

**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 Andre Gougeon, CGA**

BETWEEN:

The Discipline Committee of The Certified General Accountants Association of Ontario

- and -

Andre Gougeon, CGA

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**DECISION OF THE PROFESSIONAL CONDUCT TRIBUNAL**

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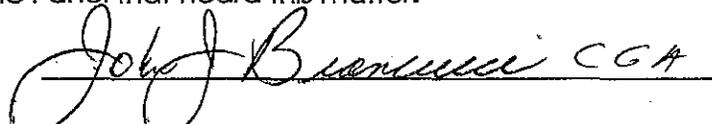
Members of the Professional Conduct Tribunal Panel:

John J Biancucci, CGA, Chair  
Jane Bennie, 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 on the 15<sup>th</sup> of April, 2011 and signed by Andre Gougeon, CGA on the 27<sup>th</sup> of April, 2011. The Professional Conduct Tribunal Panel accepts the attached proposal as set out by the parties. The attached proposal is hereby ratified.

Dated this 8<sup>th</sup> day of June, 2011

I, John J Biancucci, 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.

  
John J Biancucci, CGA

## STATEMENT OF FACTS AND RESOLUTION

### A. AGREED UPON STATEMENT OF FACTS

1. You became a member of CGA Ontario in 1972.
2. Your CGA Ontario certificate number is 1322.
3. You are not and have not been registered in public practice with CGA Ontario (the "Association").
4. The Code of Ethical Principles and Rules of Conduct (the "Code") defines a "professional practice" as "a proprietorship, partnership, limited liability partnership or professional corporation that provides professional services."
5. The Code further defines "professional services" as "any accounting, assurance, taxation services, management advisory or consulting services or other related services as may from time to time be recognized by the Association that is performed or offered to be performed by a member for a client or employer, whether or not the member asserts membership in the Association."
6. After your retirement in 2008, in 2009 and 2010 you prepared corporate tax returns for clients when you were not registered to do so.
7. You also prepared personal income tax returns when you were not registered with the Association to do so.
8. In 2010 you expected to invoice approximately \$20,000 in connection with the preparation of corporate and personal income tax returns.
9. By providing professional services, specifically the preparation of corporate tax returns for the public, you were operating a professional practice, as defined by the Code.
10. Rule 514 of the Code requires a member engaged in a professional practice to register with the Association.
11. You did not register your professional practice.
12. You earned income from carrying on a public practice that you were operating in violation of the Code.
13. Rule 515 of the Code requires a member engaged in a professional practice to adhere to the practice inspection requirements of the Association.

14. You did not undergo a practice inspection with the Association as you were not registered to carry on the public practice work you were doing.
15. Rule 516 of the Code requires a member engaged in a professional practice to maintain professional liability insurance.
16. You did not maintain insurance for your practice.
17. The total cost of professional liability insurance for the years 2009 and 2010 was \$2,125.71 inclusive of tax.
18. You were required to but did not purchase the Public Practice Manual (the "PPM") or the CICA Handbook (the "Handbook") for either of 2009 or 2010.
19. The total cost of the PPM and the Handbook and applicable renewals was \$1,648.30 inclusive of tax for the two years in question.
20. Rule 302 requires members to undertake continuing education and professional development in accordance with the standards and policies set by the Association.
21. You did not satisfy the Association's continuing professional development requirements for 2009.
22. Rule 601 of the Code requires members to comply with the Association's bylaw and the Code.
23. By carrying on a public practice without being registered to do so and by preparing individual income tax returns without being registered to do so, you did not comply with the Association's Code and therefore also did not comply with Rule 601.
24. After you were contacted by the Association concerning your unregistered practice, you purported to resign your membership by returning your membership card.
25. Section 20 of Article 6 of the Association's bylaw provides that a submitted resignation does not take effect until all disciplinary complaints against the member have been completed and the member has fully satisfied all sanctions imposed by a tribunal.

**B. AGREED UPON RESOLUTION**

1. You recognize that it was contrary to the Code for you to provide professional services that included corporate tax returns when you were not registered with the Association to do so.
2. You agree that you provided professional services to the public when you had not complied with the Association's practice inspection requirements, which was contrary to the Code.
3. You agree that it was contrary to the Code for you to prepare personal income tax returns when you were not registered with the Association to do so.
4. You agree that you profited from your breaches of the Code by carrying on a public practice that you were not permitted to offer and by preparing personal income tax returns that you were not registered to prepare.
5. You agree that it was contrary to the Code for you to carry on a professional practice without maintaining professional liability insurance, without appropriate professional development, without a practice inspection and without the PPM and Handbook.
6. You agree that your conduct amounted to a violation of Rules 302, 514, 515, 516, and 601 of the Code.
7. You accept a reprimand from the Association as a result of your breaches of the Code and a suspension of your membership for a period of six months.
8. Along with your acceptance of this resolution, you have enclosed both your CGA Ontario membership certificate and your CGA Canada membership certificate.
9. You understand and agree that you will not operate a professional practice until you have registered and completed the requirements associated with professional practice.
10. You accept a fine of \$1,225.99 as a result of your violations of the Code.
11. You also agree to pay the sum of \$2,125.71 representing the cost of professional liability insurance that you should have paid for the years 2009 and 2010.
12. You agree to pay the sum of \$1,648.30 representing the cost of the PPM and the Handbook that you should have paid for the years 2009 and 2010.
13. You agree to pay this amount of \$5,000.00 within 60 days of this resolution being ratified by the Professional Conduct Tribunal. You agree that if you do not pay

this amount within 60 days of that date, you will be expelled from the Association, notwithstanding the provision of paragraph B7, above.

14. 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.
15. 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 20 and 28 of Article 9 of the bylaw.
16. You further understand that if you and the committee 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.