



DISCIPLINE CASE *DIGEST*

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Case 96-26

GORDON WALTER KATELNIKOFF
Winnipeg, Manitoba

Called to the Bar
June 24, 1975

Particulars of Charges
Professional Misconduct

- Transferring money from trust to general account without preparing and sending a bill (4 counts)
- Transferring money from trust to general account for fees not yet earned (4 counts)
- Charging fees to an Estate in excess of the fees permitted by Queen's Bench Rule 74.14(4) without the consent of the beneficiaries (2 counts)
- Failure to provide Form 74AA on Estate matters (2 counts)
- Failure to keep and maintain trust account reconciliations (1 count)

Date of Hearing
September 26, 1996

Panel
G. Greg Brodsky, Q.C. (Chair)
Victor Bellay
Patrick Riley

Disposition

- Fine \$250.00
- Costs \$1,263.39

Counsel
D. Poskar for the Law Society
D. Ramsay for the member

Breach of Accounting Rules

Facts

Mr. Katelnikoff appeared before the Discipline Committee on September 26, 1996.

Mr. Katelnikoff admitted the following counts:

1. four counts of transferring money from his trust to general account without preparing and sending a bill;
2. four counts of transferring money from his trust to general account for fees not yet earned;
3. two counts of charging fees to an estate in excess of the fees permitted by Queen's Bench Rule 74.14(4) without the consent of the beneficiaries;
4. two counts of failing to provide Form 74AA on Estate matters; and
5. one count of failing to keep and maintain trust reconciliations.

Decision and Comments

The Committee found Mr. Katelnikoff guilty of professional misconduct based on his admission to the charges which resulted from a spot audit of his law practice.

Penalty

The Committee considered the facts that Mr. Katelnikoff had no prior record with the Law Society, had entered a plea of guilty to the counts set out in the Citation and had co-operated with the Law Society.

The Committee imposed a fine of \$250.00 and costs of \$1,263.39 payable by way of post-dated cheques at the rate of \$100.00 per month commencing October 1, 1996.

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