

DISCIPLINE DIGEST

The Society of Notaries Public of British Columbia

May 2008

MA NGUYEN
Commissioned: May 3, 2007

A Notice of Inquiry was served on the member on or about February 7, 2008 alleging breaches of the following provisions of the Society's governing documents:

- a. Section 28 of the *Notaries Act*;
- b. Section 11-G2(g)(ii) of the Society's Principles for Ethical & Professional Conduct;

The allegations arise with respect to the Society's discovery that the member failed to report that he had been sued by the Law Society of British Columbia for the unauthorized practice of law.

Introduction:

The inquiry was initiated on the Society's discovery of a posting on the Law Society of British Columbia website as follows:

"Ma Nguyen, of Vancouver, BC, offered to incorporate a company for a fee. Mr. Nguelyn has consented to a BC Supreme Court order prohibiting him from providing legal services unless he becomes entitled to practice law in B.C."

Upon investigation, the Member admitted that he is the person referred to in the above posting. Documents obtained from the Member and the Supreme Court indicated that the Member had been sued by the Law Society and had entered into an agreement with the Law Society culminating in the said Consent Order.

The Society and the Member entered into an agreed statement of fact, admission and proposed penalty as follows:

Agreed Facts:

1. In or about February of 2007, the Law Society sent an investigator in to see the Member in his capacity as a Chartered Accountant, and retained him to incorporate a company for her.
2. The Member denies agreeing to incorporate the company, but admits meeting with the "client" and advising her with respect to incorporation. The Member says

that he has lawyer colleagues who incorporate companies for his accounting clients.

3. The Member was served with the Law Society's petition in early July of 2007 and agreed to the Consent Order.

Agreed Admission:

4. The Member admits that he did not inform the Society of Notaries Public that he had been sued or that he agreed to the Consent Order.
5. The Member admits that his lawsuit was a significant development in his practice and that he had a duty to report it to the Society.

The Society agrees that the Member has no discipline history and that he admitted his error immediately and co-operated with the investigation and agreement.

Penalty:

The hearing panel of the Board of Directors accepted the agreed statement of fact and admission and accepted the proposed penalty as follows:

- A. A reprimand be placed in the member's file;
- B. The Member pays a fine of \$1,000.
- C. Costs are waived.