

**THE CERTIFIED GENERAL ACCOUNTANTS
ASSOCIATION OF ONTARIO**

IN THE MATTER OF the Certified General Accountants Association of Ontario Act.
1983.

AND IN THE MATTER OF a complaint concerning Mr. Gerald Found, a
member of the Certified General Accountants Association of Ontario.

BETWEEN:

**THE DISCIPLINE COMMITTEE OF THE CERTIFIED GENERAL ACCOUNTANTS
ASSOCIATION OF ONTARIO**

And

MR. GERALD FOUND

Members of the Tribunal: Daniel Coghlan, CGA, Chair
Louise McNeely, CGA
Alex Perera, CGA

Tribunal Counsel: Judith McCormack

Defendant: Mr. Gerald Henry Found, CGA

Complainant: Certified General Accountants Association of Ontario
Judith Knopps, FCGA for the Discipline Committee

Counsel for the Discipline Committee: Ms. Karen Jolley

This case involves a complaint against Mr. Gerald Henry Found, CGA referred by the Discipline Committee of the Certified General Accountants Association of Ontario (CGAAO) (hereinafter, referred to as the CGAAO Discipline Committee) to the Professional Conduct Tribunal (hereinafter referred to as the Tribunal). A Notice of Hearing was sent to Mr. Found, CGA on October 17, 2000. The Notice of Hearing sets out that Mr. Found, CGA was charged with violating the following provision of the Code of Ethics and Rules of Conduct:

Rule 607 – Evidence of Professional Misconduct: A member who has been found guilty or granted an absolute or conditional discharge of any criminal or similar offence which may cast doubt as to that member's honesty, integrity, or professional competency, shall promptly inform the Association of the conviction, finding of guilt or discharge, as the case may be, when the right of appeal has been exhausted or expired. In

such cases, the member may be charged with professional misconduct by the member's Provincial Ethics Committee. A certificate of conviction by any competent court shall be sufficient evidence of the conviction and perpetration of the offence.

A hearing in this matter was held before the Tribunal on December 1, 2000. Mr. Found did not appear before Tribunal, and failed to appoint counsel, or anyone else, to represent him. By way of a letter dated November 16, 2000, Mr. Found advised the Tribunal that he would not be taking a position on this matter.

Particulars: The Tribunal proceeded to call upon Ms. Karen Jolley to present the CGAAO Discipline Committee's position on this matter.

Witness: Mr. Contractor, CGA of the CGAAO Discipline Committee, was called as a witness. In response to questions asked by Ms. Jolley, Mr. Contractor confirmed that Mr. Found's address, prior to his conviction, was correctly noted in the CGAAO membership records. Mr. Contractor also stated that Rule 607 – Evidence of Professional Misconduct was in effect at the time the offences occurred.

Ms. Jolley produced evidence confirming that, on November 13, 2000, Mr. Found had been properly served with a Notice of Hearing, and advised of the CGAAO's position on this matter.

In a letter dated November 16, 2000, Mr. Found stated that he would not be taking a position on this matter.

Ms. Jolley provided a copy of the Certificate of Conviction of the Superior Court of Justice, indicating that Mr. Found was found guilty and convicted of nine (9) counts of sexual offences against minors in contravention of the Canadian Criminal Code. Mr. Found was sentenced to two (2) years less a day for these offences.

Ms. Jolley argued that the convictions brought against Mr. Found reflected on his integrity, and on the integrity of the CGAAO.

Ms. Jolley presented to the Tribunal the CGAAO Discipline Committee's request for penalties to be levied against Mr. Found, which included the following:

- 1) Mr. Found be expelled from the CGAAO
- 2) Mr. Found be fined \$1,000 penalty
- 3) Mr. Found be directed to reimburse the CGAAO for \$1,500, representing the Associations costs incurred in this matter
- 4) The decision of the Tribunal be published in CGAAO Ontario Statements
- 5) The decision of the Tribunal be published in the London Free Press newspaper

There being no other evidence or discussion, the Tribunal was adjourned, with a decision to be rendered pending further consideration of the matter.

Decision of the Tribunal: In a unanimous decision, the Tribunal determined that the following be imposed:

- 1) Mr. Found be expelled from the membership of the Association
- 2) Mr. Found surrender all CGAAO certificates to the Association
- 3) Mr. Found pay cost of \$1,500.00 to the Association
- 4) The outcome of the hearing be published in the CGAAO Ontario Statements
- 5) The outcome of the hearing be published in the London Free Press

Reasons for the Tribunal's Decision: Based on the evidence presented at the hearing, the Tribunal held that Mr. Found had contravened Rule 607 of the Code of Ethics and Rules of Conduct: Evidence of Professional Misconduct. The Tribunal agreed with the recommendations for discipline submitted by the CGAAO Discipline Committee, with the exception of imposing a fine in the amount of \$1,000.

The Tribunal recognizes that a member of the Association cannot separate him or herself from the fact that they are a CGA. The Tribunal further held that being a CGA carries the weight of influence and responsibility created by a position of trust associated with being a professional accountant. However, the Tribunal concluded, based on the evidence presented, that Mr. Found did not use his position as a CGA to commit the offences, and had therefore not directly aggrieved the Association. A fine in the amount of \$1,000 was therefore not imposed.

On behalf of the Professional Conduct Tribunal



Daniel Coghlan, CGA
Chairman, Professional Conduct Tribunal

Date: March 30, 2001

Cc: Alexis A. Perera, CGA
Member, Professional Conduct Tribunal
Lousie McNeely, CGA
Member, Professional Conduct Tribunal