

THE LAW SOCIETY OF BRITISH COLUMBIA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, c. 9

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

FAIYAZ AHMAD DEAN

RESPONDENT

AMENDED CITATION

TO: **Faiyaz A. Dean**
400-319 W. Hastings Street
Vancouver, BC V6B 1H6

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 while 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:

1. Between approximately November 2014 and December 2016, on behalf of one or more of Company A, Company B, AK, FB, VC, Company C, Company D, Company E, Company F and Company G, you used or permitted the use of your firm's trust accounts to receive or disburse, or both, some or all of approximately \$1,100,000 USD and \$170,000 CAD, (the "Transactions") and failed to do one or more of the following in connection with the Transactions:

- (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; or
 - iv. the reason for the payment of the 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 conduct unbecoming the profession, pursuant to section 38(4) of the *Legal Profession Act*.

2. Between approximately December 2010 and June 2013, you engaged in activities that you knew or ought to have known assisted in or encouraged dishonesty, crime or fraud, contrary to one or both of Chapter 4, Rule 6 of the *Professional Conduct Handbook* [prior to December 31, 2012] and rules 3.2-7 and 3.2-8 of the *Code for Professional Conduct of British Columbia* [from January 1, 2013]. In particular, in the course of acting for one or more of Company H, Company I and SD, you assisted one or both of FV (aka GC) and JP, third parties, in a fraudulent scheme to manipulate the market for shares of Company J and effect the illegal sale of unregistered Company J stock.

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

3. Further or in the alternative to allegation 2, in approximately April and May 2013 on behalf of one or more of your clients RR, RS, Company I and SD, you used or permitted the use of your firm's trust accounts to receive or disburse, or both, some or all of approximately \$550,000 USD (the "Transactions"), and failed to do one or more of the following in connection with the Transactions:

- (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; or
 - iv. the reason for the payment of the 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. On November 27, 2019, in respect of your participation in a fraudulent scheme to manipulate the market for shares of Company J and effect the illegal sale of unregistered Company J stock, you were found to have violated, by the United States District Court, Southern District of New York, Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)], Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)], and Section 5 of the Securities Act [15 U.S.C. § 77e].

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

5. Between approximately September 2012 and December 2016, you failed to obtain, record and verify client identification information, contrary to Rules 3-100, 3-102, 3-103, 3-104, 3-105, 3-106 and 3-107 [Rules 3-93, 3-95, 3-96, 3-97, 3-98, 3-99 and 3-100 prior to July 1, 2015] of the Law Society Rules in connection with one or more of Company A, Company B, AK, FB, VC, Company C, Company D, Company E, Company F, Company G, Company I, SD, RR and RS.

This conduct constitutes professional misconduct, or a breach of the Act or rules,
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.