

**STENOGRAPHY
DISCIPLINARY COMMITTEE**

**C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL**

FILE NO. 2022-03-04

DATE : February 21, 2023

THE COMMITTEE : **MS. CHANTALE GERVAIS, CHAIR
MS. CHANTAL GOSSELIN, MEMBER
ME MAGALI FOURNIER, MEMBER**

MS.

Plaintiff

AND

M. DAVID DELDERFIELD

Stenographer

Decision on sanction

- [1] The Committee met on August 18, 2022, to decide the complaint presented by the Plaintiff in this file.
- [2] On October 17, 2022, the Committee rendered a decision recognizing that the Stenographer had committed an ethical misconduct by withholding for payment a deposit that had been made by the Plaintiff without first advising the Plaintiff, for example, by issuing an invoice.
- [3] As part of this decision, the Committee asked the parties for their written submissions on sanction and allocated a time frame for doing so. To date, the Committee has received representations from the Plaintiff, then from the Stenographer, and finally the Plaintiff's reply.

- [4] The Committee therefore has in its possession everything necessary to render a decision on sanction.
- [5] As already mentioned, the Committee is not a civil court, and does not have the power to issue an order for the return of a deposit, unless the amount held is in violation of the Tariff. In the present case, the Committee is of the view that only a civil court would have jurisdiction to analyze the consequences of the termination of the mandate by the Plaintiff.
- [6] The Committee has a duty to impose a sanction based exclusively on the ethical fault of not advising the Plaintiff about taking payment of the deposit.
- [7] In this regard, the Committee finds that the Stenographer was acting in good faith and believes him when he affirms that the transcript was almost finished at the time of cancellation of the mandate, and that he already had expenses related to this mandate totalling around \$344.00. The Committee has no reason to doubt his good faith as the Stenographer gave a credible testimony, not contradicted by the Plaintiff, providing exhibits to support his testimony. Accordingly, and in the circumstances of this case, the Committee finds that a reprimand is sufficient.

For these reasons, the Committee

IMPOSES a reprimand to the Stenographer.

THE WHOLE without costs.

Chantale Gervais

(Signé électroniquement / Electronically signed)

MS. CHANTALE GERVAIS, CHAIR

Chantal Gosselin

(Signé électroniquement / Electronically signed)

MS. CHANTAL GOSSELIN, MEMBER

Magali Fournier

(Signé électroniquement / Electronically signed)

ME MAGALI FOURNIER, MEMBER