed to remit the funds to the Canada Revenue Agency at all or in a timely manner.

In 2005, Bonfield submitted a Trust Report to the Law Society representing that his practice had paid all PST and GST remittances to the government when due, when in fact that statement was not true.

Admission and Penalty

Bonfield admitted that he failed to register for and remit funds due to the provincial government for the PST, and that he failed to remit funds due to the Canada Revenue Agency for the GST. He acknowledged that he was grossly negligent in incorrectly representing this information to the Law Society. He further admitted that these actions constitute professional misconduct.

Pursuant to Law Society Rule 4-22, the hearing panel accepted Bonfield's admissions and ordered the following disciplinary action:

1. a fine in the amount of \$5,000 payable by December 31, 2009;
2. costs in the amount of \$1,500 payable by December 31, 2009; and
3. delivery of quarterly statutory declarations to the Law Society for the period commencing July 1, 2008 and ending December 31, 2009. These declarations will set out for the preceding quarter:
 - (1) total billings to clients,
 - (2) amounts billed in respect of PST and GST,
 - (3) amounts collected in respect of PST and GST, and
 - (4) amounts remitted to the provincial and federal governments in respect of PST and GST.