2018 LSBC 23
Decision issued: July 31, 2018
Citation issued: March 14, 2017

THE LAW SOCIETY OF BRITISH COLUMBIA

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

and a hearing concerning

IAN DAVID REITH

RESPONDENT

DECISION OF THE HEARING PANEL

Hearing date:	May 1, 2018
Panel:	Jamie Maclaren, QC, Chair Paula Cayley, Public representative John Waddell, QC, Lawyer
Discipline Counsel:	Patrick M. McGowan
Appearing on his own behalf:	Ian D. Reith

INTRODUCTION

[1] The Law Society issued a citation against the Respondent on March 14, 2017 (the "Citation") for failing to comply with several Law Society Rules (the "Rules") for trust accounting in his maintenance of a trust account held to facilitate real estate conveyances.

[2] The Citation alleged that the Respondent's failure to comply with the Rules constituted professional misconduct under section 38(4) of the *Legal Profession Act*.

[3] The Respondent admitted all of the facts and professional misconduct alleged in the Citation, pursuant to a Rule 4-28 Notice to Admit dated October 24, 2017 (the

"Notice to Admit"), and an Agreed Statement of Facts and Admission of Misconduct signed by the Respondent on April 25, 2018 (the "Agreed Statement of Facts and Admission"). He also admitted that all administrative and procedural requirements for the hearing of the Citation (the "Hearing") were met.

[4] The Hearing proceeded on May 1, 2018 in Vancouver. After hearing the parties' submissions on facts and determination, the Panel accepted the Respondent's admission of professional misconduct as supported by the admitted facts. The Panel made an order prohibiting the Respondent from operating the subject trust account (the "Subject Account"), and reserved judgment on the issues of disciplinary action and costs.

[5] Here, the Panel orders the Respondent to serve a 30-day suspension for professional misconduct, with payment of $7,472.50 in costs to the Law Society. Our reasons follow.

BACKGROUND

[6] As the entirety of facts in evidence, the parties filed an Admitted Facts and Misconduct document (the "Admitted Facts and Misconduct") consolidating admissions made by the Respondent pursuant to Rule 4-28 and the Notice to Admit, as well as the Agreed Statement of Facts and Admission. The Admitted Facts and Misconduct included the Respondent's admission that he committed professional misconduct by contravening six separate trust accounting rules. The Panel accepted the Admitted Facts and Misconduct, and the facts outlined in this decision are summarized from that document.

[7] The Respondent is a sole practitioner who has worked primarily as a real estate lawyer in Whistler since his admission to the Law Society in May 1989.

[8] From mid-1989 to early 2010, the Respondent worked as in-house counsel for a vendor of timeshare properties ("X Ltd.") in Whistler. During that time, and for some time later as a sole practitioner, the Respondent facilitated the transfer of ownership interests in X Ltd. properties.

[9] On August 5, 1989, the Respondent opened the Subject Account at a local credit union to receive and disburse funds associated with the transfer of ownership of interests in X Ltd. properties. The Subject Account was assigned the title "Ian Reith – Trust Account," and remained open at the credit union — under the same account name and number — from August 5, 1989 to at least August 31, 2016.

[10] Prior to 2005, the Rules required lawyers practising in British Columbia to submit an annual Form 47 Accountant's Report ("Form 47 Report") to the Law Society for each trust account held. Beginning in 2005, practising lawyers were no longer required to submit an annual Form 47 Report, but Rule 3-72 then in force (now Rule 3-79) required them — and continues to require them — to submit an annual report for each trust account held. In most cases, the Law Society does not require these annual trust reports to be completed by an accountant.

[11] In 1990, the Respondent submitted a Form 47 Report for the Subject Account. The Respondent did not submit any trust report for the Subject Account for any year thereafter.

[12] In 1998, Law Society staff wrote to the Respondent to determine why he had not submitted any trust reports since 1990. In his response letter, the Respondent advised Law Society staff that the Subject Account "… is used solely for handling monies relating to the operations of [X Ltd.], of which I am merely an employee as inhouse counsel. As a result, I am not insured through the Law Society for these activities and was informed by your predecessor after submitting the 1989/90 (?) Form 47 that same was not required in the future."

[13] On the basis of his explanation, Law Society staff wrote again to the Respondent to confirm that he was not required to submit a Form 47 Report for the Subject Account. But the Law Society did not excuse him from other requirements in the Rules respecting trust accounts, including requirements to:

(a) maintain Subject Account records, per Rule 3-60 then in force (now Rule 3-68);

(b) record each trust transaction promptly and, in any event, not more than seven days after the trust transaction, per Rule 3-63 then in force (now Rule 3-72);

(c) prepare monthly trust reconciliations of the total of all unexpended balances of funds held in trust for clients, per Rule 3-65 then in force (now Rule 3-73);

(d) withdraw personal and client funds from the Subject Account as soon as practicable, per Rule 3-51(5) then in force (now Rule 3-58(4));

(e) not maintain an amount greater than $300 of his own funds in the Subject Account, per Rule 3-52(4) then in force (now Rule 3-60(5)); and

(f) not make payments from trust funds when the trust accounting records were not current, per Rule 3-56(1.2)(a) then in force (now Rule 3-64(3)(a)).

[14] After leaving X Ltd. to start his own practice in 2010, the Respondent used the Subject Account occasionally to facilitate the transfer of ownership interests in X Ltd. properties. He was paid modest fees for these transactions, which he held in the Subject Account. He did not advise the Law Society of the change in his use of the Subject Account.

[15] From February 2010 to May 2014, the Respondent held more than $300 of his own funds in the Subject Account, contrary to Rule 3-52(4) then in force. These funds included, *inter alia*, fees for legal services rendered on real estate conveyance files related and unrelated to X Ltd., and referral fees previously received from X Ltd. that he had not removed. Over the same time period, the Respondent failed to maintain trust account records or prepare monthly trust reconciliations of the total of all unexpended balances of funds held in trust for clients, contrary to Rule 3-60 then in force and Rule 3-65 then in force. He also failed to record each trust transaction not more than seven days after its occurrence, contrary to Rule 3-63 then in force. And he made numerous payments from the Subject Account, including payments to himself for fees, contrary to Rule 3-56(1.2)(a) then in force.

[16] In other breaches of Rule 3-56(1.2)(a), the Respondent used funds from the Subject Account — containing fees earned but never disbursed from X Ltd. matters and property transfers — to pay his Law Society practice fees and insurance on or about November 28, 2013. He also made payments from the Subject Account to the Receiver General of Canada for GST remittances on or about May 17 and 23, 2014. And he made a payment of $1,050 from the Subject Account to a realty company on or about May 29, 2014.

[17] On March 31, 2014, the Respondent held $4,584.47 in referral fees received over an extended period of time from a notary in a sub-account of the Subject Account, contrary to Rule 3-51(5) then in force. From November 2013 up to the time of the hearing, he held at least another $92,122.10 in personal funds in another sub-account of the Subject Account as a form of savings, also contrary to Rule 3-51(5).

[18] The extent of the Respondent's trust accounting deficiencies and infringements came to light over the course of a Law Society compliance audit beginning in January 2015. After extensive correspondence between Law Society staff and the Respondent, the Law Society issued its Final Compliance Audit Report concerning the Subject Account on February 5, 2016. The Final Compliance Audit Report detailed all of the aforementioned contraventions.

CITATION AND ISSUES

[19] On March 14, 2017, the Law Society issued the Citation. It alleged in part:

> Between February 2010 and May 2014, you failed to comply with Part 3, Division 7 trust accounting rules with respect to [the Subject Account], by doing one or more of the following:
>
> (a) failing to maintain trust account records, contrary to Rule 3-60 of the Law Society Rules then in force (now Rule 3-68);
>
> (b) failing to record each trust transaction promptly, and in any event not more than seven days after the trust transaction, contrary to Rule 3-63 of the Law Society Rules then in force (now Rule 3-72);
>
> (c) failing to prepare monthly trust reconciliations of the total of all unexpended balances of funds held in trust for clients as they appear in the trust ledgers with the total of balances held in the trust bank account, together with the reasons for any differences between the totals, contrary to Rule 3-65 of the Law Society Rules then in force (now Rule 3-73);
>
> (d) failing to withdraw your funds from the trust account as soon as it was practicable, contrary to Rule 3-51(5) of the Law Society Rules then in force (now Rule 3-58(4));
>
> (e) maintaining an amount greater than $300 of your own funds in the trust account, contrary to Rule 3-52(4) of the Law Society Rules then in force (now Rule 3-60(5)); and
>
> (f) making payments from trust funds when your trust accounting records were not current, contrary to Rule 3-56(1.2)(a) of the Law Society Rules then in force (now Rule 3-64(3)(a)).
>
> This conduct constitutes professional misconduct or breach of the Act or Rules, pursuant to s. 38(4) of the *Legal Profession Act*.

[20] The issues for determination are:

(a) Whether the sum of the Respondent's admitted contraventions of trust accounting rules constitutes breach of the Rules or professional misconduct, pursuant to section 38(4) of the *Legal Profession Act*;

(b) If (a) is affirmed in either case, what disciplinary action to impose on the Respondent; and

(c) If (a) is affirmed in either case, what amount of costs to award to the Law Society?

LAW

Trust accounting rules

[21] The Respondent admitted to contravening six separate trust accounting rules, excerpted as follows:

3-51(5) As soon as it is practicable, a lawyer who deposits into a trust account funds that belong partly to the lawyer or the lawyer's firm must withdraw the lawyer's or firm's funds from the trust account. [now Rule 3-58(4)]

3-52(4) A lawyer may maintain in a pooled trust account up to $300 of the lawyer's own funds. [now Rule 3-60(5)]

3-56(1.2)(a) No payment from trust funds may be made unless

(a) trust accounting records are current, [now Rule 3-64(3)(a)]

3-60 A lawyer must maintain at least the following trust account records:

(a) a book of entry or data source showing all trust transactions […]

(b) a trust ledger, or other suitable system, showing separately for each client on whose behalf trust funds have been received, all trust funds received or disbursed, and the unexpended balance […]

(d) the monthly trust reconciliations required under Rule 3-65, and any documents prepared in support of the reconciliations; […][now Rule 3-68]

3-63(1) A lawyer must record each trust or general transaction promptly, and in any event not more than

(a) 7 days after a trust transaction, […] [now Rule 3-72(1)]

3-65(1) A lawyer must prepare a monthly trust reconciliation of the total of all unexpended balances of funds held in trust for clients as they appear in the trust ledgers, […] [now Rule 3-73(1)]

Standard and burden of proof

[22] As the hearing panel in *Law Society of BC v. Daniels*, 2016 LSBC 17 noted at paragraph 16, the standard of proof on a hearing of a citation is proof on a balance of probabilities and the burden of proof falls on the Law Society:

> A hearing of a citation by a Law Society hearing panel is a civil and not a criminal proceeding. There is only one civil standard of proof at common law, and that is proof on a balance of probabilities, and factual conclusions in a civil case must be made by deciding whether it is more likely than not that the event occurred (*FH v. McDougall*, 2008 SCC 53 at paras. 40 and 44). In this matter, the Law Society carries the burden of proof to establish on a balance of probabilities the facts that it alleges constitute professional misconduct or a breach of the Act or Rules.

Test for professional misconduct

[23] Professional misconduct is not defined in the *Legal Profession Act*, the Rules or the *Code of Professional Conduct for British Columbia*. The Benchers instead assess a lawyer's conduct in specific circumstances to determine if there is "a marked departure from that conduct the Law Society expects of its members": *Law Society of BC v. Martin*, 2005 LSBC 16 at paragraph 171. In *Martin*, the hearing panel observed at paragraph 154:

> ... The real question to be determined is essentially whether the Respondent's behaviour displays culpability which is grounded in a fundamental degree of fault, that is whether it displays gross culpable neglect of his duties as a lawyer.

[24] In *Re: Lawyer 12*, 2011 LSBC 11 at paragraph 14, the hearing panel summarized previous applications of the *Martin* test as follows:

> In my view, the pith and substance of these various decisions displays a consistent application of a clear principle. The focus must be on the circumstances of the Respondent's conduct and whether that conduct falls markedly below the standard expected of its members.

[25] Not every breach of the Rules — including trust accounting rules — will amount to professional misconduct. In *Law Society of BC v. Lyons*, 2008 LSBC 9 at paragraph 35, the hearing panel discussed the factors for determining when a breach of the Rules is so serious that it amounts to professional misconduct:

> In determining whether a particular set of facts constitutes professional misconduct or, alternatively, a breach of the *Act* or the Rules, panels must give weight to a number of factors, including the gravity of the misconduct, its duration, the number of breaches, the presence or absence of *mala fides*, and the harm caused by the respondent's conduct.

Breaches of trust accounting rules as professional misconduct

[26] In *Law Society of BC v. Van Twest,* 2011 LSBC 09 at paragraph 39, the hearing panel distinguished between "insignificant" trust accounting errors and serious breaches of trust accounting rules that properly attract sanction:

> There have been, and there will continue to be, minor mistakes on Trust Reports that do not properly attract the sanction of the Law Society. The distinction between these different types of mistake in respect of the Rules was also discussed in *Lyons* at para. [32]:
>
> > A breach of the Rules does not, in itself, constitute professional misconduct. A breach of the *Act* or the Rules that constitutes a "Rules breach", rather than professional misconduct, is one where the conduct, while not resulting in any loss to a client or done with any dishonest intent, is not an insignificant breach of the Rules and arises from the respondent paying little attention to the administrative side of practice (*Law Society of BC v. Smith*, 2004 LSBC 29).

[27] In *Law Society of BC v. Uzelac*, 2003 LSBC 35, the hearing panel noted at paragraph 26 that individual breaches of trust accounting rules may not amount to professional misconduct, but "a continuing course of action evidencing a complete neglect of the Respondent's obligations to maintain trust records" does meet the threshold.

[28] In *Law Society of BC v. Lail,* 2012 LSBC 32, the hearing panel found that the respondent's breach of trust accounting rules, including the withdrawal of trust funds without first delivering accounts, amounted to professional misconduct. The panel observed at paragraph 10: "Trust accounting obligations go to the heart of

confidence in the integrity of the legal profession, and there is clear public interest in ensuring that they are performed meticulously and not, as here, nonchalantly."

[29] Law Society hearing panels have found multiple breaches of trust accounting rules to constitute professional misconduct in several other cases, including: *Law Society of BC v. Sahota*, 2016 LSBC 29; *Law Society of BC v. Tungohan*, 2015 LSBC 02; *Law Society of BC v. Cruickshank*, 2012 LSBC 27; *Law Society of BC v. Liggett*, 2009 LSBC 21; and *Law Society of BC v. Greig*, 2005 LSBC 20.

EVIDENCE

[30] Pursuant to the Notice to Admit and the Agreed Statement of Facts and Admission, the Respondent admitted to the six separate trust accounting rule breaches cited by the Law Society. The particulars of each breach were set out in the Final Compliance Audit Report and showed that the Respondent's conduct was more than a few momentary lapses in attention and judgment. They revealed his prolonged disregard for trust accounting rules, his lack of appreciation for the special character of a lawyer's trust account, and his indifference to the public confidence placed in lawyers to properly handle trust funds.

[31] As a final statement in the Admitted Facts and Misconduct, the Respondent admitted that his conduct amounted to professional misconduct.

DETERMINATION

[32] On the facts established by the Notice to Admit and the Agreed Statement of Facts, the Panel found that the Respondent's contravention of six separate trust accounting rules was a marked departure from the standard of compliance expected of lawyers. He displayed culpability grounded in a fundamental degree of fault by repeatedly disregarding trust accounting rules for the sake of convenience. His behaviour therefore constituted professional misconduct as admitted.

DISCIPLINARY ACTION

[33] The Law Society's disciplinary proceedings are designed to fulfill its mandate to uphold and protect the public interest in the administration of justice as set out in section 3 of the *Legal Profession Act*.

[34] For many years, Law Society panels have considered the long non-exhaustive list of penalty factors set out in *Law Society of BC v. Ogilvie*, 1999 LSBC 17. In *Law*

Society of BC v. Lessing, 2013 LSBC 29, at paragraphs 57-60, the review panel identified the two most important penalty factors from *Ogilvie* as: (i) the need to ensure the public's confidence in the integrity of the profession; and (ii) the possibility of remediating or rehabilitating the respondent. The *Lessing* review panel also observed that, where there is conflict between these two factors, protection of the public should take priority over rehabilitation of the respondent.

[35] More recently, in *Law Society of BC v. Dent*, 2016 LSBC 05, the hearing panel affirmed the prioritization of penalty factors in *Lessing*, and, at paragraphs 19-25, consolidated the wider list of *Ogilvie* factors into four general factors for determining appropriate disciplinary action: (i) the nature, gravity and consequences of the misconduct; (ii) the character and professional conduct record of the respondent; (iii) acknowledgement of the misconduct and remedial action; and (iv) public confidence in the legal profession including public confidence in the disciplinary process.

[36] In cases involving multiple citations or breaches of the Rules, the proper approach in assessing appropriate disciplinary action is to consider the respondent's misconduct in the aggregate as set out in the factual material: *Law Society of BC v. Gellert*, 2005 LSBC 15 at paragraph 22.

[37] The Panel considered each of the four general factors from *Dent* in assessing appropriate disciplinary action for the sum of the Respondent's multiple rule breaches, with protection of the public foremost in mind.

Nature, gravity and consequences of the misconduct

[38] In *Law Society of BC v. Mann*, 2015 LSBC 48, the hearing panel considered the seriousness of a trust account shortage resulting from the respondent's failure to deposit a cash retainer in trust. The panel stated at paragraphs 43 and 44:

> The misconduct is serious. As submitted by the Law Society at the Facts and Determination hearing, mishandling trust funds is perhaps one of the most serious forms of professional misconduct, because being entrusted to deal honestly with a client's funds goes to the heart of a lawyer's integrity and the fiduciary duties lawyers owe to clients.
>
> Because the misconduct is serious, a message of general deterrence must be sent that lawyers handling trust funds must be meticulously scrupulous. Sending such a message will also help instill and maintain public confidence in the profession and its ability to effectively self-regulate. This message tells the public that they can, with ease, surrender trust funds

> to lawyers for retainers and transactions with assurance that any mishandling of trust funds will not be tolerated by the profession.

[39] Each of the Respondent's six trust accounting rule breaches is serious. Taken together as a pattern of prolonged misconduct, they are inexcusable. From February 2010 to May 2014, the Respondent did close to nothing to maintain records for the Subject Account. The resulting lack of records left the Law Society's auditor unable to determine the rightful owners of some trust funds. And despite the lack of records, the Respondent regularly made payments from the Subject Account. He admitted to using the Subject Account as a personal savings account — with over $100,000 of his own funds deposited over several months — in convenient disregard for 3-52(4) (now Rule 3-60(5)) prohibiting a lawyer from maintaining more than $300 in personal funds in a trust account. The seriousness of the Respondent's misconduct is compounded by its simple preventability.

Character and professional conduct record of the respondent

[40] Since October 2014, the Respondent has been subject to a conduct review and two other citations. The June 2015 conduct review concerned his failure to provide clients with adequate notice of his holiday plans and his failure to make provisions to allow clients to complete their real estate transaction as close as possible to the completion date. The conduct review subcommittee advised the Respondent that his conduct fell below acceptable standards in light of Rule 3.2-1 of the *Code of Professional Conduct for British Columbia* (the "*Code*"), which states:

> A lawyer has a duty to provide courteous, thorough and prompt service to clients. The quality of service required of a lawyer is service that is competent, timely, conscientious, diligent, efficient and civil.

[41] The Respondent was subject to a citation in October 2014 for misconduct related to his actions while acting for multiple parties in a real estate conveyance. In *Law Society of BC v. Reith*, 2015 LSBC 50, the hearing panel found the Respondent had submitted land title documents to transfer a timeshare property interest held by a defunct company that he believed no longer had the capacity to transfer the interest. The panel also found the Respondent had not met quality of service standards set by the *Code* and had breached trust accounting rules by removing funds from trust to pay his fees without first issuing and delivering an account. The Respondent admitted his misconduct and the underlying facts, and the panel imposed a fine of $3,000 and costs of $2,000.

[42] The Respondent was subject to a further citation in May 2016 for misconduct related to his actions while again acting for multiple parties in a real estate

conveyance. In *Law Society of BC v. Reith*, 2016 LSBC 19, the hearing panel found the Respondent had not met quality of service standards set by the *Code*, and had not met his professional obligations when entering into a joint retainer. The Law Society sought a one-month suspension as discipline, while the Respondent sought a reprimand. The panel ordered a fine of $7,500 and costs in the amount of $5,636.25. In so doing, the panel stated at paragraphs 27 and 28:

> In determining the disciplinary action to be imposed upon the Respondent, we have considered the *Ogilvie* factors. The troubling factor in this case is the previous Professional Conduct Record of the Respondent. He has been found to have committed professional misconduct for conduct in which he did not determine who his client was and acted for multiple clients without complying with the Rules. The Respondent has also been subject to a conduct review for failing to advise his client when he was away on vacation and not making adequate arrangements to provide the client with representation when he was away.
>
> The Law Society sought a suspension of 30 days. In considering the factors set out in *Ogilvie* we are of the view that a significant monetary penalty will be more effective in satisfying those considerations than a short suspension. In light of the Respondent's conduct and his previous Professional Conduct Record, even when considering the admissions made by the Respondent and the other mitigating factors in his favour, we gave serious consideration to a suspension. But we found that the protection of the public and general deterrence could best be satisfied by the imposition of a fine.

Acknowledgement of the misconduct and remedial action

[43] Six days prior to the Hearing, on April 25, 2018, the Respondent admitted all of the facts and professional misconduct alleged in the Citation, pursuant to the Notice to Admit and the Agreed Statement of Facts and Admission.

[44] As of May 1, 2018, the Respondent had not produced a trust reconciliation for the Subject Account, nor had he provided all of the necessary documents and information for Law Society staff to complete a reconciliation.

Public confidence in the legal profession including confidence in the disciplinary process

[45] To maintain public confidence in lawyers' handling of trust funds, the Law Society must respond firmly — and be perceived to respond firmly — to instances where members breach trust accounting rules despite full knowledge of their terms and application. The public will have greater confidence in Law Society disciplinary processes when the sanctions are proportionate, fair and reasonable in all of the circumstances, including the range of sanctions levied in prior similar cases.

[46] The Law Society may engage in a process of progressive discipline where a lawyer has had prior discipline and continues to engage in the same or similar misconduct. In *Law Society of BC v. Siebenga*, 2015 LSBC 44, the hearing panel stated at paragraph 47:

> Lawyers who have been found to have committed professional misconduct on two occasions and fined on both occasions, are candidates for suspension on a third citation. This does not mean "three strikes and you're out." Rather, it means three strikes and you may be out depending on the circumstances. To put it another way, lawyers who have been found to have committed professional misconduct on two occasions are put in a state of "heightened possibility" of being suspended. A hearing panel should seriously consider issuing a suspension, instead of a fine.

[47] There is a very small array of prior Law Society decisions on discipline for repeated or multiple breaches of trust accounting rules where the lawyer had a professional conduct record. The sanctions range from a one-month suspension in *Cruickshank* to a two-month suspension in *Law Society of BC v. Pham*, 2015 LSBC 14.

[48] In *Law Society of BC v. Derksen*, 2015 LSBC 24, the respondent had a professional conduct record and admitted to breaching several trust accounting rules by failing to deposit cash and cheques received as soon as practicable, failing to record funds received, failing to deliver bills to two clients, and depositing personal funds in his trust account. The hearing panel ordered a 45-day suspension.

[49] In *Pham*, the respondent had a professional conduct record involving one conduct review. He admitted to professional misconduct by issuing accounts to clients and then withdrawing trust funds to pay the accounts in order to "clean up the trust account," by adding an administrative mark-up to disbursements on an estimate, and by improperly recording retainer funds on the wrong client ledger and then preparing a fictitious invoice to support the withdrawal of those funds. The hearing

panel issued a two-month suspension while noting the element of dishonesty in falsifying documents.

[50] Here, the Law Society seeks a two-month suspension and a $7,000 costs order as disciplinary action. The Respondent instead seeks a fine on the argument that a suspension of any duration would unnecessarily alarm prospective real estate clients and referral sources, and thus "destroy" his small conveyancer's practice. The Respondent did not submit any evidence regarding his income or financial situation.

DISPOSITION

[51] Having affirmed the Respondent's contravention of six separate trust accounting rules as professional misconduct, the Panel orders the Respondent to serve a 30-day suspension, beginning September 1, 2018.

COSTS

[52] The Law Society seeks an order for costs in the amount of $7,472.50. This includes $7,000 in Rule 5-11 Schedule 4 costs, and $472.50 in disbursements.

[53] Rule 5-11 requires the Panel to award the tariff costs unless we are satisfied that we should depart from the tariff under Rule 5-11(4). The Respondent took no position on costs.

[54] Finding no facts to justify departing from the tariff, the Panel orders the Respondent to pay $7,472.50 in costs to the Law Society by February 1, 2019.

USE OF THE SUBJECT ACCOUNT

[55] At the conclusion of the hearing, the Panel made an order prohibiting the Respondent from operating the Subject Account until such time as the Law Society has determined the rightful owners of all funds held therein.