

In the Matter of Gregory John Casey

Case No: SCT/43
Date of Hearing: 29 November 2000
Appearing Before: Mr G C Fox (Chairperson)
Mrs C C Endicott
Ms D A Wilson (Lay Member)
Penalty: Struck off.

Charges

1. That the practitioner committed professional misconduct by engaging in criminal activities of which he was convicted in the District Court at Brisbane on 30 June 2000 viz that:

Particulars

- (a) On the 18th day of November 1994 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$10,700.00 from funds provided by SGP and KSE towards the total cost of the purchase of land and a house and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$96,000.00, with intent thereby then to defraud.
- (b) On the 25th day of November 1994 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$4,900.00 from funds provided by RSH and PEH towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$45,000.00, with intent thereby then to defraud.
- (c) On the 2nd day of December 1994 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$5,000.00 from funds provided by RHM and CM M towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to

deliver to the practitioner and others a sum of money, namely \$45,000.00, with intent thereby then to defraud.

- (d) On the 2nd of December 1994 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$6,000.00 from funds provided by AJH and MAH towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the Practitioner and others a sum of money, namely \$105,000.00, with intent thereby then to defraud.
- (e) On 8th day of December 1994 at or near Brisbane in the State of Queensland, the Practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$3,800.00 from funds provided by MLC and LCC towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$42,075.00, with intent thereby then to defraud.
- (f) On the ninth day of December 1994 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$6,000.00 from funds provided by SGM and AFP towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$104,500.00, with intent thereby then to defraud.
- (g) On the 10th day of January 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$4,600.00 from funds provided by TCP and KPP towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$41,000.00, with intent thereby then to defraud.
- (h) On the 27th day of January 1995 at or near Brisbane in the State of Queensland, the

practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$6,000.00 from funds provided by BJR towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$105,000.00, with intent thereby then to defraud.

- (i) On the 10th day of February 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$5,000.00 from funds provided by JMR and VDR towards the total cost of the purchase of land and house and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$93,955.00, with intent thereby then to defraud.
- (j) On the 22nd day of February 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$5,000.00 from funds provided by SJS and GMS towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$44,500.00, with intent thereby then to defraud.
- (k) On the 1st day of March 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$14,450.00 from funds provided by GJL and PL towards the total cost of the purchase of land and a house and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$130,000.00, with intent thereby then to defraud.
- (l) On the 3rd day of March 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$4,920.00 from funds provided by GDF and LAF towards the total cost of the

purchase of land and a house and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$84,000.00, with intent thereby then to defraud.

- (m) On the 29th day of March 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$7,250.00 from funds provided by MAL and KJL towards the total cost of the purchase of land and a house and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$110,000.00, with intent thereby then to defraud.
- (n) On the 19th day of April 1995 at or near Brisbane in the State of Queensland, the practitioner falsely pretended to an employee of Commonwealth Bank of Australia that there was a genuine arrangement for the payment of a deposit of \$5,000.00 from funds provided by JPD and LRD towards the total cost of the purchase of land and thereby induced the said Commonwealth Bank of Australia to deliver to the practitioner and others a sum of money, namely \$6,005.00, with intent thereby then to defraud.

Appearances

- (a) For the Council of the Queensland Law Society Incorporated:
Ms J A Schafer, solicitor, Thynne & Macartney solicitors.
- (b) For the practitioner:
There was no appearance on behalf of the practitioner.

Findings and Orders

1. The tribunal orders that the Council of the Queensland Law Society Incorporated be granted leave to amend the notice of charge by adding at the foot of the notice of charge the following words:

The Council alleges that the charges constitute professional misconduct and in the event of such charges being proved to the satisfaction of the tribunal, seeks an order that his name may be struck off the Roll of Solicitors of the Supreme Court of Queensland or that he be suspended from practice or such other order as the tribunal may make pursuant to the Queensland Law Society Act 1952.

4. The tribunal finds the charges proved and that the charges constitute professional misconduct. The tribunal finds the practitioner guilty of professional misconduct.
5. The tribunal orders that the practitioner's name be struck from the Roll of Solicitors of the Supreme Court of Queensland.
6. The tribunal further orders that the costs of and incidental to this application be paid by Gregory John Casey, those costs to be agreed, and in default of

agreement, as assessed by Monsour Legal Costs Pty Ltd.

Reasons

In making its orders, the tribunal takes into account the correspondence from the practitioner's solicitors acknowledging and consenting to the outcome the tribunal has arrived at. The tribunal also takes into account the nature of the charges and the gross breaches of trust that they reflect.

The Solicitors Complaints Tribunal

In the Matter of Practitioner X

Case No: 41
Date of Hearing: 29 November 2000
Appearing Before: Mr G C Fox (Chairperson)
 Mrs C C Endicott
 Ms D A Wilson (Lay Member)
Penalty: Fined \$9,000.00

Charges

On 29 November 2000 the Solicitors Complaints Tribunal heard charges laid by the Council of the Queensland Law Society by notice of charge dated 18 July 2000 against practitioner X. The practitioner admitted the following charges:

Client A

1. That in breach of Section 5H of the Queensland Law Society Act 1952 (as amended) ("the Act") the practitioner committed professional misconduct by failing to comply with a requirement of the Council for a period of no less than 14 days after notice was given to him under Section 5H(2) of the Act.

Particulars

- (a) By letter on behalf of the Council to the practitioner dated 23 April 1999, the practitioner was requested to provide, by 21

May 1999, a sufficient and satisfactory written explanation of the matters referred to in a letter of complaint dated 7 April 1999 from Client A to the Council;

- (b) The practitioner did not reply to that letter dated 23 April 1999;
- (c) By letter on behalf of the Council to the practitioner dated 11 May 1999, the practitioner was requested to provide, by 21 May 1999, a sufficient and satisfactory explanation of Client A's complaint dated 7 April 1999 and his further letter dated 4 May 1999;
- (d) The practitioner did not reply to that letter by 21 May 1999;
- (e) By a letter on behalf of the Council to the practitioner dated 25 May 1999, the Council requested a response from the practitioner by 31 May 1999, failing which a Section 5H(2) notice would be served upon him;
- (f) The practitioner did not reply to that letter dated 25 May 1999;
- (g) By notice on behalf of the Council to the practitioner dated 1 June 1999, a copy of which was forwarded by facsimile transmission to the practitioner that day, the practitioner was notified that his failure to furnish an explanation