

IN THE MATTER OF a Proceeding under  
the *Certified General Accountants Act, 2010*  
and the Association's Bylaws

IN THE MATTER OF a Complaint against Bryan Boothe

BETWEEN:

The Discipline Committee of The Certified General Accountants Association of Ontario

- and -

Bryan Boothe

---

DECISION OF THE PROFESSIONAL CONDUCT TRIBUNAL

---

Members of the Professional Conduct Tribunal Panel:

Jane Bennie, CGA, Chair  
John Biancucci, CGA  
Victoria Corbett, Public Representative

Pursuant to section 25, Article 9 of the Bylaws, the Professional Conduct Tribunal Panel has reviewed the Statement of Facts and Resolution proposed by the parties in this matter, signed by the Chair of the Discipline Committee Pierre Bocti, FCGA June 29, 2011 and signed by Bryan Boothe, CGA July 17, 2011. The Professional Conduct Tribunal Panel has also reviewed the submissions by Ms. Jolley as contained in an email dated July 19, 2011. The Professional Conduct Tribunal Panel accepts the attached proposal as set out by the parties. The attached proposal is hereby ratified.

Dated this 10<sup>th</sup> day of August, 2011

I, Jane Bennie, CGA, sign this Decision as Chair of the Panel of the Professional Conduct Tribunal on behalf of the members of the Panel that heard this matter.

  
Jane Bennie, CGA

**THE CERTIFIED GENERAL ACCOUNTANTS  
ASSOCIATION OF ONTARIO**

**IN THE MATTER OF Bryan Boothe, a member of the  
Certified General Accountants Association of Ontario**

**STATEMENT OF FACTS AND RESOLUTION**

**A. AGREED UPON STATEMENT OF FACTS**

1. You became a member of CGA Ontario in 1986.
2. Your CGA Ontario certificate number is 5984.
3. At the material time and to present, you were not registered in public practice with the Association and did not carry professional liability insurance.
4. On 4 November 2009, you prepared an Audit Report for Nipissing Condo 20. In the 2009 Audit Report, you expressed the following opinion:

“In my opinion the financial statements present fairly the financial position of Nipissing Condo 29 for the period ended September 30, 2009 in accordance with general accepted accounting principles and on a basis consistent with that of the preceding year.”

5. On 21 October 2010 you prepared a second Audit Report for Nipissing Condo 29. In the 2010 Audit Report you expressed the following similar opinion:

“In my opinion the financial statements present fairly the financial position of Nipissing Condo 29 for the period ended September 30, 2010 in accordance with general accepted accounting principles and on a basis consistent with that of the preceding year.”

6. Each of the Audit Reports was signed “Bryan Boothe, Certified General Accountant”.
7. You received a fee of \$100 or \$150 for each of the Audit Reports you prepared.
8. Ontario law requires persons who practise public accounting to be licensed in accordance with the *Public Accounting Act* (the “Act”).
9. The practice of public accounting is defined in the *Act* to include assurance engagements, including an audit conducted with respect to the correctness, fairness, completeness or reasonableness of a financial statement or any part of a financial statement or any statement attached to a financial statement, if it can

reasonably be expected that the services will be relied upon or used by a third party.

10. You did not hold a licence to practise public accounting when you issued the opinion on the financial statements in the Audit Reports.
11. In expressing an opinion on the financial statements in the Audit Reports without a licence, you violated the *Act*.
12. Rule 514 of the Code of Ethical Principles and Rules of Conduct (the "Code") requires a member engaged in a professional practice to register with the Association.
13. You were not registered in professional practice with the Association and were not permitted by the Association to offer the professional services that you provided to the public.
14. You did not maintain insurance for your practice.

**B. AGREED UPON RESOLUTION**

1. You recognize that it was contrary to the Code for you to provide professional services that included the preparation of the Audit Reports when you were not registered with the Association to do so.
2. You agree that it was contrary to the Code for you to prepare the Audit Reports for a fee without maintaining professional liability insurance.
3. You agree that in expressing an opinion on financial statements without a public accounting licence, you were in violation of the *Act*.
4. You accept a reprimand from the Association as a result of your breaches of the Code.
5. You understand and agree that you will not operate a professional practice and you will not prepare any public accounting work, including any audit report, unless and until you have registered and completed the requirements associated with professional practice and obtained a public accounting licence under the *Act*.
6. You recognize that if you had been charged with an offence under the *Act* and found guilty, you could have been fined by the court up to \$25,000.
7. You understand that the committee is not seeking any costs payable from you. However, you understand that if you do not accept this resolution, the matter will proceed to a disciplinary hearing before the Professional Conduct Tribunal and the committee will be seeking costs of that hearing from you.

8. You understand that, as required by the Association's bylaws, the terms of the resolution will be published in Statements.
9. You understand that, after a ten day waiting period from the date of acceptance of this proposed resolution, the Committee will present this proposed agreed resolution of this complaint to the Professional Conduct Tribunal. The Tribunal may accept or reject the resolution. If it accepts the resolution of the complaint, this ratification shall be the final disposition of the complaint. Where the Tribunal refuses to accept the proposed resolution, it may grant this committee an opportunity to return before it within 10 days or such other reasonable time as shall be stipulated by the Tribunal, with an amended proposed agreed resolution. Where the Tribunal refuses to ratify a proposed resolution and does not grant the committee an opportunity to return before it with an amended proposed agreed resolution, a Professional Conduct Tribunal panel of three members shall be appointed to conduct a formal hearing pursuant to sections 25 and 28 of Article 9 of the bylaws.
10. You further understand that if the committee and you are unable to resolve this complaint through an agreed upon resolution process, the matter will be referred to the Professional Conduct Tribunal for a hearing.