

1 THE CHAIRPERSON: We have had an opportunity to
2 consider the materials as filed and the submissions of
3 counsel, and we are ready to provide our decision, which we
4 will do from my comments orally, and not in any written
5 form. It is a short decision, and pretty clear.

6 Obviously if I misspeak, I reserve the right to
7 correct that at some later time, but I do not anticipate I
8 will.

9 This matter comes before this panel on a joint
10 recommendation. Mr. Stern has entered a guilty plea to
11 professional misconduct with respect to two distinct sets
12 of events, and those facts are set forth in the citation.

13 The joint recommendation calls for reprimands
14 on both counts, and costs with respect to each, which have
15 been set out. The member has no previous involvement with
16 the Discipline Committee.

17 We want to comment particularly that we were
18 much impressed with the supportive and clear submissions of
19 counsel for the Society who outlined why a reprimand was,
20 in this circumstance, an appropriate and just sanction. We
21 accept those submissions.

22 We also particularly were impressed that the
23 member, at his own initiative, sought out the practice
24 advisor, and has implemented into his regime those
25 recommendations that appear to have come from

1 Mr. Christianson, who is well respected both by the panel
2 and within the Society generally. That bodes well for
3 there not being a repeat, and for Mr. Stern's future
4 success.

5 I would say, as I noted previously, that the
6 standard for rejection of a joint submission has recently
7 been increased, and we believe that we would be bound by
8 R. v. Anthony-Cook, 2016 SCC 43.

9 We therefore find that the acts stated in the
10 citation have been proven to our satisfaction and find
11 Mr. Stern guilty of each count of professional misconduct
12 as set out in the citation and we impose as the penalty the
13 submissions provided by counsel.

14 For the record, those submissions are contained
15 in the joint submission, and in Exhibit 3, tab 1, of
16 penalty, which are a reprimand with respect to the
17 complaint involving SM, together with costs of \$1,500
18 towards the investigation and prosecution of the hearing of
19 this matter.

20 With respect to the complaint of WC, a
21 reprimand, together with costs in the amount of \$900. So,
22 a total of \$2,400. Those costs are payable on a monthly
23 basis at \$100 per month --

24 MR. STERN: I'll pay it off in a month.

25 THE CHAIRPERSON: There's an agreement --

1 Mr. Stern, you are fully free to speak, but I am going
2 to --

3 MR. WOOD: You're fully free.

4 THE CHAIRPERSON: You are entitled, because of
5 the agreement, to \$100 per month commencing April 1, 2017,
6 and monthly thereafter. In the event of default, which
7 remains outstanding in excess of 30 days, the full amount
8 shall become due and payable.

9 You are of course entitled to pay it off in
10 advance. Feel free to do that. And that would of course
11 end your obligation to the Society if you did that. We
12 would be satisfied obviously with that.

13 Subject to any questions of counsel or of the
14 recorder, those I think are the only comments we have.
15 Ms. McCarthy?

16 MS. MCCARTHY: No further comments.

17 THE CHAIRPERSON: Ms. Turnbull?

18 MS. TURNBULL: Nothing.

19 THE CHAIRPERSON: Mr. Gunn, nothing?

20 MR. GUNN: No, thank you.

21 THE CHAIRPERSON: Mr. Wood, nothing?

22 MR. WOOD: No, thank you.

23 THE CHAIRPERSON: Then that concludes the
24 matter. This matter is adjourned. Thank you.

25 (HEARING CONCLUDES AT 10:30 A.M.)

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CERTIFICATE OF REPORTER

I, TOM 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 recorded by me to the best of my skill and ability.



Tom Bruce

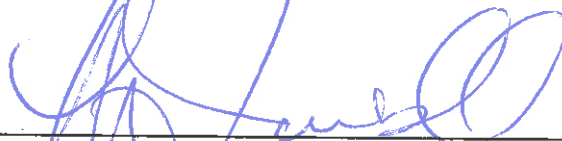
Court Reporter

THE PRECEDING 5 PAGES CONSTITUTE
THE DECISION AND REASONS FOR
DECISION OF THE DISCIPLINE COMMITTEE
OF THE LAW SOCIETY OF MANITOBA
RENDERED THE 2nd DAY OF FEBRUARY,
2017, IN THE MATTER OF:

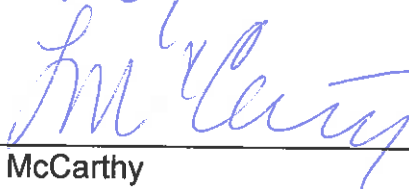
GARY SAMUEL STERN



David Gray, Chair



Lorna Turnbull



Lynne McCarthy