

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF ALLAN G. VINNI
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

ORDER OF THE HEARING COMMITTEE

UPON THE ISSUANCE OF CITATIONS by the Law Society of Alberta (LSA) to Allan G. Vinni pursuant to section 56 of the *Legal Profession Act* (the Act);

AND WHEREAS Allan G. Vinni and the LSA have entered into a Statement of Admitted Facts and Admission of Guilt (the Statement, attached to this Order) in relation to his conduct;

AND WHEREAS Allan G. Vinni admits in the Statement that the conduct set out in the Statement is deserving of sanction;

AND WHEREAS on October 16, 2018, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;

AND WHEREAS on November 6, 2018, the Chair of the Conduct Committee appointed a single Bencher as the Hearing Committee (Committee) for this matter, pursuant to subsection 60(3) of the Act;

AND WHEREAS pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Allan G. Vinni's conduct is deserving of sanction;

AND WHEREAS on December 14, 2018, the Committee convened a public hearing into the appropriate sanction related to the conduct of Allan G. Vinni;

AND WHEREAS the LSA and Allan G. Vinni have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand and fine of \$2,000.00;

AND WHEREAS the parties have also agreed that it is reasonable for Allan G. Vinni to pay \$6,785.00 in costs in relation to this matter by December 15, 2019;

AND WHEREAS the Committee has determined that the joint submission is reasonable, consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;

AND WHEREAS the Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs;

IT IS HEREBY ORDERED THAT:

1. The appropriate sanction with respect to Allan G. Vinni's is a reprimand, which was delivered orally by the Committee to Allan G. Vinni at the hearing, and a fine of \$2,000.00, to be paid by December 15, 2019.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Allan G. Vinni must pay costs in the amount of \$6,785.00, by December 15, 2019.
4. No Notice to the Profession or Notice to the Attorney General is to be made.
5. The exhibits and this order will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Allan G. Vinni will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, on December 14, 2018.

"Jim Lutz"

JIM LUTZ

APPROVED AS TO FORM AND CONTENT:

"Karen Hansen"

Karen M. Hansen, Legal Counsel
for the Law Society of Alberta

"Allan Vinni"

Allan G. Vinni

IN THE MATTER OF *THE LEGAL PROFESSION ACT*
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF ALLAN G. VINNI
A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was called to the bar in the Yukon Territory on June 12, 2001 and practiced there for a short time before moving to Alberta. I was admitted as a member of the Law Society of Alberta on January 30, 2003.
2. My present status with the Law Society of Alberta is active and practising.
3. I have practiced in Fort McMurray throughout my legal career.

CITATIONS

4. On June 19, 2018, the Conduct Committee Panel referred the following conduct to hearing:
 1. It is alleged that Allan G. Vinni borrowed money from his client, T.B. without complying with the requirements of the Code of Conduct, and that such conduct is deserving of sanction; and
 2. It is alleged that Allan G. Vinni entered into a business transaction with his client, T.B., without advising T.B. to seek independent legal advice and that such conduct is deserving of sanction.
5. On September 18, 2018, Pre-hearing Chair [RP] Q.C. granted an amendment to the wording of citation 1 as follows:
 1. It is alleged that Allan G. Vinni provided a personal promissory note in favour of his client T.B. without complying with the requirements of the Code of Conduct, and that such conduct is deserving of sanction.

FACTS

6. I represented T.B. regarding several personal and business matters commencing in 2009 and continuing through to September, 2015.

7. I was a shareholder and director of a company, 404 Ltd. which was in need of funds to develop a business venture. I spoke to T.B. as I understood he was looking for places to invest his money. On November 1, 2011, T.B. advanced funds of \$56,000 to 404 Ltd. I agreed to personally guarantee that loan, however, the only documentation for the loan was a Promissory Note that I prepared which indicated that I personally owed \$56,000 to T.B. and that the \$56,000 would be repaid within one year at a rate of 4% monthly interest (“the loan”). My office provided T.B. with a executable form of Caveat against my residential property regarding the loan, however, the Caveat was not filed at that time.
8. T.B. did not have independent legal representation regarding the loan. I did not advise T.B. to seek independent legal advice regarding the loan, nor did I ensure that T.B. provided his fully informed consent to proceeding without independent legal advice.
9. Between November 1, 2011 and July 25, 2013, no interest or principal payments were made towards the loan.
10. On July 26, 2013, 5% of the shares of 404 Ltd. were transferred to T.B. in partial payment for amounts owing under the loan. T.B. did not have independent legal representation for this transaction. I did not advise T.B. to seek independent legal advice regarding this transaction, nor did I ensure that T.B. provided his fully informed consent to proceeding without independent legal advice.
11. On August 19, 2013, again in partial payment for amounts owing under the loan, \$10,000 was transferred from 404 Ltd. into my trust account to the benefit of T.B. Between October 2013 and July of 2014, I used those funds to pay several accounts I rendered to T.B. or his companies.
12. Between August 2014 and September 2015 I discounted a further \$1,670 in legal fees to T.B. in an attempt to further partially compensate T.B. for the monies owing under the loan.
13. In December of 2016, [...].
14. T.B. commenced action against me in debt for the amounts owing under the loan. On January [...], 2017, T.B. obtained a Default Judgment against me in the amount of \$152,890.84, and [...].

ADMISSION OF FACTS AND GUILT

15. I admit as facts the statements in this Statement of Admitted Facts and Admission of Guilt for the purposes of these proceedings.
16. I admit that I provided a personal promissory note in favour of my client T.B. without complying with the requirements of the Code of Conduct, and that such conduct is deserving of sanction.
17. I admit that I entered into a business transaction with my client, T.B., without advising T.B. to seek independent legal advice and that such conduct is deserving of sanction.

18. For the purposes of section 60 of the *Legal Profession Act*, I admit my guilt to the above conduct.
19. I acknowledge that I have had the opportunity to consult legal counsel and provide this Statement of Admitted Facts and Admission of Guilt on a voluntary basis.

THIS STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT IS MADE THIS 19th
DAY OF September, 2018.

"Allan Vinni"
ALLAN G. VINNI

Reprimand

You have heard from my comments, Mr. Vinni, that within the community of Fort McMurray, Alberta especially, we occupy an incredibly privileged position, and that privilege means that there are duties on us that other people don't have.

Two businesspeople doing business with each other aren't really bound by the same rules.

You have a different role. You have a role as a member of the Law Society of this province. Very few people occupy that role. Our membership is less than 10,000 people in the entire population of Alberta. That means you have been entrusted with acting in a way and in accordance with a Code of Conduct that has been in practice and in existence in England and the other commonwealth jurisdictions for several hundred years. That role is sacrosanct.

In this particular action, my feeling is you lost sight of where that was. You lost sight of where your role as a lawyer ended and where your role as a businessperson began. That lapse in judgment cost an individual money and it brings disrepute to the profession when people cannot trust their lawyer to look after their interests. We have a level of judgment we have to achieve, and you fell below that level of judgment.

To say that our role is simply acting for people and getting the best result only looks at part of it. Our role requires of us, indeed demands of us, more. It demands we look out for our clients and our clients' interest over and above our own, and it has to be what you take out of these proceedings.

I hope on a going-forward basis, you will remember that this is in fact what your role is and that that must become before anything else. If you can't achieve that role, you must step back and step aside as counsel. You must send your client elsewhere so that they may get the level of service that they are entitled to.

As I have indicated, I will grant the submission that you and Ms. Hansen on behalf of the Law Society have come to as an appropriate sanction.

I will really encourage you to continue with Practice Management. And when you say to me this is the first time I have had to discuss something like that, we are here to help. We are here to help make you a better lawyer and we will do everything we can. Ms. Hansen, all of the Law Society, will do everything they can to make you the best lawyer you can be.

You have achieved a lot. To work driving a truck and study law during your break, that's very difficult. That means to me you really wanted to be a lawyer and you really wanted this job. So take out of this a learning experience and continue to deliver to the community of Fort McMurray, who so desperately needs that help, the level of service to which they are entitled.