

April 5, 2013

NOTICE TO THE PROFESSION

NOTICE TO: All Active Members and Students-at-Law,
All Non-Practising Paying Members,
All Executive Directors of other Law Societies in Canada,
All Justices of the Court of Appeal and Court of Queen's Bench,
All Judges of the Provincial Court of Alberta,
All Masters in Chambers,
All Clerks of the Court

Notice of Disbarment

On June 24, 2008, a Hearing Committee of the Benchers of the Law Society of Alberta disbarred **Mr. Hermo Pagtakhan**, pursuant to section 72(1)(a) of the *Legal Profession Act*, R.S.A. 2000, c. L-8, effective immediately.

Mr. Pagtakhan resides in Edmonton and practised there as a sole practitioner until his membership was suspended by the Benchers pursuant to section 63 of the *Legal Profession Act* on October 20, 2005.

The Hearing Committee found that the member, over a period of several years: failed to maintain a general account; failed to complete monthly trust reconciliations; misled or attempted to mislead the Law Society with the Forms S he filed; failed to file Forms T; failed to submit GST returns and remit the net funds owing from GST he collected; misled or attempted to mislead the Law Society of Alberta in confirming that his books and records were in compliance with Law Society accounting rules; and failed to honour undertakings he gave to the Law Society that he would comply with those rules. The Hearing Committee also found that he failed to deposit funds from a client to his trust account, failed to serve clients by failing to pay out trust funds in a timely fashion, and failed to provide proper Statements of Account to some clients.

The Hearing Committee directed Mr. Pagtakhan to pay the actual costs of the hearing, estimated to be \$4,848.38, before making any application for reinstatement.

On August 12, 2008, Mr. Pagtakhan filed a Notice of Appeal from the Hearing Committee's decision on both conduct and sanction. Mr. Pagtakhan's appeal to a full panel of Benchers was heard on March 5, 2013.

The Benchers denied Mr. Pagtakhan's appeal and directed Mr. Pagtakhan to pay the actual costs of the Appeal hearing in the amount of \$4,730.00, before making any application for reinstatement.

A custodian of Mr. Pagtakhan's practice was appointed in 2005 and was discharged by the Court of Queen's Bench on May 16, 2008.

Michael Penny, QC
Deputy Executive Director
Law Society of Alberta