

National News  
**Disgraced lawyer replaced as Tory candidate**

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A candidate for Ontario's Progressive Conservative Party has been forced to step aside following the revelation that he was disbarred for misappropriating money from his clients, some of whom lost their retirement savings.

Mario **Giangioppo**, who was representing the Tories in York West, was disbarred a decade ago after his legal peers found him to be a disgrace to his profession.

The dumping of the candidate for the Toronto-area riding occurred with two weeks remaining before voting day on Oct. 2. It left a party spokesman defending the Tories' failure to identify problems in the candidate's past before allowing him to be nominated.

Mr. **Giangioppo** was not likely to win York West. Nor is his replacement, Ted Aver, a Tory activist and retired marketing executive. Liberal Mario Sergio won the riding in 1999 by more than 11,000 votes.

Still, the loss of the candidate is especially embarrassing for a party that preaches law and order, fiscal probity and the protection of seniors, and that criticizes the federal government for allegedly failing to fully vet would-be immigrants.

Despite his disbarment, many people, including Conservative Party officials who approved Mr. **Giangioppo**'s candidacy, believed he was an active lawyer.

His biography in the party's official media listing of candidates says, "Lawyer; had own law practice for 10 years."

The Law Society of Upper Canada, the self-governing body that regulates lawyers in the province, disbarred Mr. **Giangioppo** after several clients made complaints against him and he admitted to various wrongdoing.

According to the society's discipline committee, Mr. **Giangioppo** misappropriated \$13,666.37 from client trust funds and borrowed another \$488,720 from clients, much of which he appears never to have repaid.

A spokeswoman for the Law Society said yesterday that its client compensation fund paid back about \$418,000 over the course of the 1990s to former clients of Mr. **Giangioppo**.

"The fund helps clients who've lost money because of a lawyer's dishonesty," she said.

Conservative Leader Ernie Eves said he had been consulted about the problems with the candidate. "I found out about that this morning and that candidate [Mr. **Giangioppo**] has stepped aside and we have a new candidate in that riding," he told reporters while campaigning in Essex, Ont.

"I'm happy to say that Mr. Aver will be running for us and representing us there. It's too bad that the previous candidate chose not to share that information [the disbarment] with us earlier."

Paul Rhodes, media director of the PC campaign, explained why Mr. **Giangioppo** had been asked to step aside.

"Simply put, he was not as forthcoming in his disclosures to the party as we expect our candidates to be.

"He presented himself in such a way that he was still a member of the legal profession when, in fact, he had been disbarred some years previously for various infractions with the Law Society of Upper Canada."

Mr. Rhodes said the party does check to see if a candidate's background will stand up to scrutiny.

"We have a pretty strict process that candidates go through as far as their background is concerned when they are seeking nomination. And we do background checks. But we depend upon the candidates to be forthcoming and honest when we do."

He added, "They have to sign undertakings that they've been full and forthcoming in their disclosures. In this case they weren't. The [party] president [Blair McCreadie] met with him [Mr. **Giangioppo** on Wednesday] night and he tendered his resignation [yesterday] morning."

Mr. **Giangioppo** did not want to talk to The **Globe and Mail** yesterday.

He was talking on the phone at his campaign office in a North York strip mall yesterday when a **Globe and Mail** photographer stopped by. As Mr. **Giangioppo** hurriedly left the building, the photographer was told by a campaign worker that Mr. **Giangioppo** was no longer the candidate and the campaign office was officially closed.

The worker complained that the media was ruining a man's life for events that happened 10 years ago and that Mr. **Giangioppo** never claimed to still be a lawyer.

The former candidate could not be reached for further comment.

However, an investigation by The Globe revealed that in a 10-year period the law society had suspended Mr. **Giangioppo** 12 times for minor violations before ultimately disbarring him.

The disbarment hearing said, in handing down its ruling in 1993, that, "Innocent clients were duped into believing that the trust funds entrusted to the solicitor were safe."

It added, "In a number of instances these innocent clients were deprived of their life savings. . . . The persistent path of misrepresentation engaged in by the solicitor is reprehensible to the extreme."

The Law Society found that he acted as a lawyer for both borrowers and lenders in mortgage deals, "without disclosing his conflict and without obtaining consent of either client."

But the disbarment went unmentioned on the PC Party of Ontario Web site.

"He was called to the Bar in 1982. . . . Mario began to practice law, firstly with local law firms . . . and then set up his own law firm," the Web site said when Mr. **Giangioppo** was still a candidate. "After practicing law in North York for over 10 years he increasingly became directly involved in areas of public service."

The cloud over Mr. **Giangioppo** also touched another Tory candidate, Dan Cullen in York Centre, who faced a new vetting of his credentials by Tory officials.

Records show that Mr. **Giangioppo** acted as a legal adviser and officer of Comtel Communications Inc., formerly known as **Symphony** Telecom Corp.

Mr. Cullen's biography, as presented on the Conservative Party's media guide, describes him as the "founder and president of Comtel Canada Inc."

Illustration

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