

1 THE LAW SOCIETY OF MANITOBA and

2 MICHELE ("MICHAEL") CAPOZZI

3 REASONS

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PANEL MEMBERS: Ms. W. Stewart (Chair)

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D. Knight, Q.C.

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Ms. M. Browne

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COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

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D. Gunn, Esq.

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MEMBER SELF-REPRESENTED

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Hearing held at The Law Society of Manitoba,

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219 Kennedy Street, Winnipeg, Manitoba, March 21, 2016.

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**FOUR SEASONS REPORTING**

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**91 Ashford Drive**

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**Winnipeg, Manitoba R2N 1K7**

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**(204) 256-2343**

1           THE CHAIRPERSON: Okay. We are back on the  
2 record, thank you. I will read out the decision of the  
3 panel now. It is brief.

4           Mr. Capozzi has admitted to two counts of  
5 professional misconduct by, firstly, failing to maintain up  
6 to date trust records for the period from January 1, 2014  
7 to September 30, 2014 inclusive.

8           And, secondly, by failing to ensure the  
9 accuracy of his trust records by producing monthly trust  
10 reconciliations no later than the end of each following  
11 month, and those counts are contrary to Rules 5-42(1),  
12 5-42(2) and 5-42(7).

13           The panel finds that the evidence does support  
14 the two charges, and Mr. Capozzi has therefore committed  
15 professional misconduct.

16           There is a joint recommendation by counsel for  
17 The Law Society and Mr. Capozzi, with which we are prepared  
18 to agree.

19           The joint recommendation calls for a fine of  
20 \$750 for each of the two counts, and costs to The Law  
21 Society of Manitoba in the amount of \$1,000, with payments  
22 to be made of \$100 per month commencing April 1, 2016, and  
23 on the 1st of every month thereafter until the entire  
24 amount is paid in full.

25           In the event of a default in any one payment,

1 or if a cheque is dishonoured when tendered and the default  
2 is not rectified, or the cheque replaced with cash or money  
3 order within five days, the entire amount outstanding will  
4 become due and payable within 30 days of the date when the  
5 default in payment occurred.

6 You will note that we have added the words  
7 "within five days". Is there any objection to that wording  
8 by Mr. Capozzi or counsel?

9 MR. GUNN: No.

10 MR. CAPOZZI: No.

11 MR. GUNN: None, thank you.

12 THE CHAIRPERSON: Okay. That then is the order  
13 of the panel. Are there any questions or anything further?

14 MR. GUNN: Just, if by way of housekeeping, if  
15 we could mark the Book 2 Joint Submission as Exhibit 3, I  
16 guess that would be.

17 (EXHIBIT NO. 3: Book 2 Joint Submission)

18 THE CHAIRPERSON: That's it? Anything further,  
19 Mr. Capozzi or Mr. Gunn?

20 MR. CAPOZZI: No. No, I'm, I accept the  
21 judgment of the committee and hope not to ever be here ever  
22 again.

23 THE CHAIRPERSON: Hopefully not. Thank you  
24 then very much for your attendance, both of you.

25 MR. GUNN: Good morning.

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MR. CAPOZZI: Thank you.

THE CHAIRPERSON: Good morning.

(REASONS CONCLUDED AT 10:00 A.M.)

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CERTIFICATE OF REPORTER

I, KATHY BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 4, are a true and accurate transcript of the proceedings herein as reported by me to the best of my skill and ability.


  
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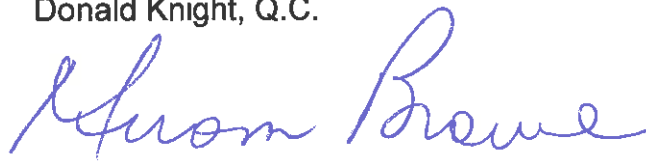
Kathy Bruce  
Court Reporter

THE PRECEDING 5 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 21<sup>st</sup> DAY OF MARCH, 2016,  
IN THE MATTER OF:

**MICHELE ("MICHAEL") CAPOZZI**

  
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Wendy Stewart, Chair

  
\_\_\_\_\_  
Donald Knight, Q.C.

  
\_\_\_\_\_  
Miriam Browne