

THE LAW SOCIETY OF BRITISH COLUMBIA

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

and a hearing concerning

ANDREW CHRISTOPHER LEE

RESPONDENT

AGREED STATEMENT OF FACTS

Member Background

1. Andrew Christopher Lee (the “Respondent”) was called to the bar and admitted as a member of the Law Society of British Columbia on January 14, 2011.
2. The Respondent articulated with Cassady Law in New Westminster. After his call to the bar, the Respondent worked briefly for Faley Law Corporation in Richmond and then began practising with Webster Hudson & Coombe LLP (the “Firm”) from September 1, 2011 until on or about October 12, 2013 when he resigned.
3. On November 25, 2013, the Respondent became a former member of the Law Society.

Citation and Service

4. The citation in this matter was authorized by the Discipline Committee on June 12, 2014 and was issued June 26, 2014.
5. The Respondent admits that on June 30, 2014 he was served through his counsel with the citation and waived the requirements of Rule 4-15 of the Law Society Rules.
6. The citation was amended on July 18 2014, under Rule 4-16.1(1)(a) of the Law Society Rules. The citation was further amended September 19, 2014 (the

“Citation”). The Respondent admits delivery of the (amended) Citation in accordance with the Law Society Rules.

Background Facts

7. In the autumn of 2011, after he started working for the Firm, the Respondent began submitting claims to the Firm for reimbursement for out of pocket expenses that were fraudulent. The Respondent was reimbursed by the Firm for the fraudulent expenses, as detailed below.
8. The fraudulent expense claims the Respondent submitted to the Firm can be grouped into the following categories:
 - a. claims submitted for expenses that were never incurred by the Respondent;
 - b. claims submitted for taxi and meal expenses that the Respondent never incurred or that the Respondent was not entitled to claim reimbursement for because the expenses were personal in nature;
 - c. claims submitted where the Respondent was also later reimbursed in whole or in part directly by the service provider for the expense;
 - d. claims submitted for reimbursement for refreshments for the office where the Respondent used duplicate receipts to receive reimbursement from the Firm twice for the same expense; and
 - e. claims submitted for client disbursement expenses, where the amount the Respondent was reimbursed exceeded the amount of the expense actually incurred.

Expenses Claimed but Never Incurred

9. On or about November 29, 2011, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement of \$225 for

- three tickets to *AIDS Vancouver Positive Change Red Ribbon Gala* on November 30, 2011.
10. The Respondent did not purchase tickets to, and did not attend *AIDS Vancouver Positive Change Red Ribbon Gala* or incur any expense in connection with this event. The claim he submitted to the Firm in respect of this expense was fraudulent.
 11. On or about December 13, 2011, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement of \$249.95 for five tickets to *Taste BC* on January 24, 2012.
 12. The Respondent did not purchase tickets to, and did not attend *Taste BC* or incur any expense in connection with this event. The claim he submitted to the Firm in respect of this expense was fraudulent.
 13. On or about December 23, 2011, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement of \$219.44 for dinner with four lawyers at Cinema Public House on December 22, 2011.
 14. The Respondent did not incur any expense for dinner for four lawyers at Cinema Public House on December 22, 2011. The claim he submitted to the Firm in respect of this expense was fraudulent.
 15. On or about September 24, 2012, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement for \$285.04 for a boat cruise he claimed he participated in during the Firm's retreat.
 16. The Respondent did not incur any expense for the boat cruise as claimed in September 2012 and admits that he forged the receipt he submitted to the Firm when he claimed this expense.
 17. On or about January 10, 2012, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement of \$270 for six tickets to *A Toast to Robbie Burns*, hosted by *Taste BC* on January 25, 2012.

18. The Respondent did not incur any expense for six tickets to *A Taste to Robbie Burns*, as claimed in January 2012. The claim he submitted to the Firm in respect of this expense was fraudulent.
19. On or about February 2, 2012, the Respondent submitted an expense reimbursement form to the Firm in which he claimed reimbursement for \$260.34 for six tickets to *Jest for Joy – Naught Noses Black and White Gala* on February 24, 2012.
20. The Respondent did not incur any expense for any tickets to *Jest for Joy – Naught Noses Black and White Gala* as claimed in February 2, 2012. The claim he submitted to the Firm in respect of this expense was fraudulent.

Taxi and Meal Expenses Never Incurred or Personal in Nature

21. On or about October 11, 2013, the Respondent submitted an expense reimbursement form to the Firm that included claims for a \$22 taxi charge and three meal charges for \$13.78, \$12.50, and \$17. The Respondent did not submit receipts to substantiate these claims.
22. The Respondent admits that the taxi expense and meal charges listed above in paragraph 21 were either never incurred by him or were incurred on a personal basis and he was not entitled to be reimbursed by the Firm for these expenses. He admits the claim he submitted in respect of these expenses was fraudulent.

Claims for Which the Respondent was Refunded or Refunded in Part by Service Provider

23. On or about January 10, 2012, the Respondent submitted an expense reimbursement form to the Firm and claimed reimbursement of \$172.07 for a return flight on January 16, 2012 from Vancouver to Nanaimo via Harbour Air.
24. The flight on January 16, 2012 from Vancouver to Nanaimo was cancelled due to poor weather and the Respondent received a refund directly from Harbour Air and did not account to the Firm for the refund he received.

25. Between April 5, 2012 and September 7, 2012 the Respondent claimed and was reimbursed \$1,052.80 by the Firm for three professional development courses offered by the Canadian Defence Lawyers and he also received a full refund from the Canadian Defence Lawyers after he cancelled his registration in the courses. The particulars are:
- a. on or about April 5, 2012 the Respondent claimed \$302.40 for registration in Boot Camp 2012;
 - b. on or about May 8, 2012, the Respondent claimed \$330.40 for registration in Overlap of Tort & Disability Claims; and
 - c. on or about September 7, 2012, the Respondent claimed \$420 for registration in The Best Defence 2012.
26. The expense reimbursement form includes a charge for Boot Camp 2012 in the last row, even though there is no handwritten description of it. The attachments include a copy of the payment confirmation email sent to the Respondent by the Canadian Defence Lawyers confirming payment for the Respondent's registration in the Boot Camp 2012 and a copy of the refund receipt for the Boot Camp 2012 course. The Respondent admits he cancelled his registration in Boot Camp 2012 and was refunded for the cost of it directly from the Canadian Defence Lawyers.
27. The attachments to the expense reimbursement form the Respondent submitted to the Firm dated May 8, 2012, in respect of Overlap of Tort & Disability Claims include a copy of the payment confirmation email sent to the Respondent by the Canadian Defence Lawyers confirming payment for the Respondent's registration in the Overlap of Tort & Disability Claims course. The Respondent admits he cancelled his registration in Overlap of Tort & Disability Claims and was refunded for the cost of it directly from the Canadian Defence Lawyers.
28. The attachments to the expense reimbursement form the Respondent submitted to the Firm dated September 7, 2012, in respect of The Best Defence 2012 include a copy of the payment confirmation email sent to the Respondent by the Canadian

Defence Lawyers confirming payment for the Respondent's registration in the Best Defence 2012. The Respondent admits he cancelled his registration in the Best Defence 2012 and was refunded for the cost of it directly from the Canadian Defence Lawyers.

29. Between May 29, 2012 and September 5, 2013, the Respondent submitted claims for reimbursement totalling \$4,592.70 for eight professional development courses offered by the Continuing Legal Education Society of British Columbia ("CLEBC"), for which he was reimbursed by the Firm and for which he received a refund directly from CLEBC. The particular courses are:
- a. on or about May 29, 2012, the Respondent claimed \$655.20 for registration in the Personal Injury Conference 2012 and received a refund of \$605.20 on or about May 22, 2012;
 - b. on or about July 31, 2012, the Respondent claimed \$588 for registration in a Webinar of the Insurance Law Conference 2012 and received a refund of \$538 on or about July 31, 2012;
 - c. on or about October 5, 2012, the Respondent claimed \$588 for registration in Estate Litigation Basics 2012 and received a refund of \$538 on or about October 5, 2012;
 - d. on or about October 24, 2012, the Respondent claimed \$504 for registration in Advanced Legal Writing and received a refund of \$454 on or about October 24, 2012;
 - e. on or about December 3, 2012, the Respondent claimed \$504 for registration in Defending Personal Injury 2012 and received a refund of \$454 on or about November 30, 2012;
 - f. on or about January 3, 2013, the Respondent claimed \$588 for registration in a Webinar of Psychiatric and Neuropsychological Evidence in Civil Litigation and received a refund of \$588 on or about January 4, 2013;

- f. on or about July 8, 2013, the Respondent claimed \$749.42 for registration in the Webcast: Writing for Litigators 2013 and submitted a fictitious receipt in support of his claim; and
 - g. on or about August 12, 2013, the Respondent claimed \$997.08 for registration in the Webcast: Litigation Conference 2013 and submitted a fictitious receipt in support of his claim.
- 31. On or about January 14, 2013, the Respondent submitted a claim for reimbursement of \$603.85 for registration in Writing to Persuade, a professional development course offered by the Advocates Society for which he was reimbursed by the Firm and for which he received a refund from the Advocates' Society.
- 32. On or about October 11, 2013, the Respondent submitted a claim for reimbursement of \$271.95 for a Helijet flight from Vancouver to Victoria on October 7, 2013 and was reimbursed this amount by the Firm.
- 33. The Respondent did not fly on the Helijet flight from Vancouver to Victoria on October 7, 2013 and admits he submitted a fictitious receipt to the Firm in respect of it. He received reimbursement for the cost of the flight directly from Helijet and did not account to the Firm for the reimbursement.

Duplicate Expense Claims

- 34. Between January and September 2012, the Respondent submitted expense claims for food and beverage expenses to the Firm twice for reimbursement by using duplicate receipts to claim the expenses. The Respondent received payment from the Firm twice for these expenses. The particulars are:
 - a. on or about January 23, 2012, the Respondent submitted a receipt to the Firm for alcohol purchases of \$86.61 and he was reimbursed by the Firm for this amount on or about January 27, 2012. On or about March 1, 2012, the Respondent submitted an expense reimbursement form to the Firm

with a duplicate receipt claiming the \$86.61 for alcohol purchases a second time. The Respondent was paid for this amount the second time on or about March 12, 2012.

- b. on or about April 5, 2012, the Respondent submitted a receipt to the Firm for alcohol purchases of \$96.84 and he was reimbursed by the Firm for this amount on or about April 16, 2012. On or about May 8, 2012, the Respondent submitted an expense reimbursement form to the Firm with a duplicate receipt claiming the \$96.84 for alcohol purchases a second time. The Respondent was paid by the Firm for these expenses on or about May 16, 2012.
- c. the expense reimbursement form the Respondent submitted to the Firm dated April 5, 2012 included a claim for alcohol purchases in the amount of \$73.37 and the Respondent was reimbursed for this amount on or about April 16, 2012. The expense reimbursement form the Respondent submitted to the Firm dated May 8, 2012 included a duplicate receipt claiming the \$73.37 for alcohol purchases a second time, for which the Respondent was paid by the Firm on or about May 16, 2012.
- d. the expense reimbursement form the Respondent submitted to the Firm dated May 8, 2012 included a claim for alcohol purchases in the amount of \$122.87, and the Respondent was reimbursed for this amount or about May 16, 2012. On or about May 29, 2012, the Respondent submitted an expense reimbursement form to the Firm with a duplicate receipt claiming the \$122.87 for alcohol purchases a second time. The Respondent was paid by the Firm for this claim on or about June 15, 2012.
- e. the expense reimbursement form the Respondent submitted to the Firm dated May 8, 2012 included a claim for alcohol purchases in the amount of \$71.66, and the Respondent was reimbursed for this amount on or about May 16, 2012. On or about July 9, 2012, the Respondent submitted an expense reimbursement form to the Firm with a duplicate receipt claiming

the \$71.66 for alcohol purchases a second time. The Respondent was paid by the Firm for this claim on or about July 17, 2012.

- f. the expense reimbursement form the Respondent submitted to the Firm dated May 29, 2012 included a claim for alcohol purchases in the amount of \$141.85, and the Respondent was reimbursed for this claim on or about June 15, 2012. The expense reimbursement form the Respondent submitted to the Firm dated July 9, 2012 included a duplicate receipt claiming the \$141.85 for alcohol purchases a second time and the Respondent was paid by the Firm for this claim on or about July 17, 2012.
- g. the expense reimbursement form the Respondent submitted to the Firm dated May 29, 2012 included a claim for alcohol purchases in the amount of \$46.77, and the Respondent was reimbursed for this claim on or about June 15, 2012. On or about August 1, 2012, the Respondent submitted an expense reimbursement form to the Firm with a duplicate receipt claiming the \$46.77 for the alcohol purchases a second time.
- h. on or about September 7, 2012, the Respondent submitted a receipt to the Firm for alcohol purchases in the amount of \$68.62 and was reimbursed by the Firm for this amount. On or about September 27, 2012, the Respondent submitted an expense reimbursement form to the Firm with a duplicate receipt claiming the \$68.62 for the alcohol purchases a second time.

Claims for which the Respondent was Reimbursed by the Firm in an Amount Exceeding the Actual Expense

- 35. Between March and September 2012, the Respondent submitted claims to the Firm and received payment from the Firm for reimbursement of client disbursement expenses in amounts greater than he actually incurred. The particulars are:

- a. on or about March 1, 2012, the Respondent submitted an expense reimbursement form to the Firm claiming \$619.64 for an Air Canada return flight on February 29, 2012 from Vancouver to Nanaimo, and the actual expense the Respondent incurred was \$485.24. The Respondent admits he submitted a fictitious receipt to the Firm in respect of this expense.
- b. on or about August 2, 2013, the Respondent submitted an expense reimbursement form to the Firm claiming \$1,512 for registration for seven golfers to attend the Canadian Bar Association, BC Branch golf tournament on August 15, 2013, and the actual expense the Respondent incurred was \$966 for registration for five golfers.
- c. on or about September 3, 2013, the Respondent submitted an expense reimbursement claim form to the Firm claiming \$417.90 for a return flight from Vancouver to Victoria on September 3, 2013 with Helijet and the Respondent did not take the Helijet flight but instead flew with Harbour Air Seaplanes and the actual expense incurred for the flight was \$370.02. The Respondent submitted a fictitious Helijet reservation receipt with the expense reimbursement form.
- d. on or about September 4, 2013, the Respondent submitted an expense reimbursement claim form to the Firm claiming \$417.90 for a return flight from Vancouver to Victoria with Helijet on September 4, 2013 and the Respondent did not take the Helijet flight but instead flew with Harbour Air Seaplanes and the actual expense incurred for the flight was \$294.02. The Respondent submitted a fictitious Helijet reservation receipt with the expense reimbursement form.

The Complaint

36. On October 22, 2013, Jack Webster QC, made a complaint (the “Complaint”) to the Law Society.
37. On October 24, 2013, the Respondent, through his counsel, reported his conduct to the Law Society. The Law Society accepts the statements in the Respondent’s counsel’s letter dated October 24, 2013, except with respect to the amount of the false expense claims, which may be inaccurate because the Respondent did not have all of the information available to him to determine the amount at the time the letter was written.
38. In the course of investigating the Complaint, the Law Society received written responses from the Respondent through his counsel. The Law Society accepts the statements in the Respondent’s counsel’s correspondence dated December 10, 2013 and April 22, 2014 except with respect to the amount of the false expense claims, which may be inaccurate because the Respondent did not have all of the information available to him to determine the amount at the time the correspondence was written:
 - a. letter dated December 10, 2013 in response to a letter from the Law Society dated October 30, 2013; and
 - b. email from the Respondent’s counsel dated April 22, 2014 in response to an email from the Law Society dated April 10, 2014.
39. The Respondent has made restitution to the Firm for all of the expenses he improperly claimed, and has paid the costs the Firm incurred for investigating the matter. On October 22, 2013, the Respondent made restitution in the amount of \$15,000 as stated in his letter to the Law Society dated December 10, 2013. On February 25, 2014, the Respondent paid \$22,500 to the Firm to reimburse the

Firm for the forensic accounting costs incurred by the Firm and the time spent by Firm members in addressing the Respondent's misconduct.

40. The Respondent cooperated fully with the Firm during its investigation of his conduct as acknowledged by the Firm on March 18, 2014 in an email from Webster to the Law Society. The Respondent cooperated fully with the Law Society during its investigation of his conduct.

Admission of Misconduct

41. The Respondent admits that between November 2011 and February 2012, he submitted expense claims to, and received payment from the Firm for reimbursement of expenses that he never incurred, as set out in Allegation #1 in the Citation. The particulars are:
- a. on or about November 29, 2011, he submitted a claim for reimbursement of \$225 for three tickets to *Aids Vancouver Positive Change Red Ribbon Gala*;
 - b. on or about December 13, 2011, he submitted a claim for reimbursement of \$249.95 for five tickets to *Taste BC*;
 - c. on or about December 23, 2011, he submitted a claim for reimbursement of \$219.44 for the cost of a dinner with four lawyers at Cinema Public House;
 - d. on or about September 24, 2012, he submitted a claim for reimbursement of \$285.04 for a boat tour in September 2012;
 - e. on or about January 10, 2012, he submitted a claim for reimbursement of \$270 for six tickets to *A Toast to Robbie Burns*, hosted by *Taste BC*; and
 - f. on or about February 2, 2012, he submitted a claim for reimbursement of \$260.34 for six tickets to *Jest for Joy – Naughty Noses Black and White Gala*.

42. The Respondent admits that his conduct in doing so constitutes professional misconduct.
43. The Respondent admits that on or about October 11, 2013, he submitted an expense claim for \$65.48 to, and received payment from the Firm for taxi and three meal expenses when he never incurred these expenses or he was not entitled to claim reimbursement because the expenses were personal, as set out in Allegation #2 in the Citation.
44. The Respondent admits that his conduct in doing so constitutes professional misconduct.
45. The Respondent admits that between January 2012 and October 2013 he submitted expense claims to and received payment from the Firm for reimbursement of expenses for which he later received a full or partial refund from the service provider, without accounting to the Firm for the refund he obtained, as set out in Allegation #3 in the Citation. The particulars are:
 - a. on or about January 10, 2012, he submitted a claim for \$172.07 for a return flight on January 16, 2012 from Vancouver to Nanaimo via Harbour Air for which he received a refund from Harbour Air due to flight cancellation;
 - b. between April 5, 2012 and September 7, 2012, he submitted claims for reimbursement of \$1,052.80 for three professional development courses offered by the Canadian Defence Lawyers, for which he received a refund from the Canadian Defence Lawyers;
 - c. between May 29, 2012 and September 5, 2013, he submitted claims for reimbursement of \$4,592.70 for eight professional development courses offered by the Continuing Legal Education Society of British Columbia, for which he received a refund from the Continuing Legal Education Society;

- d. between July 9, 2012 and July 8, 2013, he submitted claims for reimbursement of \$5,010.96 for seven professional development courses offered by the Practising Law Institute, for which he was never registered in the courses or for which he received a refund from the Practising Law Institute;
- e. on or about January 4, 2013, you submitted a claim for reimbursement of \$603.85 for a professional development course offered by The Advocates' Society, for which he received a refund from the Advocates' Society; and
- f. on or about October 11, 2013, he submitted a claim for \$271.95 for a Helijet flight from Vancouver to Victoria on October 7, 2013 for which he received a refund from Helijet.

46. The Respondent admits that his conduct in doing so constitutes professional misconduct.

47. Between January 2012 and September 2012, the Respondent submitted expense claims to the Firm twice for reimbursement of, and received payment twice from the Firm for food and beverage expenses for the office by using duplicate receipts. The particulars are:

- a. on or about January 23, 2012, he submitted a receipt for and was reimbursed \$86.61 and on or about March 1, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;
- b. on or about April 5, 2012, he submitted a receipt for and was reimbursed \$96.84, and on or about May 8, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;
- c. on or about April 5, 2012, he submitted a receipt for and was reimbursed \$73.37 and on or about May 8, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;

- d. on or about May 8, 2012, he submitted a receipt for and was reimbursed \$122.87, and on or about May 29, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;
- e. on or about May 8, 2012, he submitted a receipt for and was reimbursed \$71.66 and on or about July 9, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;
- f. on or about May 29, 2012, he submitted a receipt for and was reimbursed \$141.85, and on or about July 9, 2012, he submitted a duplicate receipt and was reimbursed for the expense a second time;
- g. on or about May 29, 2012, he submitted a receipt for and was reimbursed \$46.77, and on or about August 1, 2012 he submitted a duplicate receipt and was reimbursed for the expense a second time; and
- h. on or about September 7, 2012, he submitted a receipt for and was reimbursed \$68.62 and on or about September 27, 2012 he submitted a duplicate receipt and was reimbursed for the expense a second time.

48. The Respondent admits that his conduct in doing so constitutes professional misconduct.

49. Between March 2012 and September 2013, the Respondent submitted claims to, and received payment from the Firm for reimbursement of client disbursement expenses in amounts greater than the actual expense he incurred. The particulars are:

- a. on or about March 1, 2012, he submitted a claim for \$619.64 for a return flight on February 29, 2012 from Vancouver to Nanaimo, when the actual expense he incurred was \$485.24;
- b. on or about August 2, 2012, he submitted a claim for reimbursement of \$1,512 for registration for seven golfers to attend the Canadian Bar

Association, BC Branch golf tournament when the actual expense he incurred was \$966 for registration for five golfers;

- c. on or about September 3, 2013, he submitted a claim for \$417.90 for a return flight from Vancouver to Victoria on September 3, 2013, when the actual expense he incurred was \$370.02; and
- d. on or about September 4, 2013, he submitted a claim for \$417.90 for a return flight from Vancouver to Victoria on September 4, 2013, when the actual expense incurred was \$294.01.

50. The Respondent admits that his conduct in doing so constitutes professional misconduct.

As a result of these admissions the Respondent undertakes for a period of 7 years, commencing on January 29, 2015, as follows

- 1. not to apply for reinstatement to the Law Society of British Columbia (“the Law Society”);
- 2. not to apply for membership in any other law society (or like governing body regulating the practice of law) without first advising in writing the Law Society; and
- 3. not to permit his name to appear on the letterhead of, or otherwise work in any capacity whatsoever for, any lawyer or law firm in British Columbia, without obtaining the prior written consent of the Discipline Committee of the Law Society.