

In the Matter of Patricia Lee Roskam

Case Number: SCT/85

Date of Hearing: 12 November 2002

Appearing Before: Mr P Cooper (Presiding Member/Practitioner Member)

Mr P Mullins (Practitioner Member)

Ms I Vallin-Thorpe (Lay Member)

Penalty: Not to be employed

Charges

1. That the Employee is guilty of misconduct or default in relation to a Practitioner's practice;

Particulars

- (a) In or about 8 October 2001 the Employee was employed as an Office Trainee by J Pty Limited being the company that employs the staff and provides office facilities for the firm, A Solicitors.
- (b) RB is a Solicitor and the principal of the firm of A Solicitors and a Director of J Pty Limited.
- (c) In the course of his business RB uses an EFTPOS terminal to accept payments by clients of accounts.
- (d) On or about 22 October 2001 RB received a statement for his Firm's general account for the week ending 12 October 2001 that showed there had been a credit card transaction on 8 October 2001 withdrawing \$410.00 from his Firm's General Account using the said EFTPOS terminal.
- (e) On or about 23 October 2001 RB received a statement for his Firm's general account for the week ending 19 October 2001 that showed there had been a further credit card transaction on 15 October 2001 withdrawing \$400.00 from his Firm's General Account using the said EFTPOS terminal.
- (f) RB did not authorise any person to use the Firm's EFTPOS terminal so as to debit his General Account in respect of either sum.
- (g) Enquiries at A Solicitors Bank, indicated that the Employee was responsible for withdrawing the said sums from A Solicitors General Account and transferring the money into her own account.
- (h) Following a Police investigation the Employee was charged with two offences, namely dishonest misapplication of money and dishonest application of property relating to the withdrawal of the said sums of money from the General Account of A Solicitors.
- (i) On 10 December 2001 the Employee appeared before the Inala Magistrates Court and pleaded "guilty" to the above charges at which time she was fined the sum of \$600.00 in default 12 days imprisonment. Restitution was ordered in the sum of \$810.00 and no conviction was recorded.
- (j) The Employee has made restitution in the sum ordered.

Appearances

- (a) For the Council of the Queensland Law Society Incorporated:
Mr P Ryan Solicitor of Messrs Biggs & Biggs Solicitors
- (b) For the Employee:
There was no appearance on behalf of the Employee.

Findings and Orders

1. The Tribunal finds the Employee guilty of the charges set out in the Notice of Charge.
2. The Tribunal orders that, as from today, a person must not employ the Employee in relation to a practitioner's practice.
3. The Tribunal orders that the Employee pays the costs of the Queensland Law Society Incorporated which costs are to be assessed by Monsour Legal Costs Pty Ltd and shall include the costs of the recorder and the Clerk to the Tribunal.

Reasons

Our reasons for finding as charged is that the public are entitled to expect of all people working in a law office, the same standards of honesty, which obviously are lacking in this case.

It is also noted that there is a conviction recorded against the Employee by the Magistrate's Court on 25 June 2002. The Tribunal also notes that by correspondence, she has in fact pleaded guilty to the charges.

In relation to the question of costs, please note that the Tribunal orders that the costs of the recorder and the Clerk to the Tribunal be included as well.