

4. It is, in my opinion, necessary to look at all matters the subject of the complaint filed on the 15th October, 2009 and consider the penalty taking account of the totality principle.
5. The Respondent submits that he is 53 years old today and as a result of the orders of the 25th January, 2010 has no income. He further submits that as a result of those orders and his conviction for attempting to pervert the course of justice his employment prospects are limited.
6. His wife is employed in Australia but is currently in Fiji with him. He is going to Australia for medical treatment. No evidence was placed before me of his assets or the income of his wife but he did submit that he has liabilities for a motor vehicle of \$900.00 per month and rent for his office, under an unexpired lease of \$500.00 per month.
7. He submits that an appropriate punishment would be that he be reprimanded.
8. The submissions on behalf of the Applicant urge the Commission to impose a monetary penalty.
9. Section 121 of the Legal Practitioners Decree gives to the Commission an extensive range of sentencing options.
10. The circumstances of the conduct arise from the Respondent acting for both parties in a commercial transaction, as was the case in complaint No. 4.
11. When looking at the totality of the conduct of the Respondent and taking account of the penalties imposed in complaints 1 and 4 I am of the opinion that a monetary penalty is appropriate.

Order

The Respondent is fined the sum of \$1,000.00 to be paid to the Commission within 28 days.


John Connors
COMMISSIONER.



Dated: 1st February, 2010.