

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

OFFICE: Brisbane
NUMBER: 008/05

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: ANTHONY DAVID BUTLER

DISCIPLINE APPLICATION

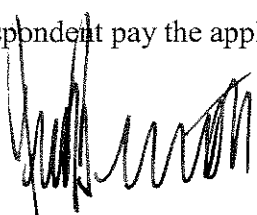
A. DETAILS OF APPLICATION

This application is made under section 276 of the *Legal Profession Act 2004* ("Act").

On the facts stated in the particulars of charge set out below, the applicant seeks the following orders:

1. Pursuant to section 282 of the Act that the respondent is guilty of unsatisfactory professional conduct.
2. Such further or other orders or directions as may be just.
3. The respondent pay the applicant's costs of the application.

Signed:



Description: **Legal Services Commissioner**

Dated:

15/7/05

RECEIVED
15 JUL 2005
by T. Hedman
LEGAL PRACTICE COMMITTEE

DISCIPLINE APPLICATION
Filed on behalf of the Applicant
Rule 4(1) Legal Profession (Tribunal and Committee) Rule 2004
Form LPC, Version 1

Legal Services Commission
Level 25, 307 Queen Street
Brisbane Qld 4000
Telephone: (07) 3406 7737
Facsimile: (07) 3406 7749

B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charge constitutes unsatisfactory professional conduct:

1. The respondent failed during the period January 2003 until January 2004 to provide a Form 32a Lawyers Certificate ("**Certificate**") to various purchaser clients in contravention of section 365B(2) of the *Property Agents and Motor Dealers Act 2000*.

Particulars

- 1.1. At all material times, the respondent was:
 - (a) a legal practitioner;
 - (b) a principal in the law practice of Butler & Clements Lawyers ("**firm**")
 - (c) responsible for the conduct and/or supervision of conveyancing matters within the firm.
- 1.2. During the 12 month period between January 2003 to January 2004, the respondent acted for various purchasers of real property in 178 conveyancing transactions ("**transactions**"). Details of the transactions are set out in annexures "A" and "B" to this application.
- 1.3. In respect of each transaction:
 - (a) the purchasers were referred to the firm by employees of the selling agent for the property, No Limit Pty Ltd ("**selling agent**");
 - (b) the respondent failed to provide each purchaser with a Certificate;
 - (c) the respondent failed to disclose to the purchaser clients a relationship with the selling agent;
 - (d) the respondent knew, or ought to have known of the obligation to provide purchaser clients with a Certificate either at or about the time of receiving instructions to act for the client or, in any event, at a time prior to settlement of each transaction;

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by *P. Norman*
LEGAL PRACTICE COMMITTEE

- 1.4 The respondent acted for the purchaser clients and permitted the purchaser clients to effect settlement of the transactions, notwithstanding the matters referred to above.

C. TO THE RESPONDENT(S)

Mr Anthony Butler of c/- Tucker & Cowen, Solicitors Level 15, 15 Adelaide Street, Brisbane Qld 4000

This application will be heard by the Committee at a time and date to be fixed.

Filed with the Committee on 15/7/2005

RECEIVED
15 JUL 2005
by *E. Hedman*
LEGAL PRACTICE COMMITTEE

Secretariat:

If you wish to contest this application, or to make submissions on penalty, you must lodge a Notice of Address for service with the Secretariat within fourteen [14] days of service of this application on you. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. If you fail to file a Notice of Address for service with the Secretary within fourteen [14] days of service of this application on you, the matter will be heard in default of your appearance, on a date to be fixed being not less than twenty one [21] days after service of this application on you.

D. SERVICE

APPLICANT'S ADDRESS FOR SERVICE:

Name:	Legal Services Commission
Applicant's business address:	Level 25, 307 Queen Street. Brisbane Qld 4000
Address for service:	As Above
DX:	DX 40118 Brisbane Uptown
Telephone:	(07) 3406 7737
Fax:	(07) 34067749
E-mail address:	www.lsc@lsc.qld.gov.au

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NAME NUMBER FILE STATUS
S-settled T-terminated

ROYAL DALES - OLYMPUS DRIVE, ROBINA

NAME	NUMBER	FILE	STATUS
BALKAS	LOT 550	12669	S
BORRADALE	LOT 530		S
BRIDE	LOT 536	12861	T
CANDY	LOT 547	12989	S
FISHER	LOT 555	12580	T
FRANCIS	LOT 546	12562	T
FRIEND & PLUNKETT	LOT 546	12509	T
GOSLING	LOT 570	12911	T
JOHNSON & PURDY	LOT 549	12598	S
LAMONT	LOT 534	12769	S
LOANE	LOT 553	13220	S
MAHARAJ	LOT 567	13237	S
MARSHALL	LOT 548	12660	S
McLEOD	LOT 515	13223	S
McPHEE	LOT 552	12661	S
OGDEN	LOT 555	12762	S
OSBORNE	LOT 556	12544	T
ROBINSON	LOT 515	12846	T
RIEDERICH	LOT 546	12888	S
ROGERS & JENSEN	LOT 556	12713	T
SALTER	LOT 551	12759	S
SMITH	LOT 532	12763	T
SORRELL	LOT 553	12676	T
TRACEY	LOT 554	12683	S
WALKER & BETTS	LOT 517	12781	S
WILSON	LOT 516	12860	S
WOODALL	LOT 533	12806	S
YOUNG & PHILLIPS	LOT 515	12871	T
	LOT 563	12863	T

THE GRANGE - NICOL WAY, STRATHPINE

NAME	NUMBER	FILE	STATUS
ALLAN	LOT 520	12801	T
ANDREW	LOT 703	12466	T
ARAMOANA	LOT 701	12709	T
BARLOVIC	LOT 1031	12823	T
BOLTON	LOT 526	12116	T
BULAUAN	LOT 317	12075	T
CAMILLERI & BROZIC	LOT 1013	12567	T
CHILLCOTT	LOT 805	12336	T
DELMARLLOW & NIURSE	LOT 911	12309	T
DIXON	LOT 1019	12828	T
DONOVAN	LOT 410	12588	T
DOUGLAS	LOT 501	12234	T
DOYLE	LOT 309	11915	T
ETHERIDGE & CLUTTERBUCK	LOT 431	12076	T
GEISLHART	LOT 110	12438	T
GOODCHILD	LOT 202	11576	T
GREGORY	LOT 701	12461	T
GROGERLY	LOT ???	12367	T
HALL	LOT 302	11850	T
HARRIS	LOT 424	11951	T
HUNTER	LOT 525	12077	T
HUSSAIN	LOT 328	11749	T
HUTCHINSON	LOT 407	12112	T
JENSEN	LOT 902	12546	T
KENEDY	LOT 1019	12734	T
LANE	LOT 431	12787	T
LUPONE	LOT 802	12358	T
MALONE & DIXON	LOT 514	12099	T
McEARCHEN	LOT 202	11747	T

NAME	NUMBER	FILE	STATUS
		S-settled	T-terminated
MICESKI	LOT 214	12326	T
MIERZWA	LOT 728	12355	T
MIHALJ	LOT 323	12235	T
MOND	LOT 1008	12555	T
MORABITO	LOT 431	12494	T
NATOLI	LOT 1009	12566	T
NAVARRO	LOT 413	11946	T
NEANG	LOT 711	12184	T
PATTEN & OLIVER	LOT 328	12253	T
PENGLASE	LOT 1019	12512	T
PISKOR	LOT 511	12391	T
RYAN	LOT 709	12139	T
SCHOFIELD	LOT 416	12289	T
STEWART	LOT 503	12163	T
SZKUTA	LOT 620	12119	T
THUAN & KENNEDY	LOT 1013	12851	T
WESTHEAD	LOT 628	12107	T
WHITE & SACCO	LOT 432	12330	T
WILKINSON	LOT 419	12225	T
ZERAFI	LOT 411	12136	S
YOUNG	LOT 532	12058	S
WREN	LOT 316	11849	S
WHITE & SACCO	LOT 409	12947	S
WHITE & SACCO	LOT 126	12387	S
WALPOLE	LOT 108	11848	S
VIVIAN	LOT 402	12710	S
TYE	LOT 111	11827	S
TORNSE	LOT 128	12038	S
TAYLOR	LOT 113	11771	S
SYMSS	LOT 419	12767	S
STEVENSON	LOT 207	11667	S
STEVENSON	LOT 224	11666	S
SOWERBY	LOT 412	12100	S
SOLC	LOT 129	11773	S
SMITH	LOT 226	11663	S
SEVERE	LOT 431	12820	S
SEVASTOPOULOUS	LOT 212	11593	S
SCHOLEY	LOT 420	11972	S
SAUD	LOT 218	11710	S
ROGERS	LOT 102	11815	S
RENKIN	LOT 109	11790	S
PULLEN	LOT 405	11792	S
PIGDON	LOT 319	12088	S
PERROTT	LOT 121	11774	S
PERROTT	LOT 232	11574	S
PERRONI	LOT 424	11953	S
PEMBERTON	LOT 220	11647	S
OSBORNE	LOT 103	11837	S
O'LEARY	LOT 421	12007	S
NOLAN	LOT 429	12061	S
ALBERT & CONNOR	LOT 403	12064	S
ALLESS	LOT 324	11744	S
ALMOND & JEWELL	LOT 221	11709	S
ANAGNOSTOU	LOT 430	12047	S
BAKAR & AHMED	LOT 326	12144	S
BAYNHAM	LOT 105	11943	S
BOOTH	LOT 117	11792	S
BOOTH	LOT 123	11791	S
BOULOS	LOT 303	11898	S
BOULOS	LOT 306	11899	S
BRADBURY	LOT 414	12096	S
BROWN	LOT 417	12288	S
BURNETT	LOT 115	11664	S

NAME	NUMBER	FILE	STATUS
BYRIELL	LOT 222	11862	S
CAROLAN	LOT 231	11903	S
CARROLL	LOT 201	12193	S
CENTOFANTI	LOT 425	11829	S
CLARK	LOT 114	12190	S
COCHARGE & PEARS	LOT 404	11749	S
CUGLIARI	LOT 230	11526	S
CUZZILLA	LOT 213	11648	S
DE LUCA	LOT 125	11900	S
DEAN	LOT 302	11669	S
DENNY	LOT 130	12542	S
DISSANYAKE	LOT 407	12039	S
DOWSING	LOT 305	11696	S
DYNAK	LOT 229	11573	S
EDWARDS	LOT 413	12564	S
EGBERTS	LOT 301	11755	S
EMNIYET	LOT 119	11739	S
EMMIYET	LOT 120	11738	S
FIRTH	LOT 215	11929	S
FITZGERALD & ADAMS	LOT 432	12467	S
GARRETT	LOT 410	12790	S
GRAHAM & SUMISION	LOT 328	12327	S
GRAY	LOT 415	12233	S
GREENWOOD LAUDER	LOT 118	11592	S
HALL	LOT 423	12192	S
HARDY	LOT 311	11923	S
HARDY	LOT 312	11924	S
HAWTHORNE	LOT 106	11714	S
HUNTER	LOT 122	12270	S
ITALIANO	LOT 314	11896	S
IVANKA	LOT 422	12009	S
JANSEN	LOT 219	11711	S
KANUNAKARAN	LOT 124	12215	S
KOENTJES	LOT 228	11575	S
KOETSVELD	LOT 216	11591	S
KWIATKOWSKI	LOT 116	11772	S
LAING & SHIELL	LOT 418	11973	S
LAWSON	LOT 211	11529	S
LECKIE	LOT 227	11589	S
LEDERHOSE	LOT 318	11836	S
LEE	LOT 107	11842	S
MACKOWSKI	LOT 127	11754	S
MARTELL	LOT 408	11897	S
McRAE	LOT 427	12046	S
MEEHAN	LOT 325	11896	S
MOAWAD	LOT 428	12057	S
MORSON	LOT 112	11725	S
MULDER & LYNN	LOT 205	11841	S

B

Schedule

No	Contract Date	Buyer	Seller	Property	Selling Agent
1	04.07.03	NJ Friend & DV Plunkett	Nolimit 3 P/L	Lot 570 Scots Place, Robina	Nolimit Realty Pty Ltd
2	Undated	MJ & SJ Sorrell	Nolimit 3 P/L	Lot 554 Olympus Drive, Robina	Nolimit Realty Pty Ltd
3	Undated	B J Stewart	Vynian P/L	Lot 503 The Grange, Strathpine	Nolimit Realty Pty Ltd
4	Undated	B A & C J Douglas	Vynian P/L	Lot 501, The Grange, Strathpine	Nolimit Realty Pty Ltd
5	Undated	P W Graham & M E Sumsion	Vynian P/L	Lot 328 The Grange, Strathpine	Nolimit Realty Pty Ltd
6	25.06.03	I Osbourne & R Clarke	Nolimit 3 P/L	Lot 515	Nolimit Realty Pty Ltd
7	18.07.03	J C Bride & PG Bride	Nolimit 3 P/L	Lot 536 Royal Dales, Robina	Nolimit Realty Pty Ltd
8	20.03.03	V & G Balakas	Nolimit 3 P/L	Lot 550 Olympus Dr, Robina	Nolimit Realty Pty Ltd
9	05.08.03	R P Dinan & G M Tedesco	Nolimit 3 P/L	Lot 23 Bayview Manor, Deception Bay	Nolimit Realty Pty Ltd