

**JUDGMENT OF THE DISCIPLINARY COMMITTEE**  
**OF THE GENERAL LEGAL COUNCIL**

COMPLAINT NO. 42/2001

BETWEEN                                  DERYCK MARKS                                  COMPLAINANT

AND    DAHLIA ALLEN                                  RESPONDENT

PANEL:            MR. CHRISTOPHER BOVELL  
                       MR. ALLAN WOOD  
                       MRS. MERLIN BASSIE

Panel refers to Affidavit of service of Mervalyn Walker dated 23<sup>rd</sup> October, 2003 confirming service by registered post that notice of hearing was posted by Registered mail on 7<sup>th</sup> October, 2003 to Mrs. Dahlia Allen at her address 21 Market Street, P.O. 260, Montego Bay. There was no answer from Mrs. Allen.

On July 9, 2002, leave was granted to the complainant to give evidence by Affidavit. An Affidavit dated 14<sup>th</sup> October, 2002 was filed by Dolly Marks with exhibits 1 - 16, and exhibit B, C & D containing correspondence and copies of email between Dolly Marks and the attorney. The Affidavit and exhibits were accepted into evidence. The Panel having read the Affidavit and looked at the exhibits attached found the attorney-at-law Mrs. Dahlia Allen in breach of the Canons of Professional Ethics in that, the attorney has failed to account to her client for sums collected and also failed to pay over to her client the sum of money collected on her client's behalf in respect of sale of certain premises, 7 ½ Dillon Avenue, St. Andrew, 56 Great Pond, Ocho Rios, St. Ann and No. 15 Lady Kay Drive, St. Andrew.

Accordingly, the Panel would have had no difficulty in ordering that the attorney be struck from the roll of attorneys-at-law if she was still practising at this time. However, subsequent to the commission of the offences mentioned above, the attorney was struck off from the roll of attorneys-at-law in respect of breaches in other unrelated matters. The Panel therefore orders pursuant to section 12 (4) (c) of the Legal Profession Act that the attorney pay to the complainant the sum of \$1,847,535.01 made up as follows:

1.         \$1,627,023.92 being the balance of proceeds of sale of 15 Lady Kay Drive.
2.         The sum of \$400,000.00 being the deposit in respect of Great Pond, Ocho Rios
3.         The sum of \$52,875.72 being the arrears of rental collected by the attorney in respect of 56 Great Pond, Ocho Rios.
4.         The amount of \$218,092.17 being stamp duty paid by the complainant in respect of 17 Kensington Crescent
5.         The amount of \$249,543.20 collected in respect of sale of Lady Kay Drive which should have been converted into foreign exchange and sent to the complainant.

From the aforesaid sums totaling \$2,547,535.01, \$700,000.00 paid by the attorney has been deducted leaving the sum of \$1,847,535.01<sup>payable</sup> with interest at the rate of 12% per annum from 21<sup>st</sup> September, 2001 the date of complaint. ^

In addition, the attorney should pay costs of \$75,000.00 to the complainant being expenses incurred in respect of proceedings before the Disciplinary Committee.

Dated 31<sup>st</sup> day of October, 2003

  
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MR. CHRISTOPHER BOVELL

  
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MRS. MERLIN BASSIE

  
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MR. ALLAN WOOD