

FRAUD ALERT

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Practitioners and their clients should be aware of an attempted fraud that occurred recently in rural Nova Scotia. A vendor listed his property for sale on the Internet. A person posing as a U.K. businessman offered to purchase the property directly from the vendor. There were a series of e-mails and phone calls between the vendor and the interested "purchaser" discussing the transaction. The vendor requested a non-refundable deposit of \$62,500 from the "purchaser".

The "purchaser" couriered the vendor a "certified cheque" in the amount of \$82,500. The cheque was drawn on an account purportedly held by a legitimate company at an Alberta branch of a nationally recognized bank. Addresses and phone numbers for the payer and the bank were included on the cheque.

When the vendor attended at his bank to deposit the cheque his banking officer called the number indicated for the Alberta bank to inquire about the authenticity of the cheque. The banking officer was told that it was "as good as gold" and that there were sufficient funds on account for the cheque to clear. The cheque was deposited and the vendor considered the funds certified.

In e-mails sent after the cheque was deposited, the "purchaser" explained to the vendor that he had received a loan from the company for this deal, as well as other transactions the "purchaser" had in process; hence it had to be in one lump sum from the loan company. The "purchaser" requested that the vendor accept \$40,000 as the deposit, instead of \$62,500 as the purchaser now needed the balance (\$42,500) to complete another deal in Japan. He asked the vendor to wire the \$42,500 to a bank account in Japan.

When the vendor began receiving these emails from the "purchaser" to wire \$42,500 to Japan, he contacted a local lawyer. His lawyer contacted the "broker" who had been identified as the "purchaser's mortgage broker" in Ontario. The broker was evasive and wouldn't provide the lawyer with the "purchaser's" name or contact information. The broker eventually said he would have the "purchaser" contact the vendor's lawyer. When the "purchaser" did contact the lawyer he said he was a 32 year old U.K. businessman. After speaking to him, the vendor's lawyer doubted this was true. The conversations the lawyer had with the broker and the purchaser, combined with the poor grammar and spelling in the "purchaser's" e-mails raised red flags in the vendor's lawyers mind. He advised his client not to return any funds.

When the vendor did not wire funds to the Japan account, the e-mails to him from the "purchaser" became aggressive and the vendor was threatened with a lawsuit. On his lawyer's advice the vendor continued to resist returning funds to the "purchaser." The "purchaser" persisted in attempting to convince the vendor to wire funds. After the

vendor's lawyer had personally spoken with the "purchaser" and "mortgage broker", the vendor received a waiver from a director of the non-existent company which appeared to authorize the release of the funds to Japan. Again, the document contained spelling errors, was not on letterhead, and in general, was suspicious.

Within days of the vendor depositing the \$82,500 cheque to his account, the lawyer and his client discovered that the "good as gold" cheque was, in fact, worthless and part of a fraudulent scheme. Phone numbers for the bank and payer which were on the cheque had been ringing through to bogus representatives, who then confirmed the legitimacy of the payer, the cheque, and the availability of funds.

One of the most concerning aspects of this scheme from the vendor's lawyer's perspective was that there were actually valid phone numbers for the non-existent company and bank branch and that individuals at these numbers were receiving and responding to calls and holding the bank and payer out to be perfectly legitimate. The fraudsters were described by the lawyer as very bold and the scheme elaborate.

So, **BEWARE**. Fraudulent schemes that you heard were happening elsewhere in the country have arrived on the Nova Scotia real estate scene.