

Report issued: August 10, 2023

The Society of Notaries Public of British Columbia
In the matter of the *Notaries Act*, R.S.B.C. 1996, c. 334
and a hearing concerning

Wing Yang (Tammy) Tsui

**Decision of the Board of Directors
On Penalty**

Penalty Hearing Date: July 10, 2023

Panel: Tegan Tang (chair), Michelle Broughton, and Bill Chan
For the Society of Notaries Public: John Mayr
For the Member: Wing Yang (Tammy) Tsui

Background

1. Pursuant to sections 27 and 28 of the *Notaries Act* (the “*Act*”), the inquiry into this matter was conducted on March 9, 2022 and resulted in a report dated March 29, 2022 (the “*Report*”).
2. The inquiry was to determine whether Wing Yang (Tammy) Tsui (the “*Member*”) was guilty of any of the conduct described in section 28 of the *Act*.
3. The directors received the *Report* and conducted a review hearing on February 3, 2023.
4. Following the review hearing, the directors issued a written decision dated May 15, 2023 (attached as Appendix “*A*”).
5. In the directors’ decision, the directors found the *Member*’s conduct was a breach of Rule 18.04 of the *Society Rules* for non-cooperation and constitutes professional misconduct.
6. The directors also found that the *Society* had not proven that the *Member*’s conduct supported a finding of incompetence under section 28(1)(b) of the *Act*; therefore, the allegation of incompetence was dismissed.
7. This is a decision on the penalty to be imposed on the *Member* pursuant to section 35(2) of the *Act* based on the finding that the *Member* breached Rule 18.04 of the *Society Rules* for non-cooperation. The parties attended a hearing on July 10, 2023 to make submissions on the appropriate penalty.
8. The *Member* chose to attend the hearing without counsel.
9. The panel was assisted by its own counsel at the hearing and in writing this report.

10. At the conclusion of the penalty hearing, the directors issued their oral decision on penalty and indicated a written decision would follow. This is the directors' written decision on penalty.

Position of the Parties

11. The Society provided a detailed submission on the proposed penalty. The Society takes the position that the following penalty is appropriate in this case:

(1) A reprimand and a fine in the amount of \$2,500 for a breach of a provision of the *Act* or regulation or rule made under it, or of a bylaw of the Society, be entered on the record of the Member.

(2) Costs in the total amount of \$2,950 be paid by the Member, attributed as follows:

(a) Costs of the second practice inspection of \$1,250; and

(b) Costs pursuant to section 35(3) of the *Act* of \$1,700, representing the mixed success of the Society.

12. The Member did not make any submission on penalty although given the opportunity. The Member indicated that while the discipline process has been stressful, she appreciated the opportunity to remediate and improve systems and procedures at her practice. With respect to the Society's submission on penalty, she had no issues or objections.

Decision

13. The directors considered and are satisfied with the Society's proposed penalty against the Member.

14. Accordingly, the penalty shall be a reprimand and a fine in the amount of \$2,500 for a breach of Rule 18.04 of the Society Rules for non-cooperation, to be entered on the record of the Member.

15. The Member shall also bear the cost of the second practice inspection of \$1,250 and costs of \$1,700 pursuant to section 35(3) of the *Act* for a total of \$2,950.

16. The fine and costs shall be payable to the Society within 30 days of the delivery of this report.

17. The directors also recommend that the Society conduct a follow-up inspection of the Member's practice within one year from the delivery of this report to review her implementation of changes to address the practice deficiencies that gave rise to this proceeding.

All of this is submitted this 10th day of August, 2023.

Tegan Tang
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Tegan Tang, Chair