

**THE LAW SOCIETY OF BRITISH COLUMBIA**  
IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, C. 9  
AND  
A HEARING CONCERNING  
**JAMES EDWARD TURNER**  
RESPONDENT

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**RULE 4-29 ADMISSION OF MISCONDUCT  
AND UNDERTAKING TO DISCIPLINE COMMITTEE**

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1. On September 26, 2019, the Discipline Committee considered and accepted a proposal submitted by the Respondent under Rule 4-29 of the Law Society Rules (the “Rules”).
2. Under the proposal, the Respondent admitted professional misconduct as set out in allegations 1-12 and 14-32 of a citation issued January 7, 2019 and amended May 24, 2019 (the “Citation”). The Law Society did not proceed with allegation 13.
3. In making its decision, the Discipline Committee considered a Notice to Admit dated May 27, 2019, and Response dated June 21, 2019, a letter to the Chair of the Discipline Committee in which the Respondent apologized for his misconduct and expressed his remorse, a letter of support from a lawyer with personal knowledge of the Respondent’s character, and the Respondent’s professional conduct record, which included a prior citation for similar misconduct as well as a limitation on practice. The Discipline Committee also considered the fact that the Respondent provided a detailed self-report of his misconduct to the Law Society and cooperated fully throughout the subsequent investigation and discipline processes.

4. The Respondent agreed to undertake for a period of ten (10) years, commencing on September 30, 2019, as follows:
  - (i) not to engage in the practice of law in British Columbia with or without the expectation of a fee, gain or reward, whether direct or indirect, until such time as he may again become a member in good standing of the Law Society of British Columbia (the “Law Society”);
  - (ii) not to apply for re-admission to the Law Society or elsewhere within Canada prior to September 30, 2029;
  - (iii) not to apply for membership in any other law society (or like governing body regulating the practice of law) prior to September 30, 2029, without first advising in writing the Law Society; and
  - (iv) 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.
5. The Citation is resolved and the Respondent’s admission of professional misconduct will be recorded on his professional conduct record.
6. The Respondent has acknowledged that pursuant to Rule 4-29(5), his undertaking not to practise law means that he is a person who has ceased to be a member of the Law Society as a result of disciplinary proceedings and that section 15(3) of the *Legal Profession Act* applies to him.
7. The admitted facts underlying the misconduct were set out in a Notice to Admit dated May 27, 2019, and Response dated June 21, 2019, and are summarized below.

### **Member Background**

8. The Respondent was called and admitted as a member of the Law Society on August 5, 1987. Following his call to the bar, he practised law at a small firm or as a sole practitioner in Victoria, British Columbia. At all material times, the Respondent’s primary area of practice was immigration law.

9. Between March 1, 2018 and December 31, 2018, the Respondent was a non-practising member of the Law Society. On December 31, 2018, the Respondent voluntarily withdrew his membership from the Law Society and became a former member.

### **Client Matters and Admissions**

#### *Allegations 1 and 2: SE/SG*

10. In approximately February 2017, the Respondent was retained by SE on behalf of SG to prepare and submit a Labour Market Impact Assessment (“LMIA”) application to Employment and Social Development Canada (“ESDC”). The Respondent never submitted the application.
11. The Respondent delayed for five weeks after the forms for the LMIA application were signed by SG’s power of attorney, without taking any steps or updating his client of any additional steps that needed to be taken, and before admitting to his client that he had not done any further work on the application or submitted the application at all. The Respondent made a misrepresentation to his client that he had not heard from ESDC and that he would follow-up on the application, which he knew was false or misleading because he had not submitted the application to ESDC.

#### *Admissions re: Allegation 1*

12. The Respondent has admitted that in approximately December 2017, in the course of acting for SE in connection with an LMIA application, he represented to SE that he had not heard from ESDC, which he knew was false or misleading, as he had not submitted the application to ESDC.
13. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code of Professional Conduct for British Columbia* (“Code”), and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act* (“Act”).

*Admissions re: Allegation 2*

14. The Respondent has admitted that between approximately February 2017 and December 2017, in the course of acting for SE in connection with an LMIA application, he failed to provide the quality of service required of a competent lawyer by:
  - (a) failing to keep SE reasonably informed about the status of the application;
  - (b) failing to submit the application to ESDC or explain to SE why it was not advisable to do so;
  - (c) failing to ensure the work necessary to complete the application was done in a timely manner; and
  - (d) failing to honestly and candidly advise SE about his failure to submit the application.
15. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1, and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 3 and 4: OO*

16. The Respondent was retained by OO in 2014. OO had a study permit and a work permit that were both valid until April 30, 2017.
17. In March 2017, OO instructed the Respondent's office to prepare and submit a post-graduate work permit application, which had to be filed before April 30, 2017.
18. On or about April 28, 2017, the Respondent submitted an incomplete paper application to Immigration, Refugees, and Citizenship Canada ("IRCC"). He knew that the paper application would be rejected because it was not signed. The Respondent later explained that he did so in order to trigger implied status in Canada for OO. He also submitted an online application for OO in May 2017.
19. In June 2017, the Respondent received a letter from IRCC advising that OO's paper application was refused. IRCC also rejected the online application because the Respondent had not paid the required application fee.

20. In June 2017, when OO asked the Respondent if he had heard about the status of his application, the Respondent lied to him and told him he had not, and offered excuses based on the lengthy processing times at IRCC and the effects of the summer holidays. The Respondent also told OO that he would send a case-specific inquiry, which he did not do, because he knew there was nothing to inquire into. The Respondent knew that his representations to OO about the status of his application were misleading.
21. In July 2017, OO asked his Member of Parliament's office to inquire about his application on his behalf. They did so, and told OO that his application had been rejected in June 2017. OO then confronted the Respondent about the rejected application. The Respondent feigned surprise, and told OO that he had not received the letter from IRCC, which was not true.
22. OO then instructed the Respondent to file a restoration of status application. Although the Respondent understood that the restoration of status application needed to be submitted as soon as possible, he did not file the application immediately and instead "dragged his feet". He completed the forms in August and uploaded them for an electronic application but did not file them. The Respondent submitted the application on September 6, 2017.
23. When OO asked about his restoration of status application, the Respondent lied to him and told him that it had been filed in July.
24. In the interim, in or about August 2017, OO had asked the Respondent if he could attend a conference overseas. The Respondent allowed OO to continue to believe the application had been filed in July, and told him he would probably have his permit in time. The Respondent told OO to go to the conference even though OO was out of status in Canada and did not have a permit for re-entry into Canada.
25. On September 27, 2017, the Respondent admitted to OO that he had lied to him.

*Admissions re: Allegation 3*

26. The Respondent has admitted that between approximately June and July 2017, in the course of acting for OO in connection with a post-graduation work permit application, he made representations to OO about the status of his application which he knew were false or misleading by:
- (a) stating in June 2017 that he had not heard anything from IRCC about OO's application when he knew the application had been rejected;
  - (b) stating in June 2017 that he would submit a "case specific enquiry" in regard to OO's application when he knew that no application had been submitted and the "case specific enquiry" would have no purpose; and
  - (c) stating in July 2017 that he had not received a letter from IRCC rejecting OO's application, when he knew that statement was untrue.
27. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 4*

28. The Respondent has admitted that between approximately March 2017 and September 2017, in the course of acting for OO in connection with a post-graduation work permit application, he failed to provide the quality of service required of a competent lawyer by:
- (a) failing to ensure that the work necessary to complete the post-graduation application was done in a timely manner;
  - (b) on or about April 28, 2017, submitting an incomplete and unsigned post-graduation work permit application for OO, which he knew would be rejected by IRCC;
  - (c) on or about May 4, 2017, failing to pay the required restoration fee to IRCC when submitting an online post-graduation work permit application;
  - (d) in or about July and August 2017, failing to submit OO's restoration of status application in a timely manner;
  - (e) failing to keep OO reasonably informed about the status of the post-graduation work permit applications and restoration of status application; and

(f) failing to honestly and candidly advise OO about IRCC's rejection of his post-graduation work permit applications.

29. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1, and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

Allegation 5: MM

30. In 2017, MM retained the Respondent to prepare an application for a work permit and a study permit. The Respondent submitted the applications in October 2017.

31. On November 6, 2017, the Respondent learned that the study permit application was refused because of the Respondent's failure to include a relevant document and failure to disclose a previous visa refusal.

32. The Respondent did not inform MM about the refusal until December 19, 2017. In the meantime, when MM emailed the Respondent to request an update on his applications, the Respondent stated that he had not heard anything. When he made the statement, the Respondent knew that MM's study permit application had been refused, and intended to deceive MM about the rejection that he received in November 2017. MM's work permit application was approved in December 2017.

Admissions re: Allegation 5

33. The Respondent has admitted that on December 4, 2017, in the course of acting for MM in connection with a study permit application, he represented to MM that he had not heard from IRCC about his application, which he knew was false or misleading because he had received a refusal letter from IRCC.

34. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

Allegations 6, 7, 8 – AA

35. AA wanted to immigrate to Canada as an owner-operator of a business. AA had a work permit to work in Canada.

36. On November 14, 2016, AA retained the Respondent to prepare and submit an LMIA application to ESDC, and a work permit extension application to IRCC.
37. The Respondent forgot about the expiry of AA's work permit and did not apply to otherwise extend AA's status in Canada. The Respondent did not tell AA that he had failed to submit a work permit extension application for him prior to his status expiring. Instead, he either told AA that he had filed a work permit extension application, or let him believe that an application was in process.
38. On November 25, 2016, the Respondent wrote a letter to the Medical Services Plan of British Columbia ("MSP"), in which he stated that AA was present in status in Canada. The Respondent attached a document to the letter, purportedly to show proof of AA's work permit extension application and implied status in Canada. However, the receipt was not related to AA's file as the Respondent had taken it from another client file.
39. The Respondent knew that because the receipt was not for AA, he should not have used it as proof that AA had implied status in Canada. The Respondent also knew that the contents of his letter to MSP were not true when he wrote the letter, because he knew that he had not applied for a work permit extension for AA.
40. On December 12, 2016, the Respondent wrote to AA and advised that he had not heard anything about AA's work permit extension application and made representations about processing times. When he did so, he knew that he was not telling the truth because he had not submitted a work permit extension application for AA at all.
41. On January 23, 2017, the Respondent wrote another letter to MSP in which he explained that AA had implied status in Canada. The Respondent knew that the content of the letter was not truthful.
42. The Respondent repeatedly told AA that everything was fine with the processing of the applications and made misleading excuses for why he could not provide an update on the status of the applications.



43. In approximately November 2017, AA signed the papers for an LMIA application. At the time, the Respondent told AA that he would submit the application immediately.
44. In an email dated December 20, 2017, the Respondent told AA that he had lied to him about his file, and that while he had filed his LMIA application, he had lied to him about his Temporary Resident visa status, and lied more times to cover up the first lie. The Respondent advised AA that he did not have legal status in Canada and that in order to obtain a work permit, AA would have leave Canada.
45. When he wrote to AA on December 20, 2017, the Respondent knew that he had not in fact filed an LMIA application for AA.

*Admissions re: Allegation 6*

46. The Respondent has admitted that between November 2016 and December 2017, in the course of acting for AA in connection with an LMIA application and a work permit extension application, he made representations to his client about the status of his applications which he knew were false or misleading by:
  - (a) stating in November 2016 that he had not heard anything from ESDC and/or IRCC about AA's applications when he knew that they had not been submitted; and
  - (b) stating in an email dated December 12, 2016, that he had not yet heard anything from ESDC and/or IRCC about the applications but did "not expect to because the processing times are about three and a half months" when he knew those processing times did not apply as he had not submitted the applications.
47. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admission re: Allegation 7*

48. The Respondent has admitted that on November 25, 2016 and January 23, 2017, in the course of acting for AA in connection with a work permit application, he made representations in letters to MSP that he had submitted an extension of status application for AA resulting in his client having implied status in Canada, and attached

documentation in purported support of his representations, which he knew were false or misleading as he had not submitted AA's application with IRCC.

49. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 8*

50. The Respondent has admitted that between approximately November 2016 and December 2017, in the course of acting for AA in connection with an LMIA application and a work permit extension application, he failed to provide AA with the quality of service required of a competent lawyer by:

- (a) failing to submit AA's LMIA application to ESDC;
- (b) failing to submit AA's application to extend his status in Canada; and
- (c) failing to honestly and candidly advise AA about the status of his applications.

51. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1, and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 9, 10, 11, 12, 14: KH and RH*

52. In or about June 2012, KH and RH retained the Respondent to prepare and submit a permanent residence application to IRCC, as well as an application for an extension of KH's work permit.

*Allegations 9 and 14*

53. The Respondent did not file a permanent residence application for KH and RH until August 2016. He explained that he delayed on sending in their application because he was afraid it was going to get rejected. He then engaged in a long series of lies to his clients. He told them the application had been filed when it had not been and blamed the long processing times at IRCC.

54. In the summer of 2015, KH and RH's application forms were stale-dated, so the Respondent asked them to fill out new forms, ostensibly to urge IRCC to process their application. The Respondent did not file these forms.

*Admissions re: Allegation 9*

55. The Respondent has admitted that between approximately June 2012 and August 2016, in the course of acting for KH and RH in connection with their permanent residence application, he made representations to his clients that he had submitted their application to IRCC, which he knew were false or misleading, as he had not submitted their application.
56. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 14*

57. The Respondent has admitted that between June 2012 and August 2016, in the course of acting for KH and RH in connection with their permanent residence application, he failed to provide the quality of service required of a competent lawyer, by failing to submit KH and RH's application with IRCC in a timely manner.
58. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1, and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegation 10*

59. On or about August 28, 2013, the Respondent submitted an application for an extension of KH's work permit.
60. In 2015, the Respondent learned that the application had been refused in December 2013, but did not advise KH of the refusal until "quite some time later".

*Admissions re: Allegation 10*

61. The Respondent has admitted that between approximately 2015 and December 2016, in the course of acting for KH in connection with a work permit extension application, he failed to honestly and candidly advise his client that his application had been refused.
62. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegation 11*

*(a) May 29, 2014 Letter to MSP*

63. In a letter to MSP dated May 29, 2014, the Respondent wrote that KH and RH's application for permanent residence was filed in September 2013, and that a decision had not been received. The Respondent also wrote that KH and RH would likely receive first-stage approval on their application in early October 2014, and attached several receipts that were related to another client file. At the time he wrote the letter, the Respondent knew that he had not filed a permanent residence application for KH and RH in September 2013. The Respondent knew that the attached receipts could not be used to consider an assessment of KH and RH's eligibility for medical benefits.

*Admissions re: Allegation 11(a)*

64. The Respondent has admitted that in the course of acting for his clients KH and RH in connection with their work permit extension applications, in a letter dated May 29, 2014, he represented to MSP that he had submitted a permanent resident application to IRCC for his clients, and he attached documentation in purported support of his representation, when he knew that the representation was false or misleading because he had not submitted KH and RH's application to IRCC.
65. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*(b) July 28, 2016 Letter to MSP*

66. In a letter to MSP dated July 28, 2016, the Respondent wrote that KH had implied status in Canada, and provided documents to purportedly show that a work permit extension application was in process.
67. In 2015, the Respondent had learned that KH and RH's work permits had been refused in December 2013. Thus, at the time he sent the July 28, 2016 letter, the Respondent knew that KH no longer had implied status in Canada. He also knew that none of the documents he provided as proof of KH and RH's application having been filed related to KH and RH, and that the documents could not be used to consider eligibility for MSP benefits. The Respondent knew that the representations he made in his July 28, 2016 letter to MSP were false and misleading.

*Admissions re: Allegation 11(b)*

68. The Respondent has admitted that in the course of acting for his clients KH and RH in connection with their work permit extension applications, in a letter dated July 28, 2016, he represented to MSP that his clients had implied status in Canada because work permit extension applications had been submitted to IRCC, when he knew that the representation was false or misleading because he knew that his clients' work permits had been refused and that they no longer had implied status in Canada.
69. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegation 12*

70. In a letter to the Insurance Corporation of British Columbia ("ICBC"), dated July 28, 2016, the Respondent wrote that KH and RH had applied for permanent residence and provided documents to purportedly show that an application had been submitted.
71. When he wrote the letter, the Respondent knew that KH and RH did not have implied status in Canada, and that their work permits had been refused in December 2013. He also knew that he had not submitted KH and RH's permanent residence application. The

Respondent did not submit KH and RH's permanent residence application until August 2016.

72. The documents the Respondent enclosed with the letter to ICBC were related to another client file. The Respondent knew that the receipts were false proof of application submission.

*Admissions re: Allegation 12*

73. The Respondent has admitted that on approximately July 28, 2016, in the course of acting for his client KH in connection with a permanent residence application, he made a representation in a letter to ICBC that he had submitted a permanent residence application for his client, and he attached documentation in purported support of his representation, both of which he knew were false or misleading because he had not submitted KH's permanent residence application with IRCC.
74. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegation 15 – EP*

75. The Respondent was retained in August 2016 to submit a spousal sponsorship application for EP. He submitted the application on or about May 3, 2017.
76. IRCC returned the sponsorship application to the Respondent by way of letter dated June 7, 2017. The Respondent received the letter in mid-June 2017, but did not bring it to his client's attention.
77. The Respondent did not inform EP about the June 7, 2017 letter from IRCC, and that her sponsorship application had been returned, until she attended his office in early 2018. In the interim, he deceived her and told her that he had not heard anything.

*Admissions re: Allegation 15*

78. The Respondent has admitted that between approximately June 2017 and February 2018, in the course of acting for EP in connection with a sponsorship application, he

represented to EP that he had not heard from IRCC, which he knew was false or misleading as he had received a letter from IRCC returning the application, and he failed to be honest and candid with EP about the status of her application.

79. The Respondent admits that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 16 and 17 – JA*

80. In 2015, the Respondent agreed to submit a permanent residence application for JA.
81. In or about June 2017, the Respondent prepared a permanent residence application, but did not file it with IRCC. When JA called for an update, the Respondent misled him by allowing him to believe it had been filed in 2016.
82. On December 20, 2017, the Respondent admitted to JA that he had not filed his application, that he had lied to him about it, and that he had “lied more times to cover up the first lie”.

*Admissions re: Allegation 16*

83. The Respondent has admitted that between approximately the fall of 2015 and June 2016, in the course of acting for JA in connection with a permanent residence application, he made representations to his client that he had submitted his application with IRCC, which he knew was false or misleading as he had not done so, and he failed to be honest and candid with JA about the status of his application.
84. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 17*

85. The Respondent has admitted that between approximately December 2015 and December 2017, in the course of acting for JA in connection with a permanent residence application, he failed to provide the quality of service required of a competent lawyer by failing to submit his client’s application in a timely manner or at all.

86. The Respondent has admitted that his conduct in so doing was contrary to rules 2.2-1, 3.1-2, 3.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 18 and 19 – SY c/o PLSC*

87. In March 2016, PLSC retained the Respondent to submit a permanent residence application for SY

88. In or about June 2016, the Respondent provided PLSC with an undated draft letter to IRCC to show that a permanent residence application had been made. However, the application had not been filed.

89. In December 2017, the Respondent provided PLSC with a copy of the same letter to IRCC, but which was dated August 2, 2017. The Respondent provided the letters to show that SY's application had been filed. However, the Respondent had not sent the letter to IRCC, and had not submitted SY's application.

*Admissions re: Allegation 18*

90. The Respondent has admitted that between approximately June 2016 and December 2017, in the course of acting for SY (c/o PLSC) in connection with a permanent residence application, he made representations to PLSC that he had submitted SY's application, which he knew were false or misleading as he had not submitted the application.

Specifically:

(a) in or about June 2016, the Respondent represented to PLSC that he had submitted SY's application and provided a draft letter to IRCC in purported support of his representation, when he knew that the application had not been submitted and the letter had not been sent; and

(b) in or about December 2017, the Respondent represented to PLSC that SY's application had been submitted and returned when he knew that the representation was not true as he had not submitted the application.

91. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.



*Admissions re: Allegation 19*

92. The Respondent has admitted that between approximately June 2016 and December 2017, in the course of acting for SY (c/o PLSC) in connection with a permanent residence application, he failed to provide the quality of service required of a competent lawyer by failing to submit the application for permanent residence.
93. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, and 3.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 20, 21, 22, 23, 24 – SM*

94. In approximately September 2012, the Respondent was retained by SM to apply for permanent residence through the British Columbia Provincial Nominee Program (“BC PNP”), and for an extension of her work permit through IRCC.
95. On or about October 7, 2014, the Respondent submitted SM’s work permit extension application. In the spring of 2015, IRCC refused SM’s work permit extension application because the Respondent had not included a BC PNP support letter in the application. The Respondent did not tell SM of the refusal, and instead told her that he never received it. After a few months he said that the application must have been refused.
96. The Respondent allowed SM to continue to believe that she still had valid status in Canada and that her work permit extension application had not been decided.
97. In letters to MSP dated May 11, 2015, June 21, 2015, and November 13, 2015, the Respondent wrote that SM had implied status in Canada when he knew this was not true.
98. On or about December 19, 2016, the Respondent submitted an LMIA application for SM. In the application letter, the Respondent wrote that SM had been operating a business on a work permit for the past two years, when he knew that SM’s work permit had expired in October 2014.

99. On or about February 9, 2017, the Respondent submitted a second LMIA application for SM. The Respondent again wrote that SM had been operating a business on a work permit for the past two years. When he wrote the letter, the Respondent knew that SM no longer had status in Canada.
100. In approving SM's LMIA application, ESDC relied on the Respondent's misleading statement that SM had a work permit to work in Canada.
101. On or about July 11, 2017, the Respondent submitted an online application for a work permit for SM. The Respondent then wrote another letter to ICBC, dated July 11, 2017, in which he again falsely advised that SM had implied status. Also on July 11, 2017, the Respondent wrote to the High Commission of Canada in the United Kingdom advising that SM had applied for a work permit, but that she "never received" a reply and that he was not able to determine what happened to the application. The Respondent knew at the time he wrote both letters on July 11, 2017, that the representation that he had not received a decision on the work permit extension application was false.
102. In or about August 2017, the Respondent accompanied SM to the Canada-United States border for the purpose of applying for a new work permit on SM's re-entry into Canada. SM's application was refused, and the Canadian Border Services Agency officer informed her that her work permit had been refused in 2015.
103. In an email to SM dated February 2, 2018, the Respondent admitted that he had misled her.

*Admissions re: Allegation 20*

104. The Respondent has admitted that in approximately the spring of 2015, in the course of acting for SM in connection with a work permit extension application, he represented to his client that he had not heard from IRCC about her application, which he knew was false or misleading, as he had received a refusal letter from IRCC.
105. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 21*

106. The Respondent has admitted that on approximately May 11, 2015 and June 21, 2015, in the course of acting for SM in connection with a work permit extension application, he made representations in letters to MSP that his client had implied status in Canada, which he knew were false or misleading as he knew that his client's application had been refused and that she did not have implied status in Canada.
107. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 22*

108. The Respondent has admitted that on approximately November 13, 2015 and July 11, 2017, in the course of acting for SM in connection with a work permit extension application, he made representations in letters to ICBC that his client was a holder of a work permit and that she was present in Canada with status, which he knew was false or misleading, as he knew that SM's work permit had expired, that her work permit extension application had been refused, and that she was not present in Canada with status.
109. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 23*

110. The Respondent has admitted that on approximately July 11, 2017, in the course of acting for SM in connection with a work permit extension application, he made a representation in a letter to the High Commission of Canada in the United Kingdom that his client had applied for a work permit but had never received a reply, which he knew was false or misleading, as he knew that her application had been refused.
111. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 24*

112. The Respondent has admitted that between December 2016 and February 9, 2017, in the course of acting for SM in connection with an LMIA application, he made representations in his client's submitted application with ESDC that his client had status in Canada, which he knew was false or misleading, as he knew that she did not have status.
113. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 25 and 26 – EA and PM*

114. The Respondent was retained by EA and PM in relation to a permanent residence application. In or about September 2017, IRCC requested additional information from EA and PM for continued processing of their permanent residence application. The Respondent obtained the requested information from EA and PM but did not submit it.
115. Between approximately October 2, 2017 and December 12, 2017, the Respondent did not advise EA and PM that he had not submitted the additional information to IRCC. When EA inquired about her file, the Respondent advised that he had not heard anything, which was misleading because he did not expect to hear anything given that he had not submitted the documents.
116. On December 12, 2017, the Respondent admitted to EA and PM that he had not submitted the additional information to IRCC.

*Admissions re: Allegation 25*

117. The Respondent has admitted that between approximately October 2017 and December 2017, in the course of acting for EA and PM in connection with a permanent residence application, he made representations to his clients that he had not heard from IRCC about their updated application, which he knew was false or misleading as he had not yet submitted documents requested by IRCC.

118. The Respondent has admitted that his conduct was contrary to rule 2.2-1 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 26*

119. The Respondent has admitted that between approximately October 2017 and December 2017, in the course of acting for EA and PM in connection with a permanent residence application, he failed to provide the quality of service required of a competent lawyer by failing to ensure that the work necessary to satisfy a request for information from IRCC was done in a timely manner, and by failing to submit the requested information.

120. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.2-1, and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegation 27 – RM*

121. In February 2013, the Respondent was retained to prepare and submit a criminal rehabilitation application for RM. The Respondent submitted the application on or about July 11, 2013.

122. In June 2016, the Respondent learned that the application had been refused, but did not inform RM of this fact until December 2017.

*Admissions re: Allegation 27*

123. The Respondent has admitted that between approximately June 2016 and December 2017, in the course of acting for RM in connection with a criminal rehabilitation application, he failed to honestly and candidly advise his client that his application had been refused.

124. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

Allegations 28 and 29 – KM

125. On or about May 1, 2012, the Respondent was retained to prepare and submit a permanent residence application for KM.
126. In March 2016, an appeal of an initial refusal of KM’s permanent residence application was allowed. The Respondent was instructed to prepare and submit another permanent residence application for KM. However, he did not do so, and did not tell KM that he had not submitted a second application.
127. Sometime after the summer of 2017, the Respondent misled KM when he inquired on the status of his application by saying that he had not heard anything. In December 2017, the Respondent advised KM that his application had been returned by IRCC and that it needed to be re-submitted.

*Admissions re: Allegation 28*

128. The Respondent has admitted that in approximately December 2017, in the course of acting for KM in connection with a permanent residence application, he represented to KM that his application had been returned by IRCC and needed to be re-submitted, which he knew was false or misleading as he had not submitted the application.
129. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 29*

130. The Respondent has admitted that between approximately 2016 and March 2018, in the course of acting for KM in connection with a permanent residence application, he failed to provide KM with the quality of service required of a lawyer by:
  - (a) failing to keep his client reasonably informed about the status of his application with IRCC;
  - (b) failing to submit his client’s application in a timely manner; and
  - (c) failing to honestly and candidly advise his client that his application had not been submitted.

131. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1 and 3.2-2 of the *Code*, and that it constituted professional misconduct, pursuant to s. 38(4) of the *Act*.

Allegation 30 – SL

132. In September 2016, the Respondent was retained to prepare a permanent residence application for SL, who was being sponsored by her spouse.
133. On or about February 9, 2017, the Respondent submitted a sponsorship and permanent residence application to IRCC for SL. IRCC returned the application to the Respondent by way of a letter dated March 6, 2017, because certain information was missing.
134. The Respondent did not inform SL that IRCC had returned the application to him in March 2017. On April 6, 2017, the Respondent re-submitted the application.
135. IRCC again returned the application to the Respondent by way of letter dated May 23, 2017, because certain information was missing.
136. The Respondent did not inform SL that the application had again been returned to him in May 2017. Instead, he asked SL for new photographs, without advising that he needed updated photographs to submit the application a third time. The Respondent told SL that she had to prepare new photographs because IRCC had an issue with her photos. The Respondent did not advise SL that, in fact, the photographs were too old/stale-dated to be accepted in the Respondent's third submission attempt.
137. The Respondent knew he was misleading SL when he insinuated the request was one from IRCC for an application that was already in process, rather than specifying that the application had been returned and needed further documents for re-submission. The Respondent concealed the returned applications from SL. Whenever SL or her spouse called the Respondent for a status report, he did not tell them the truth, and told them it was in process or said that he had not heard anything.
138. On October 19, 2017, the Respondent submitted SL's application to IRCC a third time.

139. In an email dated March 9, 2018, the Respondent admitted his misconduct to SL.

*Admissions re: Allegation 30*

140. The Respondent has admitted that between approximately February 2017 and March 2018, in the course of acting for SL in connection with a permanent residence application, he failed to provide SL with the quality of service required of a competent lawyer by:

(a) failing to honestly and candidly advise her that her application had been returned on two occasions as incomplete; and

(b) failing to honestly and candidly advise her about the reason he was requesting new photographs from her.

141. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Allegations 31 and 32 – NA*

142. In or about 2015, the Respondent was retained to review and submit a permanent residence application for NA.

143. The Respondent advised NA that he had filed his permanent residence application in June 2015, and provided NA with receipts as proof that his application had been submitted. The Respondent had taken the receipts from another client file and altered them to include NA's name and file number.

144. In October 2016, IRCC returned the application to the Respondent because it was incomplete. The Respondent did not inform NA that the application had come back, but instead misled NA and advised him that new forms needed to be provided to IRCC.

145. Whenever NA inquired about the status of his application, the Respondent told him that he had not heard anything.



146. In or about November 2017, the Respondent admitted to NA that he had lied when he said that the application was submitted in 2015, and it had been submitted in 2016.
147. The Respondent initially told the Law Society that he had submitted NA's application in July 2015. He later admitted that he did not submit NA's application until July 2016, and that it had been subsequently returned to him. He then filed it a second time in mid-2017, but that application was also returned to him.

*Admissions re: Allegation 31*

148. The Respondent has admitted that between approximately October 2016 and November 2017, in the course of acting for NA in connection with a permanent residence application, he made representations to his client that he had not heard from IRCC about his application, which he knew was false or misleading as he knew that the application had been returned.
149. The Respondent has admitted that his conduct was contrary to rules 2.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

*Admissions re: Allegation 32*

150. The Respondent has admitted that between approximately July 2015 and November 2017, in the course of acting for NA in connection with a permanent residence application, he failed to provide NA with the quality of service required of a competent lawyer by:
- (a) failing to keep his client reasonably informed about the status of his application with IRCC;
  - (b) failing to submit his client's application in a timely manner; and
  - (c) failing to honestly and candidly advise his client that his application had been returned.
151. The Respondent has admitted that his conduct was contrary to rules 2.2-1, 3.1-2, 3.2-1 and 3.2-2 of the *Code*, and that it constitutes professional misconduct, pursuant to s. 38(4) of the *Act*.

## **Medical Issues**

152. In a letter to the Law Society, the Respondent explained that at the time of his misconduct he was suffering from personal and mental health issues, and that he has been receiving treatment for those issues. He also provided the Law Society with a medical assessment from an appropriately qualified practitioner. The Respondent is under the care of his physicians and also attended group therapy meetings.