DISCIPLINE CASE *DIGEST*

Case 96-07

DENNIS LEE WOHLGEMUTH
Steinbach, Manitoba

Called to the Bar
June 27, 1985

Particulars of Charges
Professional Misconduct

- Misappropriation

Date of Hearing
February 7, 1996

Panel
David Frayer, Q.C. (Chairperson)
Eric Irwin
James Ferguson

Disposition

- Disbarment
- Costs of $26,700.00

Counsel
Daniel Dutchin for the Law Society
the member did not appear

Misappropriation

Facts

Mr. Wohlgemuth, who was called to the Bar on June 27, 1985, did not appear before th Discipline Committee on February 7, 1996.

Mr. Wohlgemuth was a sole practitioner in Steinbach, Manitoba. An audit conducted on his practice revealed a shortage in his Pooled Trust Account in the amount of $140,000.00. This shortage was unexplained and Mr. Wohlgemuth was suspended by the Law Society as a result of the audit investigation. A further review of his trust account records determined that the shortage amounted to $155,000.00.

The monies taken by Mr. Wohlgemuth were not attributable to any one client, but as the Pooled Trust Account was overdrawn, all of the clients with monies being held by Mr. Wohlgemuth in trust were affected by this shortfall.

Comments of the Discipline Committee

Mr. Wohlgemuth did not appear before the Discipline Committee, but his counsel consented to an Agreed Statement of Facts being presented to the Committee for their consideration. The Committee noted that Mr. Wohlgemuth appeared to engage in a well organized scheme to misappropriate trust funds belonging to his clients.

Findings and Penalties

The Committee found Mr. Wohlgemuth guilty of professional misconduct after reviewing the Agreed Statement of Facts.

The Committee determined that in view of the circumstances of this case, Mr. Wohlgemuth should be disbarred and as a result his name was struck from the Rolls as a Barrister and Solicitor.

The Committee also ordered that costs be paid in the amount of $26,700.00.