



CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT)

IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF ESTES FONKALSRUD,
A LAWYER OF MOOSE JAW, SASKATCHEWAN

Formal Complaint

I, STACEY MCPEEK, of the City of Regina, in the Province of Saskatchewan, Complaints Counsel for the Law Society of Saskatchewan, do hereby certify that Brenda Hildebrandt, Q.C., Chair of the Discipline Committee of the Benchers of the Law Society of Saskatchewan, has appointed a Hearing Committee pursuant to Section 47(1) of *The Legal Profession Act, 1990*, comprised of David Rusnak, Q.C., as Chair, Judy McCuskee and Kevin Bell to hear and determine a Formal Complaint set out by the Conduct Investigation Committee consisting of Ronni Nordal and Jeff Baldwin, pursuant to Section 46(1) of *The Legal Profession Act, 1990*, against Estes Fonkalsrud, a lawyer and a member of the Law Society of Saskatchewan, carrying on the practice of law at all of the relevant times in the City of Moose Jaw, in the Province of Saskatchewan, as follows:

THAT ESTES FONKALSRUD, of the City of Moose Jaw, in the Province of Saskatchewan is guilty of conduct unbecoming a lawyer in that he:

1. did enter into a business transaction with a client, G.N., without first:
 - a. disclosing to G.N. the nature of the conflicting interest or how a conflict might develop;
 - b. determining that the circumstances required G.N. to receive independent legal advice in relation to the transaction; and
 - c. obtaining G.N.'s consent to the transaction continuing in the presence of the conflict of interest.
2. did fail to disclose a personal conflict of interest to his clients, M.B. and B.B., in the context of a sale of their property to G.N.;
3. did enter into a transaction wherein he breached his fiduciary duty to his clients, M.B. and B.B. by preferring his own interests over those of M.B. and B.B.

DATED at the City of Regina, in the Province of Saskatchewan, this 7 day of July, 2017.

STACEY MCPEEK
Complaints Counsel
for the Law Society of Saskatchewan