IN THE MATTER OF PART 3 OF THE
***LEGAL PROFESSION ACT*, RSA 2000, c. L-8**

AND

IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF LEV KRAMAR
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee
Kenneth Warren, QC – Chair and Bencher
Michael Mannas – Adjudicator
Glen Buick – Adjudicator and former Bencher

Appearances
Karen Hansen – Counsel for the Law Society of Alberta (LSA)
Matthew James – Counsel for Lev Kramar

Hearing Date
October 9, 2020

Hearing Location
Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. Lev Kramar was admitted as a member of the LSA on August 19, 2010. Since that time, he has practiced in Calgary primarily in the areas of corporate law and real estate conveyancing. Between May 2017 and May 2018, Mr. Kramar submitted numerous false insurance benefit claims to his employer's benefits provider. In July 2018, Mr. Kramar was confronted by the insurer which brought the false claims to the attention of Mr. Kramar's employer. Mr. Kramar admitted his misconduct to his employer which on October 23, 2018 advised the LSA of Mr. Kramar's misconduct. Mr. Kramar has continued to practice with that employer to the present time.

2. The Hearing Committee ("Committee") convened a hearing into the conduct of Mr. Kramar to address the following citation:

    1) It is alleged that Lev Kramar submitted in excess of 50 false health benefit claims to his law firm's benefit provider and that such conduct is deserving of sanction.

3. Shortly before the scheduled hearing date, the Committee, through LSA counsel, advised counsel for the LSA and counsel for Mr. Kramar that the Committee had concerns about the proposed joint submission on sanction and had questions for Mr. Kramar to augment the proposed Statement of Admitted Facts and Admission of Guilt. Counsel requested and were granted an adjournment to consider the Committee's concerns. The hearing was rescheduled and took place on October 9, 2020.

4. After reviewing all of the evidence and exhibits, and hearing the testimony of the witnesses and the arguments of the LSA and Mr. Kramar, for the reasons set out below, the Committee finds Mr. Kramar guilty of conduct deserving of sanction on the single citation set out above, pursuant to section 71 of the *Legal Profession Act* (the "*Act*").

5. The Committee also finds that, based on the facts of this case, the appropriate sanction, in accordance with the joint submission on sanction, is a four-month suspension in accordance with section 72 of the *Act*.

6. In addition, pursuant to subsection 72(2) of the *Act*, the Committee orders costs in the amount of $2,000 to be paid by Mr. Kramar by October 31, 2020.

Preliminary Matters

7. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested so a public hearing into Mr. Kramar's conduct proceeded.

Agreed Statement of Facts/Admission of Guilt

8. Mr. Kramar and the LSA provided a Statement of Admitted Facts and Admission of Guilt ("SAF") that was accepted by the Committee, after hearing the evidence of the witnesses. In the SAF, Mr. Kramar admits that he submitted 53 false insurance benefit claims to his law firm's benefit provider between May 2017 and May 2018. The total false claims submissions were in the amount of $4,416.53, of which $3,183.20 had been paid to Mr. Kramar by the time his dishonesty was discovered by the insurer. He admits his guilt and that his conduct is deserving of sanction. The Committee heard oral testimony from Mr. Kramar and from GA, a partner in the firm that employed Mr. Kramar who had worked closely with Mr. Kramar both before and after the misconduct in question.

9. The SAF is appended to this decision as Schedule 1. In the SAF, Mr. Kramar acknowledges that he signed the SAF freely and voluntarily, that he understood the nature and consequences of his admission of guilt and that he knew that, although entitled to deference, the Committee was not bound to accept the joint submission on sanction submitted by the parties.

10. Mr. Kramar's admission of his egregious misconduct, his guilt and that his conduct is deserving of sanction disposes of the liability determination. The Committee's deliberations focused on the appropriate sanction.

The Testimony

11. Mr. Kramar and the LSA made a joint submission on sanction as follows: a four-month suspension commencing November 1, 2020, and payment of costs for Mr. Kramar in the amount of $2,000. Based on its review of the SAF before the hearing commenced, the Committee had concerns about the length of suspension proposed. Mr. Kramar's dishonesty was blatant and inexplicable. Over a one-year period, he repeatedly submitted false benefit claims for relatively inconsequential sums of money. He risked disbarment for a total sum that was a fraction of his monthly salary at the time. As a result of the Committee's expressed concerns, it heard oral testimony from GA and Mr. Kramar.

12. GA is a senior member of the LSA and was one of the founding members of the law firm that employed Mr. Kramar. Mr. Kramar joined that firm in 2014 and according to GA had shown himself to be an exceptional lawyer and highly skilled. When the insurer brought the false benefits claims to the attention of the firm, GA and another partner confronted Mr. Kramar. Mr. Kramar admitted what he had done but provided no explanation for his aberrant behaviour. He denied having any substance abuse issues, gambling problems or stresses at home. GA testified that the misconduct was completely out of character for Mr. Kramar and that the firm’s partners were "befuddled".

13. As might be expected, the partners of the firm met to discuss Mr. Kramar's future. The difficult discussion included the possibility of firing Mr. Kramar immediately. However, the firm decided to maintain Mr. Kramar's employment and it reported his conduct to the LSA. The firm concurrently "ring fenced" Mr. Kramar. The firm conducted an audit of Mr. Kramar's files and expenses (that found no issues), required Mr. Kramar to repay the monies improperly received from the insurer (which he did) and removed Mr. Kramar's cheque signing authority. It made Mr. Kramar ineligible for discretionary bonuses and removed Mr. Kramar from the firm's partnership track. The firm thought highly enough of Mr. Kramar to give him what GA described as a second chance. GA testified that since Mr. Kramar was reported to the LSA, there have been no concerns whatsoever about his conduct. The firm recently restored Mr. Kramar’s authority to sign cheques. For personal reasons, GA has needed to rely more heavily on Mr. Kramar during the last year and reported that he has performed exceptionally well.

14. The fact that Mr. Kramar has performed by all accounts without incident, criticism or concern for over two years since the discovery of his misconduct is a significant factor in the Committee's decision. Mr. Kramar has demonstrated over a period of over two years that the trust generously placed in him by his firm's partners, who knew him best, was not misplaced.

15. Mr. Kramar testified candidly. He was emotional at times and the Committee's view is that his remorse for his actions is genuine.

16. The Committee was most interested in why Mr. Kramar did something so obviously wrong and stupid. Mr. Kramar had conceded that he had no "magic explanation" for his repeated dishonesty. However, the Committee did gain some insight into what may have motivated the behaviour. Contrary to what he had told GA when confronted with the false submissions, Mr. Kramar advised the Committee that he was feeling considerable financial stress at the time of the false claims. His spouse had stopped working a short time before, resulting in a significant drop in their family income. They were responsible for some ongoing medical and other expenses that made their budget very tight. Mr. Kramar was trying to be what he described as a good breadwinner. He testified that one of his major disappointments out of this whole affair was that he felt unable at the time to tell his spouse how stressed he was because of their finances. He and his spouse are working through those issues and they have taken counselling together.

17. Mr. Kramar took accountability for his actions. He has suffered professionally and knows that he will likely continue to pay a high professional price following his sanction, that will include the publication of the notice to profession. He fully accepted that his predicament was his fault and that there was no one else to blame.

18. The oral testimony sufficiently filled in gaps in the record to allow the Committee to accept the SAF.

The Authorities

19. Because the parties made a joint submission on sanction, the Committee looked closely at the principles outlined in *R. v. Anthony-Cook*, [2016] 2 SCR 204. *Anthony-Cook* is a criminal law case but its principles respecting deference to a joint submission on sanction are applicable in this setting and have been applied by numerous LSA Hearing Committees. The Supreme Court of Canada held that joint submissions on sentence are not sacrosanct but are entitled to significant deference pursuant to a stringent public interest test. The test was described in various ways at paragraphs 32-34 of the decision:

> Under the public interest test, a trial judge should not depart from the joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or it is otherwise contrary to the public interest. … a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so "markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system. … when assessing a joint submission, trial judges should "avoid rendering a decision that…

> causes an informed and reasonable public to lose confidence in the institution of the courts". … a joint submission should not be rejected lightly… Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold – and for good reason...

20. The Committee alerted counsel before the hearing to its concerns about the joint submission so that counsel would have an opportunity to carefully consider their submissions in defence of their joint submission. Counsel did address the authorities put before the Committee in detail but all of them are distinguishable. None of the authorities dealt with facts comparable to those in this case. The Committee agrees with the following statement from the panel in *Law Society of BC v. Faminoff*, 2015 LSBC 20, at paragraph 80:

> In the Panel's view, a decision on disciplinary action includes a review of authorities, but must in the end be grounded on the particular facts of each case and on the experience and common sense of the hearing panel.

21. In *Law Society of Alberta v. Amantea*, 2020 ABLS 14, the member, a very senior member of the Bar with no discipline record, falsely completed 10 affidavits of execution. Mr. Amantea witnessed his client's signature on 171 quit claims but he did not witness the signature of his client's daughter on 10 other quit claims. Nonetheless, he completed affidavits of execution on all of them. He did that as a favour for his client and there was no personal benefit. The Hearing Committee found that it was clearly an isolated incident. Mr. Amantea admitted his guilt, cooperated with the LSA and provided several letters of reference attesting to his integrity. The Hearing Committee accepted the joint submission for a one-month suspension. There was also a referral to the Solicitor General.

22. In *Law Society of Alberta v. Shustov*, 2014 ABLS 23, the member, a relatively young lawyer, lied to and misled his client. His misconduct included advising his client that a Judicial Dispute Resolution ('JDR') was scheduled when it had not been, telling his client that the JDR was cancelled due to the death of a member of opposing counsel's family (a lie), advising his client that her divorce had been granted (a lie) and providing his client with a false divorce judgment that the member had fabricated. There was no personal financial gain to the member. Mr. Shustov admitted the facts of the case. The LSA sought disbarment while counsel for Mr. Shustov argued for a suspension of three to six months. The Hearing Committee ordered an eight-month suspension. The matter was referred to The Attorney General (sic).

23. In *Law Society of Alberta v. McKay*, 2016 ABLS 34, the member faced a total of 15 citations arising from five separate complaints. The substance of the complaints was a

failure to provide conscientious, diligent and efficient services to his clients. Although Mr. McKay initially did not respond to the Law Society, he eventually cooperated and admitted guilt to the essential elements of the citations. There was no evidence of any financial impropriety or personal financial benefit to the member. The Hearing Committee accepted the joint submission calling for a suspension of four months and payment of costs in the approximate sum of $24,000.

24. In *Law Society of Upper Canada v. Loria*, [2014] L.S.D.D. No. 95, a part-time paralegal engaged in a dishonest scheme that involved taking merchandise from his other part-time employer, an automotive shop, and selling it or attempting to sell it. Mr. Loria was charged criminally and reported that event to the Law Society. The Hearing Committee accepted the joint sanction that called for a reprimand.

25. LSA counsel submitted that the following two cases, *Law Society of BC v. Bauder*, 2013 LSBC 07, and *Law Society of BC v. Sas*, 2016 LSBC 3, were the most analogous to the Kramar situation.

26. In *Bauder*, the member fraudulently attempted to obtain mortgage financing by falsely altering purchase and mortgage application documentation. Bauder was the sole practicing lawyer in Fort Nelson, a fact that this Committee feels significantly reduced the sanction. He was a relatively young lawyer with no prior discipline record. As is the case with Kramar, Bauder's dishonest conduct was for personal gain. Numerous clients and community members provided letters of support. There was no real explanation for the misconduct. The Law Society sought a suspension of six to nine months while Bauder's counsel submitted that a fine would be sufficient. The Hearing Committee imposed a four-month suspension and payment of costs of $10,000.

27. In *Sas*, the member, who was a Bencher at the time, ceased practicing as a sole practitioner and joined a larger firm. She held monies in trust from previous clients and there were outstanding files and unbilled time and disbursements relating to her former practice. Ms. Sas inappropriately dealt with about $4,000 of trust money involving about 40 clients in the course of cleaning up the administration of her files prior to her financial year end. The Hearing Committee noted that the résumé of Ms. Sas revealed stellar contributions to both the legal profession and the public. 46 letters of support and references were filed as exhibits during the hearing, which consumed 8 days. The Hearing Committee found that the motivation of Ms. Sas was "administrative convenience". The Hearing Committee exhaustively considered a long list of cases involving dishonesty, some of which resulted in disbarment while others resulted in suspensions. The panel in one of those cases, *Faminoff*, supra, found that there was a perplexing range of disciplinary action evident in the authorities dealing with dishonesty and breaches of integrity. This Committee agrees fully with that assessment. The Hearing Committee suspended Ms. Sas for four months and ordered payment of costs in the approximate amount of $32,000.

28. In *Oledzki v. The Law Society of Saskatchewan*, 2010 SKCA 120, the member admitted guilt to 12 citations involving the forgery of a will. The discipline committee disbarred the appellant and that sanction was upheld by the Court of Appeal. The Court noted that Mr. Oledzki forged signatures on testamentary documents, caused a member of the public to sign as a witness to a forged testamentary document, misled his partners, and failed to ensure that his clients received independent legal advice. The Court stated at para. 6:

> Where complaints of forgery, misleading the public and misleading other members of the profession are proven or admitted, the paramount concern is the risk to the public of that type of conduct. Acts of forgery and deceit go straight to the heart of a lawyer's integrity and to that of the profession, regardless of motivation or the absence of self-benefit. The seriousness of these complaints cannot be overstated. In these circumstances, disbarment is a reasonable and defensible outcome.

29. In *Russell v. The Law Society of New Brunswick*, 1991 CanLII 4095 (NBCA), Mr. Russell had been suspended by the Law Society for 18 months and ordered to pay costs. Mr. Russell was involved in a cheque-kiting scheme and pleaded guilty to a criminal charge of obtaining money by false pretenses. Mr. Russell was suspended pending an inquiry into his conduct. The Inquiry Panel issued a report nine months later in which it recommended that the nine months of suspension already served was sufficient. The Council of the Law Society, however, declined to accept the recommendation of the Inquiry Panel and suspended Mr. Russell for a total of 18 months. That suspension was upheld by the Court of Appeal which stated at page four of its reasons:

> Although the offence involved a number of relatively small transactions not related to the practice of law, his conduct was pre-meditated. In these circumstances I am unable to say that an 18-month suspension is unjust. Not only must the Law Society let its members know that such conduct will be punished, but it must also demonstrate that it takes its disciplinary role seriously. While an 18-month suspension may appear somewhat harsh in light in the absolute discharge given by the sentencing Judge and the recommendation of the Inquiry Panel, it recognizes both the fraudulent nature of the offence and its premeditation.

30. Although the amount of money dishonestly obtained by Mr. Kramar is small, the nature of the misconduct troubled the Committee greatly. As Mr. Kramar's counsel candidly conceded, Mr. Kramar's conduct was "indicative of bad character and a lack of integrity". Integrity is a fundamental quality of any lawyer. Our Code of Conduct is premised on an expectation that every lawyer is expected to establish and maintain a reputation for integrity. A lawyer's conduct should be above reproach at all times, not merely while the lawyer is practicing law.

Analysis

31. Counsel for the LSA and counsel for Mr. Kramar did not attempt to understate the seriousness of Mr. Kramar's misconduct. Mr. Kramar, as he put it, with a click on his phone, submitted over 50 false insurance claims over a one-year period. Mr. Kramar's evidence was not clear as to whether he had already decided to stop submitting false claims when his conduct was uncovered by the insurer's audit and reported to Mr. Kramar's employer.

32. The Law Society Hearing Guide sets out a number of general factors to be taken into account in determining an appropriate sanction. A similar helpful guide is found at paras. 9 and 10 of *Law Society of BC v. Ogilvy*, 1999 LSBC 17. In no particular order, the Committee considered the following:

1) Mr. Kramar is a relatively young member of the Bar with no prior disciplinary record;
2) His misconduct was serious and was repeated on over four dozen occasions over a lengthy period of time;
3) He gained a personal, although minor, financial advantage from his misconduct;
4) The victim of the fraud was not a client and the financial improprieties did not include funds of a client or trust monies;
5) Mr. Kramar admitted his misconduct and guilt at an early stage and cooperated fully with the LSA;
6) Mr. Kramar has suffered a financial penalty in his employment and his reputation in the profession will be affected through the LSA's publication of a notice of his conduct deserving of sanction;
7) His conduct will be referred to the Solicitor General (discussed further below);
8) Mr. Kramar quickly made full restitution to the insurer;
9) Mr. Kramar has expressed genuine remorse and in the Committee's view there is an extremely low risk of recurrence; and
10) Mr. Kramar's law firm continued to employ him and Mr. Kramar's conduct over the past two years has not raised any concerns whatsoever.

33. Decisions of prior Hearing Committees are not binding on this Committee and no authorities were cited to the Committee that contain facts similar to those in this case. Nonetheless, it is important that to the extent possible, the decisions of Hearing Committees be consistent, both as a matter of fairness and predictability.

34. Because this case involves a breach of integrity, the Committee was very much concerned with the factors of general deterrence and the maintenance of public confidence in the legal profession and the ability of the LSA to effectively govern its members. The Committee agrees with the statement of the panel in *Law Society of BC v. McGuire*, 2006 LSBC 20, at paragraph 24:

> We accept that disbarment is a penalty that should only be imposed if there is no other penalty that will effectively protect the public. …

> Protection of the public lies not only in dealing with ethical failures when they occur, but also in preventing ethical failures. In effect, the profession has to say to its members, "Don't even think about it". And that demands the imposition of severe sanctions for clear, knowing breaches of ethical standards.

35. This Committee concludes that having regard to the facts of this case, including Mr. Kramar's unblemished conduct in his practice over the past two years, and the authorities, disbarment of Mr. Kramar is not required for the protection of the public or to maintain its confidence. The Committee did however feel that consideration of disbarment was appropriate due to the lack of integrity shown by Mr. Kramar's misconduct and the fundamental importance of integrity to the legal profession.

36. The Committee finds that a suspension and payment of costs is the appropriate sanction. Mr. Kramar's counsel submitted that the appropriate suspension may be in the range of six to seven months as a starting point but then reduced to four months based upon the various mitigating factors. The Committee's view is that a six to seven month suspension is on the low end of the reasonable range in this case and that three months is at the high end of the reasonable range for a reduction based on the mitigation factors. In short, the Committee's view is that a four-month suspension is at the low end of the reasonable range of a suspension in this case. Absent the joint submission on sanction by the parties, the Committee would likely have imposed a suspension longer than four months. It is, however, constrained in this case by the principles in *Anthony-Cook* to defer to the joint submission. The joint submission in the Committee's view is not "so unhinged" from the circumstances of this case that its acceptance would cause the informed and reasonable public to lose confidence in the integrity of the profession and the ability of the LSA to effectively govern its own members.

37. The Committee reminds counsel of their obligation to provide the panel with a full account of all of the circumstances when making a joint submission on sanction. In *Anthony-Cook,* the court referred at paragraph 54 to a corollary obligation to 'amply justify their position on the facts of the case' because of the stringent test to be met for the judge to depart from the joint submission. There was a suggestion in argument before the Committee that counsel knew other facts, not in the record, that supported the joint submission. When that occurs, there will be a risk that the joint submission will not be accepted. In this case, the Committee was satisfied that the SAF and oral testimony provided a proper basis for it to accept the joint submission.

38. Further, a thorough justification of the joint submission on the record is essential to the profession's and public's perception. As the court in *Anthony-Cook* stated at paragraph 57:

> Unless counsel put the considerations underlying the joint submission on the record "though justice may be done, it may not have the appearance of being done; the public may suspect, rightly or wrongly, that an impropriety has occurred".

39. The costs penalty of $2,000 recommended as part of the joint submission is also accepted by the Committee. That amount reflects the LSA's full bill of cost to date. Its very small amount is due largely to the cooperation of Mr. Kramar and his early admission of guilt.

Referral to the Solicitor General

40. Section 78(6) of the *Act* states:

> Notwithstanding subsections (1) to (4), if following a hearing under this Division, the Hearing Committee or the panel of Benchers is of the opinion that there are reasonable and probable grounds to believe that the member has committed a criminal offence, the Hearing Committee or the panel, as the case may be, shall forthwith direct the Executive Director to send a copy of the hearing record to the Minister of Justice and Solicitor General.

41. In circumstances where Section 78(6) is triggered, the referral to the Minister of Justice and Solicitor General is mandatory, rather than discretionary (*Amantea*, *supra*, at para. 75, and *Law Society of Alberta v. Gish*, [2006] LSDD No. 132 at para. 25).

42. Section 380(1) of the Criminal Code provides:

> 380(1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretense within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service,
>
> (a) [not applicable]
>
> (b) is guilty
>
> (i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or
>
> (ii) of an offence punishable on summary conviction
>
> where the value of the subject-matter of the offence does not exceed $5,000.

43. This Committee finds that there are reasonable and probable grounds to believe that Mr. Kramar has committed a criminal offence.

Concluding Matters

44. On October 9, 2020, the Committee ordered, pursuant to Section 72 of the *Act*, that Mr. Kramar:
    1) Shall be suspended for four months commencing November 1, 2020; and
    2) Shall pay $2,000 in costs to the LSA by October 31, 2020.

45. A notice to the profession pursuant to section 85 of the *Act* is required in the circumstances of a suspension and that notice was issued on October 15, 2020. The Committee recommends that in the future the notice to the profession should indicate that the sanction reflects the acceptance of a joint submission when that is the case.

46. The Committee directs the Executive Director of the LSA to send a copy of the hearing record to the Minister of Justice and Solicitor General.

47. The exhibits, other hearing materials, and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Mr. Kramar will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, on October 27, 2020.

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Kenneth Warren, QC

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Michael Mannas

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Glen Buick

Schedule 1

IN THE MATTER OF *LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
LEV KRAMAR
A MEMBER OF THE LAW SOCIETY OF ALBERTA

HEARING FILE NUMBER HE20200114

STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was admitted as a member of the Law Society of Alberta on August 19, 2010, and since that time I have practiced in Calgary, Alberta.

2. My present status with the Law Society of Alberta is Active/Practicing.

3. I am currently employed by a mid-sized firm in Calgary. My practice consists of primarily corporate law and real estate conveyancing.

CITATION

4. On May 12, 2020, a Conduct Committee Panel referred the following conduct to a hearing:

> 1. It is alleged that Lev Kramar submitted in excess of 50 false health benefit claims to his law firm's benefit provider and that such conduct is deserving of sanction.

ADMISSION OF FACTS

5. I admit as facts the statements in this Statement of Admitted Facts and Admission of Guilt for the purpose of these proceedings.

6. Between May 2017 and May 2018, I submitted 53 false insurance benefit claims to my law firm's benefit provider. The claims were submitted online and were for alleged chiropractic, massage, and acupuncture services on behalf of my wife and myself.

7. On July 4, 2018, I was contacted by the benefit provider and advised that it had completed a standard review to verify the claims I had submitted for reimbursement between May 2017 and May 2018. After contacting various service providers listed on my claims, the benefit provider determined that "53 of my submitted claims were

not rendered as submitted and falsely bear the practitioner's names and professional credentials".

8. The benefit provider further advised I was required to repay the amount of $3,183.20, which was the amount that they had reimbursed from the $4,416.53 in false benefit claims that I had submitted.

9. I co-operated fully with the benefit provider and repaid the full amount of $3,183.20 to the benefit provider in early August 2018. To the best of my knowledge, the benefit provider is making no further investigations and taking no further action in this matter

10. My law firm issued a letter of reprimand to me regarding the false benefit claims and removed my signing authority on the firm's trust accounts. My law firm has advised the Law Society that it will be closely monitoring my behavior and that a partner will meet with me regularly to ensure that I am receiving additional guidance and support in relation to the professional code of conduct.

11. My law firm also undertook a precautionary internal audit of business expenses submitted by me for reimbursement by the firm, and reviewed my corporate interests and trust transactions authorized by me. My law firm found no irregularities with my expense claims, and no trust transaction irregularities.

12. On October 23, 2018, my law firm contacted the Law Society to report my misconduct concerning the false health benefit claims. Upon being contacted by the Law Society with regard to the law firm's report, I readily admitted to submitting the false health benefit claims, and cooperated promptly and fully with the Law Society's complaint and investigation process.

13. The complaint giving rise to this matter was the first and only complaint that has ever been made about me to the Law Society, whether before or after the subject incidents. I have never before been sanctioned by the Law Society. To the best of my knowledge, there are no other complaints to the Law Society pending against me.

14. During the two years since May of 2018 until now I have adhered to all disciplinary and precautionary measures put in place by my law firm. I have taken responsibility for my actions, and expressed genuine regret and remorse for my mistakes.

ADMISSION OF GUILT

15. I admit that I submitted in excess of 50 false health benefit claims to my law firm's benefit provider, and that such conduct is deserving of sanction.

ACKNOWLEDGEMENTS

16. I acknowledge that I have had the opportunity to consult legal counsel.

17. I acknowledge that I have signed this Statement of Facts and Admission of Guilt freely and voluntarily.

18. I acknowledge that I understand the nature and consequences of this Admission.

19. I acknowledge that, although entitled to deference, the Hearing Committee is not bound to accept a joint submission on sanction.

DATED THE 27th DAY OF August, 2020

"Lev Kramar"

Lev Kramar