

**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 TELMO DOS SANTOS
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 Telmo Dos Santos pursuant to section 56 of the *Legal Profession Act* (the Act);

AND WHEREAS:

- a) Telmo dos Santos has executed a Statement of Admitted Facts and Admission of Guilt (the “Statement”) attached to this Order;
- b) Telmo dos Santos admits in the Statement that he is guilty of failing to follow accounting rule 119.30 and that his conduct is deserving of sanction;
- c) On March 19, 2019, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;
- d) On April 2, 2019, 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;
- e) Pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Telmo dos Santos’s conduct is deserving of sanction;
- f) On May 28, 2019, the Committee convened a public hearing into the appropriate sanction related to the conduct of Telmo dos Santos;
- g) The LSA and Telmo dos Santos provided a joint submission on sanction for the Committee’s consideration, seeking a reprimand and fine of \$1,000.00;
- h) The parties have also agreed that it is reasonable for Telmo dos Santos to pay \$1,312.50 in costs in relation to this matter;

- i) 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;
- j) 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 Telmo dos Santos's conduct is a reprimand, which was delivered orally by the Committee at the hearing, and fine of \$1,000.00, which must be paid by August 28, 2019.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Telmo dos Santos must pay costs in the amount of \$1,312.50 by August 28, 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 Telmo dos Santos 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 May 28, 2019.

STACY PETRIUK, Bencher

IN THE MATTER OF *THE LEGAL PROFESSION ACT*
AND
IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
TELMO DOS SANTOS
A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was admitted as a member of the Law Society of Alberta in November of 2008.
2. My present status with the Law Society of Alberta is Active/Practicing.
3. I practice in Calgary as a sole practitioner, primarily in the area of Criminal Law.

CITATIONS

4. On October 16, 2018, the Conduct Committee Panel (CCP) referred the following conduct to hearing:
 1. It is alleged Telmo dos Santos failed to follow accounting rule 119.30 and that such conduct is deserving of sanction;
 2. It is alleged that Telmo dos Santos failed to cooperate with and respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.
5. On February 13, 2019, [RP], Pre-Hearing Conference Chair of this matter, granted withdrawal of Citation 2.

ADMITTED FACTS

6. I am the responsible lawyer for my practice and therefore responsible for ensuring that my practice complies with the *Rules of the Law Society of Alberta*.
7. My Accountant's report for the year 2014 was due on April 30, 2015, but I did not file it until December of 2017.

8. I have not filed my 2015 Accountant's report, due April 30, 2016, or my 2016 Accountant's report due April 30, 2017.
9. Due to my failure to submit my required filings on time, the Trust Safety department of the Law Society requested that I sign an undertaking agreeing not to use my existing trust account. I provided that Undertaking on August 17, 2017.
10. I have not used my Trust Account since August of 2017. My Trust Account has been closed.
11. On September 18, 2018 the Trust Safety department granted my Application for Exemption from operating a Trust Account.

ADMISSIONS OF FACT AND GUILT

12. I admit as facts the statements in this Statement of Admitted Facts and Admission of Guilt for the purposes of these proceedings.
13. I admit that I failed to comply with Rule 119.30 of the Rules of the Law Society of Alberta.
14. 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.
15. For the purposes of Section 60 of the *Legal Profession Act*, I admit my guilt to Citation 1.

**THIS AGREED STATEMENT OF FACTS AND ADMISSION OF GUILT IS MADE THIS ____
DAY OF _____, 2019.**

TELMO DOS SANTOS

Reprimand

Mr. dos Santos, you failed to follow an accounting rule of the Law Society of Alberta. These rules are important to protect the public interest and to maintain oversight and governability of its members.

It is important to maintain the confidence of the public in the legal profession. It is clear that you understand what you did wrong, and you have taken the appropriate steps to ensure this will never happen again. It is also clear that you have reflected upon this.

Sir, I encourage you to learn from this so that the high standards of our self-regulating profession are always forefront in your mind in all aspects of your legal practice, your profession, and your life. I wish you all the best in the future, sir.