

**IN THE MATTER OF a Proceeding under  
the *Certified General Accountants Act, 2010* and By-Law Four**

**IN THE MATTER OF Al-Noor Vellani, a member of  
The Certified General Accountants Association of Ontario**

**BETWEEN:**

The Discipline Committee of The Certified General Accountants Association of Ontario

- and -

Al-Noor Vellani

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**DECISION AND REASONS FOR DECISION OF THE PROFESSIONAL CONDUCT  
TRIBUNAL**

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Members of the Professional Conduct Tribunal Panel:

D. Alan Jones, CGA, Chair  
Jack Cayne, CGA  
Betty Kuchta, Public Representative

Appearances:

Karen E. Jolley, Counsel for the Discipline Committee  
Al-Noor Vellani, Member  
Inayat Vellani, the Member's son  
Lisa S. Braverman, Registrar and Independent Legal Counsel to the Professional Conduct Tribunal

Hearing Date:

October 14, 2010, Toronto

## **OVERVIEW**

A Panel of the Professional Conduct Tribunal of The Certified General Accountants Association of Ontario heard this matter on October 14, 2010, at Toronto. At the conclusion of the hearing, the Panel reserved its decision.

## **ALLEGATIONS**

Counsel for the Discipline Committee entered into evidence the Notice of Hearing dated August 17, 2010, contained in the Discipline Brief – Exhibit 1, and the Affidavit of Service – Exhibit 2 relating to the Notice of Hearing.

The allegations against the member are that he breached the following provisions of the Code of Ethical Principles and Rules of Conduct as stated in the Notice of Hearing:

### **Rule 102 Unlawful Activity**

A member shall not permit the member's firm name or the member's name to be used with, participate in, or provide services to, any activity that the member knows, or which a reasonable and informed third party would believe, to be unlawful.

### **Rule 514 Registration**

A member shall, if engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time, register in accordance with the requirements prescribed by the Association. This rule also shall apply to members who own, operate or control a professional corporation engaged in the practice of public accounting or the preparation of compilation engagements or tax returns.

### **Rule 515 Practice Inspection Requirements**

A member shall comply with, and adhere to, the practice inspection requirements of the Association and the standards contained therein.

### **Rule 516 Professional Liability Insurance**

A member engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time shall maintain professional liability insurance as specified, and provide evidence as required, by the Association.

### **Rule 601 Compliance**

A member shall comply with By-Law Four and the *Code of Ethical Principles and Rules of Conduct* of the Association as amended from time to time, and with any order or resolution of the board of governors or its committees under the By-Law.

## Rule 606(a) Detrimental Actions

A member shall not participate in any action that is detrimental to the Association or the profession.

Counsel for the Discipline Committee requested that the particulars of the allegations in the Notice of Hearing and the deemed facts in the Request to Admit Facts and Documents be amended to conform with the evidence presented by the member in his testimony. Counsel for the Discipline Committee requested an amendment in the Notice of Hearing and in the Request to Admit Facts by changing the words "Notice to Reader" to "Review Engagement Report".

Mr. Vellani did not object to the suggested changes. The Panel granted the requested amendment.

The particulars of the allegations against the member as stated in the Notice of Hearing are as follows:

1. Al-Noor Vellani ("Vellani") registered in public practice with CGA Ontario (the "Association") in August 1989.
2. In October 2000, Vellani was deregistered from public practice as a result of his failure to renew his registration.
3. In the letter deregistering him from public practice, the Association advised Vellani that he must, among other things, discontinue his use of any firm letterhead, business cards or other stationery.
4. On 30 November 2009 Vellani prepared a Review Engagement Report for a client. In the Review Engagement Report Vellani expressed the following opinion:

"based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with general accepted accounting principles."
5. The Review Engagement Report was signed "Al-Noor Vellani, Certified General Accountant".
6. Ontario law requires persons who practise public accounting to be licensed in accordance with the *Public Accounting Act* (the "Act").
7. 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.
8. Vellani did not hold a licence to practise public accounting when he issued the opinion on the financial statements in the Review Engagement Report.

9. In expressing an opinion on the financial statements in the Review Engagement Report without a licence, Vellani violated the Act.
10. Although Vellani was not registered in public practice in 2007, he prepared approximately 8 corporate income tax returns and 9 personal income tax returns.
11. In 2007 Vellani also prepared 4 compiled financial statements.
12. Although Vellani was not registered in public practice in 2008, he prepared approximately 25 corporate income tax returns and 32 personal income tax returns.
13. In 2008 Vellani also prepared 9 compiled financial statements.
14. Although Vellani was not registered in public practice in 2009, he prepared approximately 26 corporate income tax returns and 32 personal income tax returns.
15. In 2009 Vellani also prepared 9 compiled financial statements.
16. Although Vellani was not registered in public practice in 2010, he prepared approximately 26 corporate income tax returns and 32 personal income tax returns.
17. In 2010 Vellani also prepared 9 compiled financial statements.
18. Vellani was not permitted to issue compiled financial statements on his letterhead or reference his CGA designation as he was not registered in public practice for any of the years 2007, 2008, 2009 or 2010.
19. As Vellani was also not registered for tax, he was also not permitted to prepare income tax returns for the years 2007, 2008, 2009 or 2010.
20. 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.
21. The Code defines a "professional practice" as "a proprietorship, partnership, limited liability partnership or professional corporation that provides professional services."
22. 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."
23. By providing professional services, including the preparation of compiled financial statements, corporate tax returns and personal tax returns for the public, you agree that you were operating a professional practice, as defined by the Code.
24. Vellani was not permitted by the Association to offer the professional services that he provided to the public.

25. Vellani earned income from carrying on a public practice operated in violation of the Code.
26. Rule 515 of the Code requires a member engaged in a professional practice to adhere to the practice inspection requirements of the Association.
27. Vellani did not undergo a practice inspection with the Association as he was not registered to carry on the public practice work you were doing.
28. Rule 516 of the Code requires a member engaged in a professional practice to maintain professional liability insurance.
29. Vellani did not maintain insurance for his practice.
30. Members who are engaged in a professional practice are required to purchase the Public Practice Manual (the "PPM") and the CICA Handbook (the "Handbook").
31. Vellani did not purchase the PPM or the Handbook for any of 2007, 2008, 2009 or 2010.
32. Rule 601 of the Code requires members to comply with the Association's By-Law Four and the Code.
33. By carrying on a public practice without being registered to do so, and by preparing tax returns when he was not registered to do so, Vellani did not comply with the Association's Code and therefore also did not comply with Rule 601.
34. Rule 606(a) of the Code prohibits members from participating in any action that is detrimental to the Association or the profession.
35. By preparing (a) compiled financial statements and corporate tax returns or being associated with corporate financial statements as an independent contractor for clients and (b) income tax returns for the public when he was not registered either in public practice or for tax, Vellani participated in actions detrimental to the Association and the profession.

#### **MEMBER'S PLEA**

The member admitted the allegations set out in the Notice of Hearing.

#### **FACTS AND EVIDENCE**

Counsel for the Discipline Committee presented an Affidavit of Service, Exhibit 3, establishing that the member had been served on 27 August 2010 with a Request to Admit Facts and Documents, Exhibit 5 as well as a Notice under the Evidence Act (Business Records), Exhibit 6.

The member was advised that he had 20 days to respond to the Request to Admit Facts and Documents, and that if he failed to respond, he would be deemed to admit the truth of the facts and the authenticity of the documents, for the purposes of this proceeding. The member did not respond to the Request to Admit Facts and Documents. Based on the facts and documents deemed to be admitted by the member at this hearing, the Panel makes the following findings of fact:

1. Mr. Vellani's address on the CGA Ontario register is 5032 Miles Road, Mount Hope, Ontario L0R 1W0.
2. Mr. Vellani became a member of CGA Ontario in 1989.
3. Mr. Vellani's CGA Ontario certificate number is 7403 and his CGA Canada certificate number is 324793.
4. In August 1989 Mr. Vellani registered in public practice with CGA Ontario (the "Association").
5. In October 2000, Mr. Vellani was deregistered from public practice as a result of his failure to renew his registration.
6. In the letter deregistering Mr. Vellani from public practice, Mr. Vellani was advised that he must, among other things, discontinue his use of any firm letterhead, business cards or other stationery.
7. On 30 November 2009 Mr. Vellani prepared a Review Engagement Report for a client. In the Review Engagement Report, he expressed the following opinion:

"based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with general accepted accounting principles."
8. The Review Engagement Report was signed "Al-Noor Vellani, Certified General Accountant".
9. Ontario law requires persons who practise public accounting to be licensed in accordance with the *Public Accounting Act* (the "Act").
10. 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.
11. Mr. Vellani did not hold a licence to practise public accounting when he issued the opinion on the financial statements in the Review Engagement Report.
12. In expressing an opinion on the financial statements in the Review Engagement Report without a licence, Mr. Vellani violated the *Act*.

13. Although Mr. Vellani was not registered in public practice in 2007, he prepared approximately 8 corporate income tax returns and 9 personal income tax returns.
14. In 2007, Mr. Vellani also prepared 4 compiled financial statements.
15. Although Mr. Vellani was not registered in public practice in 2008, he prepared approximately 25 corporate income tax returns and 32 personal income tax returns.
16. In 2008, Mr. Vellani also prepared 9 compiled financial statements.
17. Although Mr. Vellani was not registered in public practice in 2009, he prepared approximately 26 corporate income tax returns and 32 personal income tax returns.
18. In 2009 Mr. Vellani also prepared 9 compiled financial statements.
19. Although Mr. Vellani was not registered in public practice in 2010, he prepared approximately 26 corporate income tax returns and 32 personal income tax returns.
20. In 2010, Mr. Vellani also prepared 9 compiled financial statements.
21. Mr. Vellani was not permitted to issue compiled financial statements on his letterhead or reference his CGA designation as he was not registered in public practice for any of the years 2007, 2008, 2009, or 2010.
22. As Mr. Vellani was also not registered for tax, he was also not permitted to prepare income tax returns for the years 2007, 2008, 2009, or 2010.
23. 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.
24. The Code defines a "professional practice" as "a proprietorship, partnership, limited liability partnership or professional corporation that provides professional services."
25. 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."
26. By providing professional services, including the preparation of compiled financial statements, corporate tax returns and personal tax returns for the public, Mr. Vellani agrees that he was operating a professional practice, as defined by the Code.
27. Mr. Vellani was not permitted by the Association to offer the professional services that he provided to the public.
28. Mr. Vellani earned income from carrying on a public practice operated in violation of the Code.

29. Rule 515 of the Code requires a member engaged in a professional practice to adhere to the practice inspection requirements of the Association.
30. Mr. Vellani did not undergo a practice inspection with the Association as he was not registered to carry on the public practice work he was doing.
31. Rule 516 of the Code requires a member engaged in professional practice to maintain professional liability insurance.
32. Mr. Vellani did not maintain insurance for his practice.
33. The total cost of professional liability insurance for the years 2007-2010 was at least \$3,393.36.
34. Mr. Vellani did not purchase the Public Practice Manual (the "PPM") or the CICA Handbook (the "Handbook") for any of 2007, 2008, 2009, or 2010.
35. The total cost of the PPM and the Handbook and applicable renewals was \$2,954.15 for the four years in question.
36. Rule 601 of the Code requires members to comply with the Association's By-Law Four and the Code.
37. By carrying on a public practice without being registered to do so, and by preparing tax returns when he was not registered to do so, Mr. Vellani did not comply with the Association's Code and therefore also did not comply with Rule 601.
38. Rule 606(a) of the Code prohibits members from participating in any action that is detrimental to the Association or the profession.
39. By preparing (a) compiled financial statements and corporate tax returns or being associated with corporate financial statements as an independent contractor for clients and (b) income tax returns for the public when Mr. Vellani was not registered either in public practice or for tax, he participated in actions detrimental to the Association and the profession.

Mr. Vellani was affirmed and testified on his own behalf.

There were inconsistencies in his testimony.

Mr. Vellani stated that he used his CGA designation only once when he prepared the Review Engagement Report, which Report is included in the Discipline Brief at Tab 3, stating that he used bad judgment. He went on to state that he never used the CGA designation any other time or in any email. The admitted documents show otherwise, specifically that he used the CGA designation on the letter to the Association dated April 27, 2010 which letter is included in the Discipline Brief at Tab 9, and in the email to the Association dated May 7, 2010, which email is included in the Discipline Brief at Tab 12. In the view of the Panel, Mr. Vellani was either forgetful or not telling the truth when he stated that he used his CGA designation only once.

Mr. Vellani stated that he was not aware of the Request to Admit Facts and Documents. He stated that he was not around to receive it. The Association provided ample evidence in Exhibits 1 – 10 that Mr. Vellani was, indeed, aware of the hearing and Request to Admit Facts and Documents and that there were a number of email exchanges between Mr. Vellani and the Association regarding the hearing, including one that mentioned the Request to Admit Facts and Documents. In the view of the Panel, Mr. Vellani's assertion that he was not aware of the Request to Admit Facts and Documents and that he was not around to receive it is not to be believed.

Twice during his testimony, Mr. Vellani stated that his Professional Development credits were up to date. The Association presented evidence later that from 2006-2010, Mr. Vellani reported 41 hours of professional development for that time period and, therefore, was short 39 hours. The Panel chose to accept the evidence of the Association and not that of Mr. Vellani, and further is of the view that Mr. Vellani was either forgetful or not telling the truth in his assertion that he was up to date in his Professional Development credits.

Mr. Vellani stated that he was not familiar with the rules associated with practice requirements. He stated that he exercised bad judgment in issuing the Review Engagement Report, while earlier in his testimony he stated he did not operate his practice as a CGA because there are too many rules which prevent him from doing things as he thinks they should be done. He stated that he used the words prepared and reviewed in the Review Engagement Report as he was trying to go around the way he was told to do things, presumably referring to the Association requirements. He stated that he was always under the impression that he could start a small practice without using his CGA designation. When describing the work he had undertaken over the period in question, he stated that he did not operate under his own name, that he operated under his wife's company called Good Measure Inc. to get around Association requirements. In addition, he stated that he did not have a bank account, did not have business cards, did not keep ledgers, did not keep accounting records and that he used an open folder system as his filing system. He did not advertise and was not listed in the phone book. Mr. Vellani presented this evidence in support of his position that he was, in fact, not doing work which required registration with the Association. He stated that he did not think that he had to register his practice. In the view of the Panel this is illogical and unreasonable. He has admitted in the Request to Admit Facts and Documents that the work he undertook requires registration. Mr. Vellani's testimony at the hearing was therefore inconsistent with the admissions in the Request to Admit Facts and Documents and, in the view of the Panel, he was dishonest.

The Panel concluded that the member, Mr. Vellani, was not a credible witness and therefore disregarded his testimony. The Panel wishes to note that at all times the member was pleasant.

## **DECISION**

The Discipline Committee has the onus of proving the allegations in the Notice of Hearing in accordance with the civil standard of proof. The standard of proof applied by the Panel was a balance of probabilities based on clear, convincing and cogent evidence.

Having considered the evidence and the submissions by the parties and the onus and standard of proof, the Panel found that the member breached the following provisions of the Code of Ethical Principles and Rules of Conduct:

**Rule 102 Unlawful Activity**

A member shall not permit the member's firm name or the member's name to be used with, participate in, or provide services to, any activity that the member knows, or which a reasonable and informed third party would believe, to be unlawful.

**Rule 514 Registration**

A member shall, if engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time, register in accordance with the requirements prescribed by the Association. This rule also shall apply to members who own, operate or control a professional corporation engaged in the practice of public accounting or the preparation of compilation engagements or tax returns.

**Rule 515 Practice Inspection Requirements**

A member shall comply with, and adhere to, the practice inspection requirements of the Association and the standards contained therein.

**Rule 516 Professional Liability Insurance**

A member engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time shall maintain professional liability insurance as specified, and provide evidence as required, by the Association.

**Rule 601 Compliance**

A member shall comply with By-Law Four and the *Code of Ethical Principles and Rules of Conduct* of the Association as amended from time to time, and with any order or resolution of the board of governors or its committees under the By-Law.

**Rule 606(a) Detrimental Actions**

A member shall not participate in any action that is detrimental to the Association or the profession.

**REASONS FOR DECISION**

**Rule 102 Unlawful Activity**

A member shall not permit the member's firm name or the member's name to be used with, participate in, or provide services to, any activity that the member knows, or which a reasonable and informed third party would believe, to be unlawful.

On a Review Engagement Report to a client dated November 30, 2009, Mr. Vellani expressed his opinion on the financial statements, which he is not entitled to do under Ontario law, and signed with the designation "Certified General Accountant," which he is not entitled to do under Ontario law since he is not licensed to practise public accounting in accordance with the *Public Accounting Act*.

Mr. Vellani was not licensed as a public accountant. 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.

Mr. Vellani provided such assurances and the Panel concluded that he had breached Rule 102.

### **Rule 514 Registration**

A member shall, if engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time, register in accordance with the requirements prescribed by the Association. This rule also shall apply to members who own, operate or control a professional corporation engaged in the practice of public accounting or the preparation of compilation engagements or tax returns.

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, which Mr. Vellani had not done and has so admitted.

The Code defines a "professional practice" as "a proprietorship, partnership, limited liability partnership or professional corporation that provides professional services." In this case, Mr. Vellani met the definition of a professional practice. Thus, Mr. Vellani breached Rule 514.

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." The following are examples of Mr. Vellani's work in the Certified General Accounting profession based on Mr. Vellani's deemed admissions to the Panel:

- In 2007, Mr. Vellani prepared approximately 8 corporate income tax returns and 9 personal income tax returns.
- In 2007, Mr. Vellani also prepared 4 compiled financial statements.
- In 2008, Mr. Vellani prepared approximately 25 corporate income tax returns and 32 personal income tax returns.
- In 2008, Mr. Vellani also prepared 9 compiled financial statements.
- In 2009, Mr. Vellani prepared approximately 26 corporate income tax returns and 32 personal income tax returns.

- In 2009, Mr. Vellani also prepared 9 compiled financial statements.
- In 2010, Mr. Vellani prepared approximately 26 corporate income tax returns and 32 personal income tax returns.
- In 2010, Mr. Vellani also prepared 9 compiled financial statements.

The Panel concludes that Mr. Vellani breached Rule 514.

#### **Rule 515 Practice Inspection Requirements**

A member shall comply with, and adhere to, the practice inspection requirements of the Association and the standards contained therein.

Rule 515 of the Code requires a member engaged in a professional practice to adhere to the practice inspection requirements of the Association. Mr. Vellani did not undergo a practice inspection with the Association, as he was not registered to carry on the public practice work he was doing.

The Panel concludes that Mr. Vellani has breached Rule 515.

#### **Rule 516 Professional Liability Insurance**

A member engaged in the practice of public accounting or the preparation of compilation engagements or tax returns part-time or full-time shall maintain professional liability insurance as specified, and provide evidence as required, by the Association.

Rule 516 of the Code requires a member engaged in a professional practice to maintain professional liability insurance. Mr. Vellani did not maintain insurance for his practice.

The Panel concludes that Mr. Vellani breached Rule 516.

#### **Rule 601 Compliance**

A member shall comply with By-Law Four and the *Code of Ethical Principles and Rules of Conduct* of the Association as amended from time to time, and with any order or resolution of the board of governors or its committees under the By-Law.

Rule 601 of the Code requires members to comply with the Association's By-Law Four and the Code. By carrying on a public practice without being registered to do so, and by preparing tax returns when he was not registered to do so, Mr. Vellani did not comply with the Association's Code and also therefore did not comply with Rule 601.

The Panel concludes Mr. Vellani breached Rule 601.

#### **Rule 606(a) Detrimental Actions**

A member shall not participate in any action that is detrimental to the Association or the profession.

Rule 606(a) of the Code prohibits members from participating in any action that is detrimental to the Association or the profession.

By preparing (a) compiled financial statements and corporate tax returns or being associated with corporate financial statements as an independent contractor for clients and (b) income tax returns for the public when he was not registered either in public practice or for tax, Mr. Vellani participated in actions detrimental to the Association and the profession.

The Panel concludes that Mr. Vellani breached Rule 606(a).

The Panel was disappointed in Mr. Vellani's conduct relating to the *Public Accounting Act*, and his failure to follow the requirements for registration, inspections, insurance and upgrades on accounting education.

### **PENALTY SUBMISSIONS**

In terms of penalty, counsel for the Discipline Committee submitted that the Panel should make the following penalty order:

- (a) expulsion from membership
- (b) a fine of \$25,000
- (c) payment of \$2,954.15 toward the PPM and Handbook and payment of \$3,393.36 for insurance that Mr. Vellani should have paid while he was practicing
- (d) contribution toward the Association's costs of the hearing in the amount of \$3,500
- (e) publication.

Mr. Vellani stated that he felt that the terms of the penalty order requested by counsel for the Discipline Committee were too harsh. He stated that he was contrite, that he was sorry and now sees what has happened. He stated that his intention was never to circumvent the rules, and that his intention was to handle a small practice and make it simple. He stated he would like to get the licence now so he could grow the practice and do some meaningful work rather than just tax returns.

The member was assisted in his submissions regarding penalty by his son, Inayat Vellani. The Panel found the son's submissions to be clear. He submitted that the fine and expulsion being requested by counsel for the Discipline Committee was harsh given the penalties in the Joshi and Jindal cases.

### **PENALTY DECISION**

The Panel deliberated and decided not to accept either the Discipline Committee's submissions or the member's submissions in terms of penalty and accordingly orders the following penalty:

- (a) Mr. Vellani is expelled from membership in the Association
- (b) Mr. Vellani pays a fine of \$10,000
- (c) Mr. Vellani pays \$2,954.15 toward the PPM and Handbook and pays \$3,393.36 for insurance that Mr. Vellani should have paid while he was practising

- (d) Mr. Vellani pays the amount of \$3,500 as contribution toward the Association's costs of the hearing
- (e) publication.

## REASONS FOR PENALTY DECISION

The Panel, in making its penalty determination considered the cases presented by counsel for the Discipline Committee, namely Aslam, Mansoor, Jindal and Joshi.

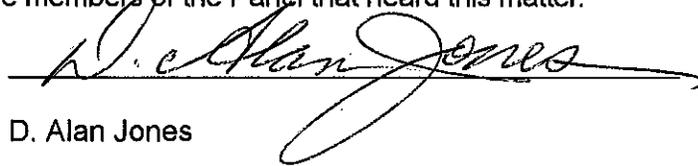
The Panel determined that the serious and grave nature of the conduct and various acts by Mr. Vellani in not following the rules set out in the *Public Accounting Act* and the Code of Ethical Principles and Rules of Conduct were sufficient to order expulsion. The Panel concluded, given Mr. Vellani's conduct as admitted in the Request to Admit Facts and Documents, that Mr. Vellani has not abided by rules in the past and there is no reason to believe that he will abide by any rules in the future. The Panel is of the opinion that his contrition has come far too late and that he has been evading rules to his own advantage at serious disadvantage to the public.

In considering the penalty requested by counsel for the Discipline Committee, the Panel felt that the expulsion from membership would have by far the most severe effect on Mr. Vellani. With publication of the expulsion order, Mr. Vellani will no doubt lose clients, and his future income will be negatively affected. Therefore, the Panel decided that the \$25,000 fine requested was too harsh in this situation, and reduced the fine to \$10,000. The Panel also reduced the fine to \$10,000 to make the amount of the fine more consistent with the cases provided by the counsel for the Discipline Committee.

The Panel determined that the penalty ordered meets the purposes of protecting the public, general deterrence, which is a message to the Certified General Accounting profession to deter other members of the profession from engaging in similar misconduct, and specific deterrence to the member from engaging in similar misconduct in the future.

Dated this 4<sup>th</sup> day of February, 2011

I, D. Alan Jones, sign this Decision and Reasons for Decision as Chair of the Panel of the Professional Conduct Tribunal on behalf of the members of the Panel that heard this matter.

  
D. Alan Jones

## **NOTICE**

**This decision of the Professional Conduct Tribunal may be appealed to an Appeal Tribunal within thirty (30) days of the date of this decision.**

**The Notice of Appeal must be in writing, addressed to the Secretary of the Association (Certified General Accountants of Ontario, 240 Eglinton Avenue East, Toronto, Ontario, M4P 1K8) and must contain the grounds for the appeal.**

**TAKE NOTE THAT, in an appeal, the Appellant bears the onus of obtaining copies of the transcript of the hearing before the Professional Conduct Tribunal for the Appeal Tribunal (4 copies) and for the Respondent (1 copy).**

**According to Article 9, a Notice of Appeal that fails to contain the grounds for the appeal, together with evidence that demonstrates that a transcript of the hearing giving rise to the appeal has been ordered, shall be void.**