

**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 David J. Wirtanen C.G.A.

BETWEEN:

The Discipline Committee of The Certified General Accountants Association of Ontario

- and -

David J. Wirtanen, C.G.A.

DECISION OF THE PROFESSIONAL CONDUCT TRIBUNAL

Members of the Professional Conduct Tribunal Panel:

Jane Bennie, CGA, Chair

John Biancucci, CGA

Betty Kuchta, 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, November 10, 2011 and signed by David Wirtanen, CGA, November 11, 2011. The Professional Conduct Tribunal Panel has also reviewed the submissions by Ms. Jolley as contained in an email dated November 17, 2011. The Professional Conduct Tribunal Panel accepts the attached proposal as set out by the parties. The attached proposal is hereby ratified.

Dated this 13th day of December, 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

STATEMENT OF FACTS AND RESOLUTION

A. AGREED UPON STATEMENT OF FACTS

1. You became a member of CGA Ontario in 1974.
2. In 2007 you became a retired member of CGA Ontario.
3. On or about 19 January 2011, you prepared a Review Engagement Report (the "Review Engagement Report") for a former client. In the Review Engagement Report, you 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 aspects, in accordance with Generally Accepted Accounting Principles."
4. The Review Engagement Reports was signed "David J. Wirtanen C.G.A."
5. At the material time and to present, you were not registered in public practice with the Association and did not carry professional liability insurance.
6. You did not receive a fee for preparing the Review Engagement Report.
7. Ontario law requires persons who practise public accounting to be licensed in accordance with the *Public Accounting Act* (the "*Act*") unless the engagement is done without reward and the preparer has professional liability insurance.
8. The practice of public accounting is defined in the *Act* to include assurance engagements, including a review engagement, 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.
9. Your former client submitted the Review Engagement Report to the Business Development Bank of Canada.
10. You did not hold a licence to practise public accounting when you issued the Review Engagement Report.
11. In expressing an opinion on the financial statements in the Review Engagement Report without a licence, you violated the *Act*.

12. Your conduct and breach of the *Act* constituted professional misconduct.

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 Review Engagement Report 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 Review Engagement Report 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 review engagement 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 the committee is not seeking a fine 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 may seek a fine from you at that stage.
9. You understand that, as required by the Association's bylaws, the terms of the resolution will be published in Statements.
10. 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.

11. 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.