



October 1, 2014

## **NOTICE**

### **Resignation**

On September 26, 2014, a Resignation Committee of the Benchers of the Law Society of Alberta granted the application of Richard Gariepy to resign. Mr. Gariepy was a suspended member of the Law Society at the time. The suspension arose due to the non-payment of fees to the Law Society.

Mr. Gariepy was facing discipline proceedings in which it was alleged, among other things, that he had misappropriated trust funds, participated in a fraud, breached undertakings and engaged in a conflict of interest in relation to his involvement as legal counsel in five real estate developments located in Calgary, Alberta. As a result, Mr. Gariepy was facing a number of citations of conduct deserving of sanction. A hearing had commenced in April 2013 in relation to 18 of the citations, but this hearing had not yet concluded.

The Resignation Committee determined that it was in the best interest of the public to permit Mr. Gariepy to resign under s. 32 of the *Legal Profession Act*, rather than conclude the hearing in relation to the citations, given that:

1. Mr. Gariepy undertook to never apply for readmission to the Law Society or any other law society in Canada;
2. Mr. Gariepy signed Statements of Fact which contained details of some of the Law Society's evidence against him, and in which Mr. Gariepy admitted facts which demonstrate that he acted in a way that was inconsistent with the expectations of the Law Society, including: (a) failing to obtain proper instructions in relation to the payment of trust funds from his trust account, (b) failing to take into consideration the effect that the payment of trust funds by Mr. Gariepy would have on parties who may have had an interest in those trust funds, (c) forwarding trust funds to be used in connection with real estate projects located in Mexico without confirming that same was agreeable to parties who may have had an interest in those trust funds, (d) forwarding funds, which had been held in trust by Mr. Gariepy as deposits for condominium units yet to be completed, contrary to the provisions of the *Condominium Property Act* and (e) failing to adhere to the accounting rules established by the Law Society; and

3. In the event that Mr. Gariepy is ever relieved of his undertaking not to apply for readmission, costs of \$169,244.59 and accruing interest from September 26, 2014 will have to be paid prior to any consideration of his readmission.

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**Elizabeth J. Osler**  
Deputy Executive Director &  
Director, Regulation  
Law Society of Alberta

**NOTICE TO:** Public,  
All Active Lawyers and Students-at-Law,  
All Executive Directors of other Law Societies in Canada,  
All Justices of the Court of Appeal and Court of Queen's Bench,  
All Judges of the Provincial Court of Alberta,  
All Masters in Chambers,  
All Clerks of the Court.