

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

BIJAN AHMADIAN

RESPONDENT

AMENDED CITATION

TO: Bijan Ahmadian
c/o Wiebe Wittmann Robertson LLP
Suite 1100 - 1111 West Hastings Street
Vancouver, BC V6E 2J3

AND TO: His Solicitor, Gavin Cameron
Fasken Martineau DuMoulin LLP
Bentall 5, 2900 - 550 Burrard Street
Vancouver, BC V6C 0A3

TAKE NOTICE THAT by direction of the Discipline Committee of the Law Society of British Columbia, a Hearing Panel of the Law Society will, at a date and time to be set, conduct a hearing to inquire into your conduct or competence as a member of the Law Society of British Columbia, in accordance with section 38 of the *Legal Profession Act*. Parts 4 and 5 of the Law Society Rules outline the procedures to be followed at the hearing. Your appearance before the Hearing Panel may be your only opportunity to present evidence, call witnesses or make submissions.

The allegations against you are:

Client 421 – [REDACTED]

1. Between approximately January 2019 and May 2020, you used your trust account to receive some or all of the \$834,227.62 in funds set out in Table 1 at Schedule “A” that you credited to your client [REDACTED], or to disburse some or all of

the \$778,285.40 in funds set out in Table 2 at Schedule “A”, or both, and you failed to do one or more of the following:

- (a) provide any substantial legal services;
- (b) make reasonable inquiries about the circumstances, including, but not limited to:
 - (i) the subject matter and objectives of your retainer;
 - (ii) the source of the funds;
 - (iii) the purpose of the payment of the funds;
 - (iv) the reason for the payment of funds to or through your firm’s trust accounts;
- (c) make a record of the results of any inquiries about the circumstances; and
- (d) take reasonable steps to obtain appropriate instructions to pay out the funds as soon as practicable on completion of any services to which the funds related.

This conduct constitutes professional misconduct or a breach of the Act or rules, pursuant to section 38(4) of the *Legal Profession Act*.

2. In approximately January 2019, you acted in a conflict of interest when you acted, without written consent, for both [REDACTED] and [REDACTED] and [REDACTED] in relation to a mortgage loan, contrary to rule 3.4-1 of the *Code of Professional Conduct for British Columbia* and your fiduciary duties.

This conduct constitutes professional misconduct, pursuant to section 38(4) of the *Legal Profession Act*.

Clients 271 - [REDACTED] and [REDACTED]

3. In approximately April 2018 and May 2018, you used your trust account to receive some or all of the \$567,872 in funds set out in Table 1 at Schedule “B” that you credited to your clients [REDACTED] and [REDACTED], or to disburse some or all of the \$565,614.66 in funds set out in Table 2 at Schedule “B”, or both, and you failed to do one or more of the following:

- (a) provide any substantial legal services;
- (b) make reasonable inquiries about the circumstances, including, but not limited to:
 - (i) the subject matter and objectives of your retainer;

- (i) the source of the funds;
 - (ii) the purpose of the payment of the funds;
 - (iii) the reason for the payment of funds to or through your firm's trust accounts; and
- (c) make a record of the results of any inquiries about the circumstances.

This conduct constitutes professional misconduct, pursuant to section 38(4) of the *Legal Profession Act*.

4. ~~In approximately May 2018, in relation to your clients, [REDACTED] and [REDACTED], you created documents that you knew or ought to have known were misleading or false, or both, contrary to rule 2.2-1 of the Code of Professional Conduct for British Columbia.~~

~~This conduct constitutes professional misconduct, pursuant to section 38(4) of the *Legal Profession Act*.~~

Client 272 – [REDACTED]

5. In approximately June 2018 and August 2018, you used your trust account to receive or disburse, or both, some or all of \$600,000 that you credited to your client [REDACTED], and you failed to do one or more of the following:
- (a) provide any substantial legal services;
 - (b) make reasonable inquiries about the circumstances, including, but not limited to:
 - (i) the subject matter and objectives of your retainer;
 - (ii) the source of the funds;
 - (iii) the purpose of the payment of the funds;
 - (iv) the reason for the payment of funds to or through your firm's trust accounts; and
 - (c) make a record of the results of any inquiries about the circumstances.

This conduct constitutes professional misconduct or a breach of the Act or rules, pursuant to section 38(4) of the *Legal Profession Act*.

6. In approximately July 2018 and August 2018, you acted in a conflict of interest when you acted, without written consent, for [REDACTED], and [REDACTED] and [REDACTED] doing business as [REDACTED] BC Ltd., in an

investment matter, contrary to rule 3.4-1 of the *Code of Professional Conduct for British Columbia* and your fiduciary duties.

This conduct constitutes professional misconduct, pursuant to section 38(4) of the *Legal Profession Act*.

If you fail to appear at the hearing, the Hearing Panel may proceed with the hearing in your absence and make any order that it could have made had you been present.

THIS CITATION AMENDED pursuant to Rule 5-4.2(1)(a) of the Law Society Rules.