



# DISCIPLINE CASE *DIGEST*

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[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

## **Case 97-13**

**STEPHEN SAMUEL BONDAR**  
Winnipeg, Manitoba

**Called to the Bar**  
June 20, 1991

**Particulars of Charges**  
Professional Misconduct (4 charges)

- Failure to file Annual Trust Account Report (Form D) with the Society (x2)
- Failure to respond to 14 day letter
- Failure to comply with the Rules Respecting Accounts

**Date of Hearing**  
December 15, 1997 and February 3, 1998

**Panel**  
L.P. Allen, Q.C. (Chair)  
J.H. Combs  
R.C. Krause

## **Disposition**

- Disbarment
- Costs of \$1,000.00

**Counsel**  
J.R. Gallagher for The Law Society of Manitoba  
Member unrepresented

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**Ungovernable Member**

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## **Facts**

Mr. Bondar failed to file his Annual Trust Account Report (Form D) for the fiscal year ended March 31, 1995 on or before the due date of July 31, 1995. Mr. Bondar also failed to file his Form D for the fiscal year ended June 30, 1996 on or before the due date of October 31, 1996. In failing to file the two Form Ds, Mr. Bondar acted contrary to Rule 133 of the Rules of The Law Society of Manitoba.

On January 15, 1997 a letter was delivered to Mr. Bondar requesting a response within 14 days as to why he had not filed the two overdue Form Ds. No response was received to this letter.

An audit of Mr. Bondar's trust account for the period February 1, 1995 to August 31, 1996 found that Mr. Bondar had acted contrary to the Rules Respecting Accounts by failing to:

1. maintain trust ledger cards in the name of each client;
2. keep cancelled cheques and deposit slips;
3. maintain control account balances for the end of each month;
4. maintain monthly client trust account balances;
5. maintain monthly bank reconciliations;
6. make withdrawals from his trust account by consecutively numbered cheques; and
7. notify the Society within 30 days of opening a pooled trust account.

Mr. Bondar entered a guilty plea to all of the charges.

## **Decision and Comments**

During the first day of the hearing, Mr. Bondar indicated in his submission that he had made some preliminary inquiries about having the Form Ds completed by an accountant and felt that they could be completed by mid-January, 1998. As a result, the Committee adjourned the matter to February 3, 1998 to provide Mr. Bondar with the opportunity to make good on his representations. The Form Ds were not completed and files as of the second hearing date. The Committee noted that the outstanding penalties for failing to file the Form Ds totalled approximately \$12,000.00 as of the date of the hearing.

It was noted by the Committee that Mr. Bondar had been disciplined on three earlier occasions for similar or related matters. The Committee also noted Mr. Bondar's pattern of conduct over the last several years and the fact that the cumulative effects of discipline had not produced the desired result that Mr. Bondar would become a member who abided by the rules and who showed his respect for the governance of the Society. The Committee was particularly concerned that Mr. Bondar had previously been fined for breaching an undertaking to provide reconciliations for two months of 1995, and in fact, one of the charges presently before the Committee was failure to file a Form D within the same time period. The Committee viewed Mr. Bondar's conduct as a continued failure to run his

practice in a responsible way and they looked upon him as being an ungovernable member.

### **Penalty**

The Committee found Mr. Bondar guilty of professional misconduct on all of the charges and resolved that he be disbarred and his name struck from the Rolls as a barrister and solicitor of The Law Society of Manitoba. The Committee also ordered that he pay costs in the amount of \$1,000.00

[Top of page](#)

[Index](#)