

including reserved costs in connection with Notice of Charge Nos. 2 & 8 and directs that such costs be taxed.

5. The Tribunal further orders that Patrick Desmond Mallett be granted twelve months within which to pay costs.

Reasons

The practitioner through his solicitor has admitted that charges 2, 3 and 4 of Notice of Charge No. 2 and charges 1, 2 and 3 of Notice of Charge No. 8 constitute professional misconduct. He has further accepted that charges 1 and 5 of Notice of Charge No. 2 constitute unprofessional conduct.

The solicitor for the practitioner has acknowledged that the appropriate penalty is that the practitioner's name be struck from the Roll of Solicitors of the Supreme Court of Queensland.

The Solicitors Complaints Tribunal

In the Matter of Mark Allan Creedon

Case No: SCT/9
Date of Hearing: 30 June 1998
Appearing Before: Mr T M Treston (Chairperson)
Mr M Meadows
Mrs M Green (Lay Member)
Penalty: Strike off

Charges

1. On or about 16 May 1997 and 28 May 1997, whilst in possession for safe custody purposes of five certificates of title, the practitioner forged documents purporting to be mortgages over the said properties. Particulars of the mortgages forged by the practitioner are as follows:

"First Mortgage" - \$150,000.00

"Second Mortgage" - \$300,000.00

In connection with the first mortgage, the practitioner forged the signatures of his clients on the following documents:

- (a) a form of acceptance dated 16 May 1997 of a letter of offer dated 15 May 1997;
- (b) a loan statement, authority and undertaking dated 16 May 1997;
- (c) a trust account authority dated 16 May 1997.

2. In relation to the second mortgage, the practitioner forged the signatures of his clients on the following documents:

- (a) a loan statement, authority and undertaking dated 28 May 1997;
- (b) a warrant;
- (c) a trust account authority dated 28 May 1997;
- (d) a consumer credit code declaration dated 28 May 1997.

3. The practitioner fraudulently misappropriated the sum of \$185,165.43, banked and receipted 7 August 1997, being the proceeds of a superannuation payment from the Government Superannuation Office received in trust for an estate.

4. The practitioner fraudulently misappropriated the following further trust moneys:

- (a) \$100,000.00, being funds provided to him on account of private mortgage purposes; and
- (b) \$130,000.00, being funds provided on account of private mortgage purposes.

Each of the above amounts was credited to an unrelated trust ledger as follows:

Date	Amount
02/05/96	\$100,000.00
30/07/96	\$130,000.00

5. The practitioner fraudulently misappropriated trust moneys held by him as follows:

Date	Cheque No.	Amount
02/04/97	001141	\$32,500.00
09/07/97	001155	\$46,000.00

The moneys so misappropriated were applied by the practitioner:

- (a) as to the sum of \$32,500.00 by payment to the practitioner's general account;
 - (b) as to the sum of \$46,000.00 by purchase of a Jeep Cherokee motor vehicle.
6. The practitioner fraudulently misappropriated further trust moneys by:
- (a) drawing cheques upon a series of trust accounts held by him on behalf of various clients;
 - (b) entering in the cashbook/ledger incorrect details relating to the payees of such cheques; and
 - (c) paying such cheques to payees unconnected with the said clients.

Findings and Orders

1. Upon the acknowledgment of the practitioner, Mark Allan Creedon through his Counsel, for the purposes of these proceedings, that the allegations contained in the Notice of Charge are admitted, the Tribunal finds the practitioner guilty of those charges. The Tribunal finds those charges constitute professional misconduct. The Tribunal finds the practitioner guilty of professional misconduct.
2. The Tribunal orders that the name of the practitioner, Mark Allan Creedon, be struck from the Roll of the Solicitors for the Supreme Court of Queensland.
3. The Tribunal orders that the Queensland Law Society's costs of and incidental to this application be taxed and paid by Mark Allan Creedon.

Reasons

The Tribunal has found the practitioner guilty of charges of forgery and misappropriation of trust monies. Regardless of the amounts involved they are serious matters and satisfy the Tribunal that the practitioner is not a fit and proper person to remain on the Roll of Solicitors. Further in this case the practitioner's counsel has advised that he is not opposed to the striking off order.

The Solicitors Complaints Tribunal

In the Matter of Ronald James Webster

Case No. SCT/6
Date of Hearing: 3 July 1998
Appearing Before: Mr J S P O'Keeffe (Chairperson)
Mr A MacGillivray
Ms D A Wilson (Lay Member)
Penalty: Suspended for 1 year

Charges

On 3 July 1998 the Solicitors Complaints Tribunal heard the charges set out in the Notice of Charge dated 24 March 1998, as follows:

1. That in breach of Rules 82(2), 82(3) and 82(5) of the Rules of the Society, the practitioner failed to give to the Council a sufficient and satisfactory explanation of the matters referred to in the complaints set out below.

Particulars

- (a) In connection with the matter of a complaint by Mr and Mrs S and B Pty Ltd
 - i) By letter 17 October 1996 the Secretary requested the practitioner to furnish within 14 days a sufficient and satisfactory written response to a complaint dated 12 October 1996. No reply was received within that time.
 - ii) By letter 4 November 1996 the Deputy