

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

**LAUREN NICOLE FOURMEAUX CLEMENS
(the “Member”)**

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

Hearing Date: February 6, 2024

Panel: Dean Scaletta (Chair)
Grant Driedger, K.C.
Tehani Jainarine (Public Representative)

Counsel: Ayli Klein for the Law Society of Manitoba
Member – Self Represented

REASONS FOR DECISION

Introduction

1. Ms. Fourmeaux Clemens has been a member of The Law Society of Manitoba (“the Society”) since June 2010, and has been “inactive” since April 2022. She is also a non-practising member of The Law Society of British Columbia.
2. A hearing was convened via Zoom on February 6, 2024 to hear argument with respect to a Joint Submission on sanction based on a Statement of Agreed Facts and a guilty plea.

3. Ms. Fourmeaux Clemens was charged in a citation dated October 24, 2023 (File No. 23-008-DIS) (“the Citation”) with one count of a breach of the duty of integrity, contrary to Rule 2-1.1 of the *Code*. The Citation is attached as Appendix “A” to these Reasons.
4. The jurisdiction and composition of the Panel, the valid service of the Citation on the Member, her membership in the Society, her membership in The Law Society of British Columbia, and in no other governing body of the legal profession in any other jurisdiction, were all admitted. There were no objections to any of the Panel members on the basis of either bias or conflict or otherwise.
5. The formal reading of the Citation was waived. Ms. Fourmeaux Clemens entered a guilty plea to the charge. Further, she admitted that the conduct particularized in the Citation constituted conduct unbecoming a lawyer.
6. The parties made a Joint Submission on sanction which included the following elements:
 - (a) a finding of conduct unbecoming a lawyer;
 - (b) a suspension from the practice of law for a period of one year beginning on a date no later than March 1, 2024 to be fixed by the Chief Executive Officer of the Society; and,
 - (c) costs payable to the Society in the amount of \$1,500.00.
7. For the reasons which follow, the Panel has resolved to accept and endorse the Joint Submission on sanction.

Preliminary Matters

8. The Panel was advised that, the previous day, an individual had contacted the Society, indicating a desire to observe the proceedings. Inquiries regarding their interest in the matter elicited only vague and ambiguous responses (apart from conceding they had “no direct connection” with the subject-matter of the hearing). Neither the individual nor the entity from which their email had originated were known to the Member.

9. Counsel for the Society conducted an internet search of the entity and reviewed its website. What she learned from the website was of sufficient concern to prompt an oral motion, concurred in and supported by the Member, seeking an order pursuant to Section 78 of *The Legal Profession Act* excluding the proposed observer from the hearing.
10. The Panel heard from counsel for the Society and from the Member, for whom the primary concern was compliance with an existing Protection Order.
11. The Panel then asked the Administrative Assistant to move the proposed observer from the “waiting room” to the “hearing room” to give them an opportunity to speak to the motion. They declined the invitation to speak, withdrew from the hearing, and closed their connection.
12. The Panel did not see any need to rule on the motion, and the hearing then resumed.

Brief Facts

13. Since first becoming a member of the Society, Ms. Fourmeaux Clemens has practised solely as in-house counsel in the areas of corporate and commercial law.
14. Ms. Fourmeaux Clemens has no prior discipline history.
15. On September 19, 2021, between about 9:45 PM and about 10:10 PM, Ms. Fourmeaux Clemens was driving her motor vehicle while impaired by alcohol. The evidence suggests that the impairment may have been exacerbated by its interaction with certain prescription medications that she was taking.
16. While she herself has little recollection of the events of that evening, witnesses at the criminal trial described her erratic and aggressive driving. The most disturbing aspects of which involved: (a) the unprovoked and repeated ramming of the rear-end of a vehicle being operated by an individual wholly unknown to her, and (b) the following of that person for a considerable time and distance notwithstanding their repeated attempts to get away from her. The “chase” ended only when Ms. Fourmeaux Clemens

lost control of her vehicle on a roundabout and crashed into a concrete post.

17. The erratic behaviour continued a short time later, after police located her at a nearby coffee shop, with Ms. Fourmeaux Clemens being aggressive and uncooperative with both the officers and the paramedics who were in attendance.
18. She was convicted in June 2023 of two offences under the *Criminal Code of Canada*: one count of operating a motor vehicle while her ability to do so was impaired by alcohol, contrary to Section 320.14(1)(a), and one count of assault with a weapon, contrary to Section 267(a).
19. The evidence supporting the charges in the Citation is set out in Paragraphs 4.1 to 4.9 of the Statement of Agreed Facts, and in considerably more detail in the written decision of Allen, P.J. in *R. v Fourmeaux-Clemens*, 2023 MBPC 33. It need not be repeated here.

Relevant Statutory Provisions

20. *The Legal Profession Act*
Sections 3(1), 3(2)(b), 72(1)(c)(ii), 72(1)(e), 78(1)(b), & 78(2)
21. *Code of Professional Conduct*
Rule 2.1-1 and Commentary [2] & [3]
22. *Law Society Rules*
Rules 5-96(7) & 5-96(8)
23. The full text of these provisions are reproduced in Appendix "B" to these Reasons.

Relevant Authorities and Principles

Purposes of Professional Discipline

24. The Panel is indebted to prior Discipline Panels which have articulated the guiding principles applicable to cases such as this one. These principles (in no particular order of importance) include the following:

- (a) The purposes of law society discipline proceedings are not to punish offenders and exact retribution, but rather to protect the public, maintain high professional standards, and preserve public confidence in the legal profession.

The Law Society of Manitoba v Nadeau, 2013 MBLS 4, citing *Lawyers & Ethics: Professional Responsibility and Discipline*, Gavin McKenzie, Carswell 2012

- (b) The most fundamental purpose of professional discipline is to maintain the reputation of the legal profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.

The Law Society of Manitoba v Nadeau, 2013 MBLS 4, citing *Bolton v. The Law Society*, [1993] EWCA CIV 32

- (c) The discipline hearing panel focuses on the offence rather than the offender, and considers the desirability of parity and proportionality in sanctions, and the need for deterrence. ... The panel also considers ... aggravating and mitigating factors [which] include the lawyer's prior discipline record, the lawyer's reaction to the discipline process, ..., the length of time the lawyer has been in practice, the lawyer's general character and the lawyer's mental state.

Other relevant considerations (derived from the list of so-called "*Ogilvie*" factors) include: "(a) The nature and gravity of the conduct proven; (b) the age and experience of the respondent; (c) the previous character of the respondent, including details of prior disciplines; (d) the impact upon the victims; ... (f) the number of times the offending conduct occurred; (g) whether the respondent had acknowledged the misconduct and taken steps to disclose and redress the wrong and the presence or absence of other mitigating circumstances; (h) the possibility of remediating or rehabilitating the respondent; (i) the impact on the respondent of criminal or other sanctions or penalties; (j) the impact of the proposed penalty on the respondent; (k) the need for specific and general deterrence; (l) the need to ensure the public's confidence in the integrity of the profession; and (m) the range of penalties imposed in similar cases."

The Law Society of Manitoba v Sullivan, 2018 MBL 9, citing *Nadeau and Lawyers & Ethics: Professional Responsibility and Discipline*, Gavin McKenzie, Carswell 2012

- (d) The factors to be considered in determining a penalty include: (i) the existence or absence of a prior disciplinary record; (ii) the existence or absence of remorse, acceptance of responsibility, or an understanding of the effect of the misconduct on others; (iii) whether the member has since complied with his/her obligations by responding to or otherwise cooperating with the Society; (iv) the extent and duration of the misconduct; (v) the potential impact of the misconduct of the member upon others; (vi) whether the member has admitted misconduct and obviated the necessity of proof; (vii) whether there are extenuating circumstances (medical, family-related, or others) that might explain, in whole or in part, the misconduct; and (viii) whether the misconduct is out-of-character or conversely is likely to recur.

The Law Society of Manitoba v Nadeau, 2013 MBL 4, citing *Law Society of Upper Canada v Ernest Guiste*, 2011 ONLSHP 129

- (e) After a guilty plea or following conviction, a panel may consider whether the offending member has admitted guilt and expressed remorse, not for the purpose of imposing a higher penalty but for the purpose of considering whether leniency should be given.

The Law Society of Manitoba v Nadeau, 2013 MBL 4

- (f) Integrity is the foundation of the legal profession. It is first rule in the *Code of Professional Conduct* and every other rule is based upon it. ... Without this level of trust, the profession cannot function.

The Law Society of Manitoba v McKinnon, 2010 MBL 5

Behaviour Constituting Conduct Unbecoming a Lawyer

25. The distinction between professional misconduct and conduct unbecoming a lawyer is that the former arises out of acts performed in the professional capacity of lawyers or in connection with their

professional status, while the latter arises out of acts performed in their personal or private capacity.

Lawyers & Ethics: Professional Responsibility and Discipline, Gavin McKenzie, Carswell 2021

26. In order for the personal or private conduct of a lawyer to amount to conduct unbecoming a lawyer, it must tend to bring discredit upon the legal profession or the administration of justice.

Lawyers & Ethics: Professional Responsibility and Discipline, Gavin McKenzie, Carswell 2021

27. Integrity is the fundamental quality of any person who seeks to practice as a member of the legal profession. If personal integrity is lacking, the usefulness of the lawyer to the client and reputation within the profession will be destroyed regardless of how competent the lawyer may be.

Code of Professional Conduct, Rule 2.1-1, Commentary 1

28. Dishonourable or questionable conduct on the part of a lawyer in either private life or professional practice will reflect adversely upon the integrity of the profession and the administration of justice. Whether within or outside the professional sphere, if the conduct is such that knowledge of it would be likely to impair the trust of the client in the lawyer the Society may be justified in taking disciplinary action.

Code of Professional Conduct, Rule 2.1-1, Commentary 3

Joint Submissions

29. An adjudicator should not depart from a joint recommendation on penalty unless the proposed disposition would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

Anthony-Cook v Her Majesty the Queen, 2016 SCC 43

30. To be contrary to the public interest means the joint recommendation is so “markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the [professional discipline process]”.

Anthony-Cook v Her Majesty the Queen, 2016 SCC 43

31. “Rejection denotes a [recommendation] so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper function of the [professional discipline process] had broken down. This is an undeniably high threshold – and for good reason.”

Anthony-Cook v Her Majesty the Queen, 2016 SCC 43

32. Although the principles in *Anthony-Cook* were articulated in the context of a criminal prosecution, they have been adopted by other professional regulators.

Pillay (Re), 2018 CanLII 47172 (MB CPSDC)

33. Joint submissions are to be encouraged, not ignored. If joint submissions are ignored, plea bargains such as occurred here will be much less likely to occur. Lengthy discipline hearings and increased costs to be borne initially by members of the profession and perhaps ultimately by the public they serve will result. Joint submissions are in the public interest and should be followed by administrative tribunals in the same fashion as is done by the Courts unless it can be clearly demonstrated they are unfit, unreasonable or contrary to the public interest.

Pankiw v The Board of Chiropractors' Association of Saskatchewan, 2009 SKQB 268

Submissions on Behalf of the Society

34. Ms. Klein reminded the Panel of the clear and settled authorities on the issue of Joint Submissions, and urged the Panel to accept the submission in this case.
35. She touched on the principles of professional discipline outlined above and, in particular, on the factors – both aggravating and mitigating – which the Panel ought to consider in determining whether the proposed sanction is fit and appropriate.
36. Ms. Klein noted that criminal convictions of any kind impact the reputation of the profession (particularly in this case where impaired driving laws were violated, other users of the road were put in jeopardy, and an innocent person was terrorized) and are, for that reason, taken very seriously by the Society. The facts of the case entail precisely the type of conduct which erodes public confidence, both in the profession itself and in the ability of the Society to effectively govern its members in the public interest.
37. On the other side of the scale, there are significant and compelling mitigating factors which make the case an appropriate one for leniency and compassion. Ms. Fourmeaux Clemens is demonstrably remorseful, and deeply regrets her misconduct. She self-reported the criminal charges and their disposition to the Society, and has cooperated fully with these disciplinary proceedings. Her guilty plea to the Citation and her willingness to negotiate a resolution which incorporates a significant suspension saved the Society a great deal of time and expense; they are indicative of her determination to take responsibility for her actions. Further, she has been proactive in working to restore and improve her mental and physical health, and has taken positive steps to ameliorate the harm caused to her victim.
38. Ms. Klein noted that this is not the only forum in which Ms. Fourmeaux Clemens is being held to account for her actions. The criminal proceedings resulted in convictions on two serious charges, a significant fine, and an order of restitution and conditional sentence order.
39. She argued that a one-year suspension is a serious consequence which the Panel ought to endorse. She noted in passing that when the Society is

considering a suspension of this length, the discussion invariably turns to whether disbarment would be a more appropriate sanction.

Submissions by the Member

40. Ms. Fourmeaux Clemens conceded at the outset that the prospect of a one-year suspension is “a little overwhelming”, particularly in light of the time which has elapsed (almost two years) since she voluntarily withdrew from practice.
41. She is extremely remorseful, describing the conduct for which she is being sanctioned as “humbling and embarrassing”.
42. Ms. Fourmeaux Clemens is committed to taking responsibility for her actions, and has been proactively working towards addressing the factors which, she firmly believes, triggered the events of September 19, 2021.
43. Ms. Fourmeaux Clemens described a serious incident of intimate partner violence which she endured in January 2021, and advised that – with the support of a team of dedicated helping professionals – she is working to rehabilitate her personal well-being. With their support, she also continues to work with law enforcement to bring the perpetrator to justice.
44. She described her extensive community involvement with organizations such as Manitoba Harvest, Siloam Mission, Villa Rosa, and the Christmas Cheer Board, all of which are dedicated to improving the lives of the most vulnerable and marginalized members of society. She is active in her faith community and, during her time in active legal practice, often worked *pro bono*.
45. Ms. Fourmeaux Clemens emphasized that her behaviour during the late hours of September 19, 2021 was “out of character”, and that – in the aftermath – she was “mortified” by the reputational damage her actions had visited upon the profession she loves and respects.

Analysis

46. The accepted template for assessing of the suitability of a Joint Submission involves a careful consideration of the relevant “*Ogilvie*” factors:

- (a) the nature and gravity of the conduct proven

The conduct in question was undoubtedly serious. While no one was killed or seriously injured, the potential for both of those outcomes is present where someone is impaired and driving a motor vehicle in an aggressive manner at speeds approaching 100 km/h.

The flagrant breaches of the law were particularly egregious involving, as they did, a member of the legal profession.

- (b) the age and experience of the member

Ms. Fourmeaux Clemens was in her mid-30s at the time of the incident and had been a member of the Society for more than 11 years. Youth and inexperience do not come into play with respect to the conduct of this member.

- (c) the previous character of the member, including details of prior disciplines

Ms. Fourmeaux Clemens has no prior discipline record with the Society. She was an energetic and dedicated contributor to a variety of beneficent and charitable causes.

- (d) the impact upon the victims

One can only imagine the terror the victim in this case must have been experiencing while Ms. Fourmeaux Clemens relentlessly followed them and repeatedly rammed their vehicle, even in a place so public as a grocery store parking lot (where they had at least *some* expectation of safety).

The impact on the victim did not end with the arrest of Ms. Fourmeaux Clemens. They had to endure inconvenience of dealing with their insurer, and the loss of the use of their vehicle while it was being repaired, all of which was exacerbated by ongoing COVID-19 restrictions. The victim was also required to attend and testify at the criminal trial.

- (f) the number of times the offending conduct occurred

The conduct was a “one-off” event which has not been repeated.

- (g) whether the member has acknowledged the misconduct and taken steps to disclose and redress the wrong and the presence or absence of other mitigating circumstances
- (h) the possibility of remediating or rehabilitating the member

These two factors may be conveniently dealt with together.

As noted, Ms. Fourmeaux Clemens has taken responsibility for her actions, cooperating fully with the Society in these proceedings. She has fully repaid the financial losses incurred by the victim and their insurer, and has been an active participant in her own rehabilitation. The prospects for an eventual return to practice are quite good.

- (i) the impact on the member of criminal or other sanctions or penalties
- (j) the impact of the proposed penalty on the member

These two factors may also be conveniently dealt with together.

The Member was convicted of two serious criminal charges following a trial in the Provincial Court of Manitoba. She was sentenced to an 18-month Conditional Sentence Order and an 18-month driving prohibition was imposed. [Note: Both of these orders remain in effect until March 2025.] There was a further order of 30 hours of community service, which she plans to complete this summer. She was also fined \$3,500.00 and made subject to an order of restitution, both of which she paid promptly. Further, Ms. Fourmeaux Clemens, upon receipt of its demand, promptly paid the subrogated claims of Manitoba Public Insurance.

The Joint Submission imposes an immediate one-year suspension, a serious sanction which is at or near the upper limit one expects to see short of disbarment.

- (k) the need for specific and general deterrence

Specific deterrence is not a factor in this case as it seems unlikely that the impugned conduct will be repeated. The Joint Submission does, however, address the issue of general deterrence by reminding all members *and* the public that the Society will not tolerate proven criminal behaviour and, when it does occur, will take the matter seriously and will proceed accordingly.

- (l) the need to ensure the confidence of the public in the integrity of the profession

This is a factor of paramount importance.

The purpose of the Society is succinctly described in Section 3(1) of *The Legal Profession Act*. It reads: "The purpose of the Society is to uphold and protect the public interest in the delivery of legal services with competence, integrity and independence."

Lawyers are expected to follow and uphold the law, and the public needs to know that when they do not, their professional regulator will ensure that they are held to account.

- (m) the range of penalties imposed in similar cases

On this point, the Society cited several relevant authorities:

The Law Society of Manitoba v Dolovich, 2010 MBLS 11
[Conviction for possession and distribution of child pornography;
Sanction: disbarment and costs]

The Law Society of Ontario v Subramaniam, 2016 ONLSTH 84
[Convictions for impaired driving and breach of probation; Sanction:
reprimand and costs]

The Law Society of Ontario v Ljiljanic, 2021 ONLSTH 5
[Convictions for impaired driving and two counts of failing to stop at
the scene of an accident; Sanction: six-month suspension and
costs]

The Law Society of British Columbia v Ranspot, 2022 LSBC 11
[Conviction for assault causing bodily harm to an intimate domestic partner; Sanction: three-month suspension and costs]

47. Taking all of the above factors into account, the Panel is satisfied that the proposed sanction is appropriate and it has no hesitation in accepting the Joint Submission.

Disposition

48. In accordance with the Joint Submission particularized in Paragraph 6 of these Reasons, the Panel finds that the conduct of Ms. Fourmeaux Clemens set out in the Statement of Agreed Facts constitutes conduct unbecoming a lawyer as alleged and particularized in the Citation, orders that:
- (a) she be suspended from the practice of law for a period of one year beginning on a date, no later than March 1, 2024, to be fixed by the Chief Executive Officer of the Society; and,
 - (b) she pay costs in the amount \$1,500.00 to the Society on terms to be fixed by the Chief Executive Officer of the Society.

DATED this 11th day of March, 2024.



Dean Scaletta


Grant Driedger, K.C.


Tehani Jainarine

Appendix "A"

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

LAUREN NICOLE FOURMEAUX CLEMENS

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

CITATION

TO: **LAUREN NICOLE FOURMEAUX CLEMENS** of the City of Winnipeg, in the Province of Manitoba, lawyer, and a member of The Law Society of Manitoba.

TAKE NOTICE that a hearing will be held by a panel of the members of the Discipline Committee of The Law Society of Manitoba to consider a charge of conduct unbecoming a lawyer laid against you by the Complaints Investigation Committee of The Law Society of Manitoba. If you are found guilty of conduct unbecoming a lawyer, you may be disbarred and your name struck off the Rolls of The Law Society of Manitoba or you may be suspended from practising law or you may otherwise be dealt with by the

Discipline Committee panel under the provisions of *The Legal Profession Act* and the *Rules of The Law Society of Manitoba*. A statement of the charges is as follows:

1) On September 19, 2021 (the date of "the Incident") and in your interactions with justice system participants following the Incident, you acted dishonourably and failed to discharge your responsibilities to tribunals, the public and other members of the profession honourably and with integrity.

Particulars

a) On September 19, 2021, you operated your motor vehicle while your ability to do so was impaired, and you committed an assault with a weapon by utilizing your vehicle to assault another person.

b) On June 20, 2023, you were convicted in the Provincial Court of Manitoba of two offences under the *Criminal Code of Canada*: impaired operation of a motor vehicle contrary to s. 320.14(1)(a) and assault with a weapon contrary to s. 267(a), both in connection with your actions on September 19, 2021.

YOU OR YOUR COUNSEL are required to appear before the Chairperson of the Discipline Committee or his designate on **Tuesday, November 7, 2023 at 12:00 noon**, at the offices of The Law Society of Manitoba, 200 - 260 St. Mary Avenue, Winnipeg, Manitoba, to set a date for the hearing of the charges against you. If you or your counsel do not attend at the said time and place, the Chairperson of the Discipline Committee or his

designate, in accordance with *The Rules of The Law Society of Manitoba*, may proceed to set a date for the hearing in your absence.

October 24, 2023



LEAH KOSOKOWSKY
Chief Executive Officer
The Law Society of Manitoba

NOTE: Until further notice all attendances before the Chairperson of the Discipline Committee and Panels of the Discipline Committee may be by video conference. You will be provided with the details necessary to attend by email to the latest email address provided by you to the Society being lclemens@outlook.com. If your email address has changed you must contact the Administrative Assistant to the Discipline Committee by email at: lharrison@lawsociety.mb.ca or by telephone at 204-942-5571.

Appendix "B"
Relevant Statutory Provisions

The Legal Profession Act

Purpose

3(1) The purpose of the society is to uphold and protect the public interest in the delivery of legal services with competence, integrity and independence.

Duties

3(2) In pursuing its purpose, the society must

- (a) establish standards for the education, professional responsibility and competence of persons practising or seeking the right to practise law in Manitoba; and
- (b) regulate the practice of law in Manitoba.

Consequences of professional misconduct or conduct unbecoming

72(1) If a panel finds a member guilty of professional misconduct or conduct unbecoming a lawyer or student, it may do one or more of the following:

- (c) for any period the panel considers appropriate, ...
 - (ii) suspend the member from practising law;
- (e) order the member to pay all or any part of the costs incurred by the society in connection with any investigation or proceedings relating to the matter in respect of which the member was found guilty;

Exclusion of members of public

78(1) A committee, panel or court considering a complaint, charge or appeal under this Part may make an order excluding members of the public from a hearing if it thinks that

- (b) the public interest in the disclosure of other information is outweighed by the interest of the public or any person in preventing the information from being disclosed.

How and when order can be made

78(2) The committee, panel or court may make the order on its own motion, or on the application of any person having an interest in the information to be disclosed. The order or application may be made before the hearing or at any time during the hearing.

Code of Professional Conduct

Chapter 2 – Standards of the Legal Profession

2.1 Integrity

2.1-1 A lawyer has a duty to carry on the practice of law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honourably and with integrity.

Commentary

[2] Public confidence in the administration of justice and in the legal profession may be eroded by a lawyer's irresponsible conduct. Accordingly, a lawyer's conduct should reflect favourably on the legal profession, inspire the confidence, respect and trust of clients and of the community, and avoid even the appearance of impropriety.

[3] Dishonourable or questionable conduct on the part of a lawyer in either private life or professional practice, for example, committing any personally disgraceful or morally reprehensible offence including an act of fraud or dishonesty, will reflect upon the integrity of the lawyer, the profession and the administration of justice. Whether within or outside the professional sphere, if the conduct is such that the knowledge of it would be likely to impair the client's trust in the lawyer, the Society may be justified in taking disciplinary action.

Law Society Rules

Part 5 – Protection of the Public

Division 8 – Discipline Proceedings

Consequences

5-96(7) When a discipline panel finds that a member is guilty of professional misconduct or of conduct unbecoming a lawyer or student or incompetence, it may impose one or more of the penalties set out under sections 72 and 73 of the Act.

Costs

5-96(8) When a discipline panel finds that a member is guilty of professional misconduct or of conduct unbecoming a lawyer or student, or incompetence, it may, pursuant to section 72 of the Act, order the member to pay all or any part of the costs incurred by the society in connection with any investigation or

proceedings relating to the matter in respect of which the member was found guilty including, but not limited to, the following items:

(a) all reasonable disbursements incurred by the society in investigating and proceeding to the hearing;

(b) audit fees for time spent by auditors/investigators employed by the society in investigating and proceeding to the hearing, at rates set from time to time by the chief executive officer. These rates must reflect the actual costs connected with the investigation and hearing;

(c) counsel fees for time spent by lawyers in investigating and preparing for proceeding to the hearing, but excluding the time spent at the hearing of the matter, at rates set from time to time by the chief executive officer. These rates must reflect the actual costs connected with the investigation and hearing;

(d) \$500 for each one-half day of hearing, including the hearing of motions, arguments and other proceedings; and

(e) honoraria paid to members of the discipline panel who sit on a hearing, including the hearing of motions, arguments, and other proceedings.