



DISCIPLINE CASE *DIGEST*

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Case 96-16

MURRAY DAVID ZASLOV
Winnipeg, Manitoba

Called to the Bar
October 15, 1962

Particulars of Charges
Professional Misconduct (2 counts)

- failure to file written answer to 14 day letter under Rule 156
- failure to pay penalties in the amount of \$1,240.00 owing to the Law Society contrary to Rule 133(7)

Date of Hearing
June 27, 1996

Panel
Richard K. Deeley, Q.C. (Chair)
Gary R. Gilmour
James W. Hedley

Disposition

- Reprimand
- Costs of \$1,075.00

Counsel
Ted Bock for the Law Society
Member did not appear

Failure to Pay Penalties

Facts

Mr. Zaslov did not appear before the Discipline Committee on June 27, 1996.

Mr. Zaslov was charged with failing to pay penalties in the amount of \$1,240.00 owing to the Law Society contrary to Rule 133(7). Such penalties were incurred due to the late filing by Mr. Zaslov of his Annual Accountant's Report ("Form D") which report for the fiscal year ending April 30, 1995 was due on or before August 31, 1995 and was not received until January 3, 1996. As well, Mr. Zaslov was charged with failing to comply with the requirements of Rule 156 in that he failed to file a written answer to a letter sent to him by the Law Society within 14 days of his receipt of that letter.

Decision and Comments

The Discipline Committee found Mr. Zaslov not guilty of the charge of failing to respond to a 14 day letter. It noted that Rule 156 requires that a 14 day letter issued pursuant to that Rule be served by registered mail. Service was not so effected in this case, but rather was effected by overnight courier. Moreover, the letter was apparently not delivered to Mr. Zaslov, but to a member of his household. The Committee held that service of the letter by overnight courier in the circumstances of the case at hand, and in light of the fact that Rule 156 is punitive and therefore demands a high standard of service, did not constitute substantial compliance with the requirements of service set out in Rule 156.

Penalty

The Committee found Mr. Zaslov guilty of professional misconduct for failing to pay penalties of \$1,240.00 and imposed a reprimand and also ordered that costs be paid in the amount to \$1,075.00.

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