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## DISCIPLINE DIGEST

The Society of Notaries Public of British Columbia

June 2008

CHAD (CHI An) KWON  
Commissioned: June 13, 2002

A Notice of Inquiry was served on the member on or about November 26, 2007 alleging breaches of the following provisions of the Society's governing documents:

- a. Section 28 of the *Notaries Act*;
- b. Rule 11.01 of the Rules of the Society of Notaries Public of British Columbia

The allegations arise with respect to alleged legal advice and opinion given by the member to a third party in anticipation of a legal dispute over a commercial lease document.

### Introduction:

The inquiry was initiated by a tenant (RAG) of a commercial property. RAG complained that the member was unlawfully practicing law by representing the landlord in a disputed commercial tenancy agreement.

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

### Agreed Facts:

1. In August 2007, the Member was retained by the Landlord of a commercial property. The Landlord was involved in a dispute with the tenants regarding certain terms of the lease, including responsibility for the cost of garbage removal.
2. On November 6, 2007, the Member sent a letter to a lawyer who represented RAG, one of the tenants involved in the dispute, regarding the garbage removal expense issue. In the letter, the Member:
  - a. advised that he acted for the landlord;
  - b. advocated his client's position regarding the dispute;
  - c. demanded compliance with his client's interpretation of the term of the lease; and
  - d. stated that failure to comply with his client's interpretation would be considered a breach of the lease.

Agreed Admission:

3. The Member admits that the letter expressed a legal opinion to a third party and was written in anticipation of a legal dispute.
4. In sending the letter, the Member acted beyond the limits of services allowed in the lawful practice of a Notary Public thereby breaching Section 18 of the *Notaries Act* and Rule 11.01 of the Society.
5. The member admits that his conduct is contrary to the best interests of the public, is contrary to the best interests of the notarial profession, and could harm the standing of the notarial profession.

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 \$500.