

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

COMPLAINT No. 45/2003

**IN THE MATTER of the complaint by
DOREEN MATTHEWS VS DERRICK
DARBY**

AND

**IN THE MATTER OF THE LEGAL
PROFESSION ACT, 1971**

**PANEL: MR. CHRISTOPHER BOVELL
MR. ALLAN WOOD
MISS BERYL ENNIS**

DECISION DELIVERED 20TH JUNE, 2007

The Panel refers to the further Affidavit of Complaint dated 13th June, 2007. The Panel also refers to the Affidavit of Service of notice of the hearing upon Derrick Darby by registered post on the 29th May, 2007. The Panel also refers to Affidavit of Complainant dated the 24th May, 2003.

Mr. Darby represented the complaint in the sale of premises located at 47 Coral Way, Harbour View, Kingston 17 and gave her a cheque for \$1,740,000.00 which was dishonored. Subsequently Mr. Darby paid \$1,400,000.00 by two manager's cheque, since that date Mr. Darby paid nothing. Letter of June 13, 2007 witnessed by a notary public set out the balance owed to her by Mr. Darby.

This amount paid up of balance of purchase money after costs of \$160,119.90. In addition she incurred expenses totaling \$362,619.10 being US\$4,600.00 being shortfall on the cheque which was never received.

The Panel finds Mr. Darby guilty of professional misconduct in failing to account to his client and orders Pursuant to S12 (4) (f) of the Legal profession Act, Mr. Darby is ordered to pay to the complainant by way of restitution J\$552,739.00 and US\$4, 600.00 with interest on the Jamaican dollars amount at the rate of 8

percent and at the rate of 4 percent on the United States Dollars amount computed from the 24th February, 2003 to date of payment.

Dated ^{20th} day of June, 2007

CRB

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Mr. Christopher Bovell

Allan Wood

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Mr. Allan Wood

Beryl

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Miss Beryl Ennis