

Present: Mr G.A. Andrée Wiltens, Chair

Mr F. Gilu, Member

Mr D. Russet, Member

Also in attendance (not participating) Ms V.M Trief, former Secretary to the DC and Ms F. Williams Reur, proposed Secretary to the DC.

Decision: 26 July 2019

Non-Payment of DC Orders by Mr TJ Botleng

A. Introduction

1. Mr Botleng was directed by notice to attend the Disciplinary Committee of 23 July 2019. He did not appear as required, and accordingly has not explained why the amounts ordered to be paid for his misconduct remain outstanding for some 9 months.
2. Mr Botleng had been asked to attend to explain his non-payment and justify why the Committee should not take further action against him.

B. Discussion

3. By a decision of 15 October 2018 in relation to complaints by Tiome Edmond and Jimmy Benneth, the Disciplinary Committee fined Mr Botleng VT 250,000. He was further ordered to pay compensation to each complainant of VT 150,000; plus VT 50,000 for the costs of the hearing. The total sum was to be paid to the Committee's Secretary within 28 days.
4. That decision was forwarded to Mr Botleng on 23 October 2018.
5. By letter of 2 April 2019 the Secretary to the Disciplinary Committee reminded Mr Botleng of the orders made and the amounts outstanding. The letter pointed to the possibility of his being suspended for non-compliance.
6. The Notice of 2 July 2019 requiring Mr Botleng to attend the Disciplinary Committee meeting of 23 July 2019 contained the following:

"Your attendance is required in person to explain why it is that you have not paid the VT250,000 fines, VT150,000 compensation and VT50,000 costs as ordered by the Committee on 15 October 2018.

If your explanation is unsatisfactory, you should know that the Committee intends to suspend you from practice until such time as payment in full is received by the Secretary to the Committee (by payment made to the Corporate Services Unit of the State Law Office).

If full payment is made prior to the meeting, then your attendance will no longer be required."

7. Payment of the amounts ordered remains outstanding. There is no explanation for that before the Committee. The Committee noted also that Mr Botleng did not appeal the decision of 15 October 2018; nor has he sought extra time to pay.

C. Decision

8. The Committee is extremely disappointed by Mr Botleng's non-compliance. There appears to be only one way to ensure compliance, which follows from the warnings Mr Botleng has ignored.
9. Mr Botleng is now suspended from practice until such time as payment in full of the sums ordered (VT 450,000) has been received.
10. The Law Council is to be so informed forthwith.
11. Mr Botleng has 15 days from receipt of this decision to appeal, should he so wish.



G. A. Andrée Wiltens

Chair, Disciplinary Committee