



CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO ACT, 2017

TO: Sadaquat Tanweer, CPA, CMA

AND TO: The Discipline Committee of CPA Ontario

The Professional Conduct Committee of CPA Ontario hereby makes the following Allegations of professional misconduct against Sadaquat Tanweer, CPA, CMA, a member of CPA Ontario:

1. THAT the said Sadaquat Tanweer, in or about the period June 2013 through May 2019, while operating an accounting practice, participated in an pattern of conduct which discredited the profession contrary to section 3.4(b) of the CMA Code of Professional Ethics and failed to maintain the reputation of the profession and its ability to serve the public interest contrary to Rule 201.1 of the CPA Rules of Professional Conduct (CPA Rules) and the CPA Code of Professional Conduct (Code), in that he enabled and participated in a mortgage agency agreement scheme where, among other things, he permitted a third party to impersonate him, access confidential software, process over 50 consumer mortgage transactions and claim over \$236,000 in commissions from Tanweer's employing brokerage.

*Amended on
consent with
leave of the
panel, Nov 30,
2020*

Dated at Markham, Ontario, this 29th day of June, 2020.

A handwritten signature in black ink that reads "Maria Stella Gasparro".

M.S. GASPARRO, CPA, CA, DEPUTY CHAIR
PROFESSIONAL CONDUCT COMMITTEE

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO
CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO ACT, 2017

DISCIPLINE COMMITTEE

IN THE MATTER OF: An Allegation, as amended, against **SADAQUAT TANWEER, CPA, CMA**, a member of the Chartered Professional Accountants of Ontario, under section 3.4(b) of the CMA Code of Professional Ethics and **Rule 201.1** of the CPA Rules of Professional Conduct and the CPA Code of Professional Conduct.

TO: Sadaquat Tanweer

AND TO: The Professional Conduct Committee

DECISION AND ORDER MADE NOVEMBER 30, 2020

DECISION

The allegation, as amended, that Sadaquat Tanweer has breached section 3.4(b) of the CMA Code of Professional Ethics, and Rule 201.1 of the CPA Rules of Professional Conduct and the CPA Code of Professional Conduct is established and constitutes professional misconduct.

ORDER

IT IS ORDERED THAT:

1. Sadaquat Tanweer be reprimanded in writing by the Chair of the hearing;
2. Sadaquat Tanweer shall pay a fine of \$30,000 to the Chartered Professional Accountants of Ontario ("CPA Ontario") by November 30, 2022;
3. Sadaquat Tanweer's membership with CPA Ontario is suspended for a period of 18 (eighteen) months from the date of this Order;
4. Notice of this Decision and Order, disclosing Sadaquat Tanweer's name, is to be given in the form and manner determined by the Discipline Committee:
 - (a) to all members of CPA Ontario;
 - (b) to all provincial bodies,and shall be made available to the public;
5. Notice of this Decision and Order disclosing Sadaquat Tanweer's name is to be given by publication on the CPA Ontario website and in the *Brampton Guardian and Mississauga*

News. Sadaquat Tanweer shall pay all costs associated with the publication, which shall be in addition to any other costs ordered by the Panel.

6. Sadaquat Tanweer is required to complete by paying for and attending in their entirety at the next available offering, and, in any event, within eighteen (18) months from the date of this Decision and Order, the following Professional Development courses or their replacement courses:
 - (a) Canadian Business Ethics: What CPAs Need to Know and
 - (b) Ethics-Regulations, Interpretations and Guidance for Accountants;

7. In the event Sadaquat Tanweer fails to comply with the terms of this Order, his membership with CPA Ontario shall be further suspended until such time as he does comply, provided that he complies within 30 days of such further suspension. In the event he does not comply within the 30-day period, his membership in CPA Ontario shall be revoked and notice of the revocation of his membership, disclosing his name, shall be given in the manner specified above, and in a newspaper distributed in the geographic area of Sadaquat Tanweer's residence or employment. All costs associated with this publication shall be borne by Sadaquat Tanweer and shall be in addition to other costs ordered by the panel;

AND THAT:

8. Sadaquat Tanweer shall pay costs of \$18,000 to CPA Ontario by November 30, 2022.

DATED at Toronto this 30th day of November 2020.



Stuart Douglas
Discipline Committee – Chair

This matter is currently under appeal.

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO
THE CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO ACT, 2017

DISCIPLINE COMMITTEE

IN THE MATTER OF: Allegations against **SADAQUAT TANWEER, CPA, CMA**, a member of the Chartered Professional Accountants of Ontario, under **Rules 201.1** of the Chartered Professional Accountants of Ontario Code of Professional Conduct.

BETWEEN:

**Chartered Professional Accountants of Ontario
Professional Conduct Committee**

-and-

Sadaquat Tanweer

APPEARANCES:

For the Professional Conduct Committee: Kelvin Kucey, Counsel

For Mr. Tanweer: Paul Dhaliwal, Counsel

Heard: November 30, 2020

Decision and Order effective: November 30, 2020

Release of written reasons: January 6, 2021

REASONS FOR DECISION AND ORDER MADE NOVEMBER 30, 2020

I. OVERVIEW

[1] The Professional Conduct Committee of the Chartered Professional Accountants of Ontario (“PCC”) had made an Allegation that Mr. Tanweer had failed to maintain the good reputation of the profession and discredited the profession by enabling and participating in a mortgage agency arrangement, whereby he permitted a third party to impersonate him, access confidential software, process over 50 consumer mortgage transactions and claim over \$236,000 in commissions from the brokerage that employed Mr. Tanweer.

- [2] This hearing was held by videoconference before the Discipline Committee of the Chartered Professional Accountants of Ontario (“CPA Ontario”) (“Panel”) to determine whether the Allegation was established and whether the conduct breached Rules 201.1 of the CPA Ontario Code of Professional Conduct (“Code”), and its predecessor provisions, namely Rule 201.1 of the CPA Rules of Professional Conduct (“CPA Rules”) and section 3.4(b) of the CMA Code of Professional Ethics and amounted to professional misconduct.
- [3] Mr. Tanweer obtained his CMA designation in September 2011. He subsequently received a CPA designation and became a member of CPA Ontario upon amalgamation in 2014. At all material times, Mr. Tanweer operated as a sole practitioner accountant practising under the name Sun Accountax in Mississauga, Ontario. Sun Accountax’s advertised services included: personal and corporate tax returns, consultation and restructuring, accounting and bookkeeping, strategic business planning, incorporation of companies, financial statements, loans and financing, mortgages and payroll.
- [4] On May 3, 2019, the Financial Services Commission of Ontario (“FSCO”) notified CPA Ontario that it was investigating Mr. Tanweer in relation to multiple instances of mortgage fraud. CPA Ontario appointed an investigator to investigate the complaint on February 12, 2020.
- [5] Mr. Tanweer admitted the amended Allegation of professional misconduct made by the PCC. The onus was on the PCC to show on a balance of probabilities that Mr. Tanweer’s conduct breached the identified Rules and constituted professional misconduct.

II. PRELIMINARY ISSUES

- [6] At the outset of the hearing, counsel for Mr. Tanweer had difficulties in connecting to the videoconference hearing. After several unsuccessful attempts to join the videoconference, counsel asked if he could attend by way of telephone connection only, that is, without video connection. The Panel permitted this request.
- [7] Counsel for the PCC advised the Panel that the PCC was seeking to amend the Allegation, on consent, by replacing the word “scheme” with “arrangement” and deleting the phrase “among other things”. It was noted that the parties had entered an Agreed Statement of Facts based on the amended Allegation. The Panel allowed the amendment of the Allegation on the consent of the parties.

III. ISSUES

[8] The Panel identified the following issues arising from the Allegation:

- A. Did the evidence establish, on a balance of probabilities, the facts on which the Allegation by the PCC were based?
- B. If the facts alleged by the PCC were established on the evidence on a balance of probabilities, did the Allegation constitute professional misconduct?

IV. DECISION

[9] The Panel found that the evidence established, on a balance of probabilities, the facts set out in the Allegation of professional misconduct.

[10] The Panel was satisfied that the Allegation constituted a breach of Rule 201.1 of the Code, Rule 201.1 of the CPA Rules and section 3.4(b) of the CMA Code of Professional Ethics, and, having breached these Rules, Mr. Tanweer had committed professional misconduct.

V. REASONS FOR THE DECISION

Findings regarding Conduct of Mr. Tanweer

[11] The evidence in support of the Allegation was placed before the Panel by way of an Agreed Statement of Facts (Exhibit 1) and an accompanying Document Brief (Exhibit 2). The Agreed Statement of Facts concisely summarized the facts relevant to the amended Allegation as follows:

- (a) In or about early 2013, Ayaz Ahmed (“Ahmed”) approached Mr. Tanweer with a proposition that required Mr. Tanweer to obtain a mortgage agent licence through the FSCO (“Mortgage Licence”), and then permit Ahmed to use Mr. Tanweer’s mortgage agent credentials as he saw fit. In return, without having to do any additional work related to the business of arranging mortgage financing, Ahmed would split any earned commissions with Mr. Tanweer and share client information to assist Mr. Tanweer in expanding his accounting practice.
- (b) Mr. Tanweer agreed to Ahmed’s proposal. Ahmed covered all the costs of Mr. Tanweer obtaining and then maintaining his Mortgage Licence.

- (c) At all material times, Ahmed held a mortgage agent licence and was exclusively employed by a mortgage brokerage company, Mortgage Alliance Maple Mortgages ("MAMM").
- (d) On June 7, 2013, Mr. Tanweer obtained his mortgage agent certification, from the Real Estate and Mortgage Institute of Canada Inc.
- (e) A mortgage agent is legally required to work under the supervision of a licensed mortgage broker and may only work for one mortgage brokerage.
- (f) On June 21, 2013, Mr. Tanweer applied for employment as a mortgage agent with Real Mortgage Associates ("RMA"), a mortgage brokerage. RMA mortgage agents worked independently outside of the office, are unsupervised and their mortgage files are not routinely reviewed.
- (g) Ahmed prepared and submitted Mr. Tanweer's application paperwork for the RMA employment application. This documentation in support of Mr. Tanweer's employment application included a curriculum vitae that falsely stated that he had worked for TD Bank as a mobile mortgage specialist since 2009 (Exhibit 2, Tab 3). The curriculum vitae did not accurately reflect Mr. Tanweer's actual credentials as shown on his LinkedIn profile: Exhibit 2, Tab 1.
- (h) Mr. Tanweer was interviewed for the mortgage agent role by RMA. Based on his application and interview, RMA hired Mr. Tanweer as a mortgage agent and initiated his application for a Mortgage Licence with FSCO. FSCO subsequently issued Mr. Tanweer a Mortgage Licence.
- (i) As part of their business model, which facilitated the independence of RMA's mortgage agents, RMA used their agents' personal email addresses for all company related emails. Mr. Tanweer provided his personal email address to RMA.
- (j) Once Mr. Tanweer was hired by RMA and provided with personalized access to RMA's Filogix portal, Mr. Tanweer created an RMA email for Ahmed's use and passed on his Filogix portal password to him. Filogix is an online hub of the Canadian mortgage industry that connects brokerages to lenders and provides a secure document management exchange for the processing of mortgage applications.

- (k) From 2013 to 2019, Ahmed illegally processed approximately 50 mortgage applications either through Mr. Tanweer's Filogix identifier account or by sending the applications directly to RMA through his RMA email account without using Mr. Tanweer's Filogix identifier.
- (l) Most of the 50 mortgage transactions were filed under Mr. Tanweer's RMA Filogix account or otherwise directly submitted to RMA, with the relevant documents showing his signature as the mortgage agent, although Mr. Tanweer did not actually sign any of the documents. This information would be passed through RMA and the lenders that RMA was contracted to represent. Mr. Tanweer maintained that Ahmed sent some of the mortgage applications directly to one person at RMA (being the same person who interviewed Mr. Tanweer).
- (m) In accordance with his employment contract with RMA, Tanweer was paid a commission, into a bank account he designated, on each of the mortgage transactions that were approved by one of RMA's lenders.
- (n) Commissions paid by lenders are based on the total value of the mortgage loan and split 95%-5% between the brokerage and the agent, in favour of the mortgage agent. Of the mortgage transactions reviewed by CPA Ontario's investigator, RMA's payments to Mr. Tanweer averaged approximately \$5,500 per mortgage.
- (o) RMA commission payments to Mr. Tanweer were paid into bank accounts held by Mr. Tanweer. These accounts included a bank account belonging to RAAHAM Mortgage Services Inc., a corporation whose director was identified in federal corporation records as "Ayaz Ahmad", rather than Ahmed in his actual name (Exhibit 2, Tab 4).
- (p) During the operation of their agreement, Mr. Tanweer was paid over \$236,000 in commissions, which he then split with Ahmed, 10%-90% in favour of Ahmed.
- (q) Mr. Tanweer maintained that he and Ahmed were participating in co-brokering of mortgages. This was incorrect. Co-brokering is the process whereby one mortgage brokerage, through an agent under its oversight, works with a mortgage agent employed by another independent brokerage, to secure lender approval for a client and then sharing the commission arising from the approved loan between the two brokerages.
- (r) The mortgage agent agreement created and operated by Mr. Tanweer and Ahmad from 2013 to 2019 was improper.

- (s) On April 16, 2019 FSCO notified RMA of its investigation into Mr. Tanweer's conduct. RMA immediately terminated Mr. Tanweer's employment contract, thereby halting his ability to use his Mortgage Licence (Exhibit 2, Tab 5).
 - (t) On May 10, 2019, Mr. Tanweer surrendered his Mortgage Licence and notified the police that there were fraudulent documents attached to mortgage applications that were processed through his name and account by Ahmed, of which he was not aware.
- [12] The Panel also received answers from counsel in response to questions from the Panel. The Panel did not rely on these answers in reaching its conclusions and based its decision on the Agreed Statement of Facts, the documents filed on consent and the reasonable inferences from that evidence.
- [13] The Panel was satisfied that the agreed facts, as supported by the admitted documents, provided clear, cogent and compelling evidence to demonstrate that Mr. Tanweer had participated in an arrangement with Ahmed whereby he permitted Ahmed to use Mr. Tanweer's Mortgage Licence and mortgage credentials to pose as Mr. Tanweer and access the confidential system established by RMA for the filing of mortgage applications. In this manner, Mr. Tanweer enabled Ahmed to process approximately 50 consumer mortgage transactions and claim over \$236,000 in commissions from the brokerage that purportedly employed Mr. Tanweer, which commissions were then split with Mr. Tanweer.

Finding of Professional Misconduct

- [14] In the Agreed Statement of Facts, and through counsel, Mr. Tanweer admitted the Allegation and that conduct set out in the Allegation constituted professional misconduct. The Panel accepted that admission.
- [15] As set out further in its reasons regarding sanction, the Panel found that Mr. Tanweer's participation in the arrangement with Ahmed was not conduct that could be reconciled with the profession's reputation, particularly its reputation for integrity and candour, which was necessary to fulfil the role of a CPA. As set out in section 3.4(b) of the CMA Code of Professional Ethics, which governed Mr. Tanweer when he first entered the arrangement, Mr. Tanweer's conduct brought discredit on the profession. Accordingly, the Panel was satisfied that Mr. Tanweer had failed to maintain the good reputation of the profession and protect the public interest, contrary to each of the rules cited in the Allegation, and noted at paragraph 2 of these Reasons. Based on all of the evidence, and Mr. Tanweer's admission, the Panel concluded on a balance of probabilities that Mr. Tanweer had engaged in professional misconduct.

VI. DECISION AS TO SANCTION

- [16] After considering the evidence, the law and the submissions of both parties, the Panel concluded that the appropriate sanction was a written reprimand, a fine of \$30,000 payable within 24 months, the suspension of Mr. Tanweer's membership for a period of 18 months, effective immediately, a requirement that Mr. Tanweer successfully complete two specified courses in professional ethics before his reinstatement and the usual order as to publication of the decision to all members of CPA Ontario and the decision being available to members of the public, with the disclosure of Mr. Tanweer's name.
- [17] The Panel also concluded that the fact of the suspension of Mr. Tanweer's membership would be published in the Brampton Guardian and the Mississauga News, with the costs to be borne by Mr. Tanweer.

VII. REASONS FOR DECISION AS TO SANCTION

- [18] The PCC sought a sanction that included a written reprimand, a fine of \$27,000, a six-month suspension of Mr. Tanweer's membership, and full publication of the decision, including newspaper publication. Counsel for PCC indicated that the amount of the fine was based on the amount of the profit obtained by Mr. Tanweer from his participation in this arrangement. Although the PCC sought a suspension of six months, counsel for the PCC submitted that the Panel could consider a longer suspension or even revocation after he reviewed some earlier cases decided by the Discipline Committee.
- [19] Counsel for Mr. Tanweer submitted that an appropriate sanction would be a suspension of Mr. Tanweer's membership for three months, a fine of \$15,000, with time to pay due to the impact of the pandemic, and electronic publication of the decision but not publication in newspapers.
- [20] Given the comment by PCC counsel regarding more severe sanctions, the Panel received advice from its counsel that it was not bound to the range of sanction framed by the submissions of counsel and that it ultimately could impose the sanction that was in the public interest. However, counsel for the Panel emphasized that the Panel should give significant weight to the range set out by the parties. After receiving the advice of counsel, the Panel heard submissions from both parties as to the appropriate sanction, including the possibility of a sanction beyond the range framed by counsel, and, in particular a sanction above the sanction sought by the PCC.
- [21] After considering all of the submissions of counsel, the Panel concluded that Mr. Tanweer's misconduct was more severe than suggested by either counsel. In the Panel's view, the misconduct established on the evidence amounted to dishonest or fraudulent conduct with respect to, at a minimum, RMA and FSCO, if not the

parties involved in the mortgages. The sanction imposed must convey a clear message to Mr. Tanweer, other members of the profession and the public that conduct of this nature was not acceptable for any member of CPA Ontario. The dishonest nature of the arrangement, which goes to the heart of an accountant's integrity, was central to the determination of a penalty that maintained the confidence of the public in the accounting profession.

[22] The Panel identified in the evidence a number of elements of the proven misconduct that supported the conclusion that the misconduct was very serious. The problematic elements of the arrangement itself can be summarized as follows:

- The misconduct involved a pattern of conduct that continued over several years (2013 to 2019).
- The arrangement between Ahmed and Mr. Tanweer involved false information being given to RMA in the form of the curriculum vitae that purported to reflect Mr. Tanweer's credentials. Mr. Tanweer knew that an application had been submitted on his behalf by Ahmed. Even if he did not submit the information himself, and there was also no evidence that he had reviewed the application, he did not take any steps to review, and correct, the information. The Panel was satisfied that he was aware that this information could be false (since he was unqualified for the position without the false information about prior mortgage experience) and he proceeded with the application process despite this knowledge.
- Mr. Tanweer knew that mortgage applications were being submitted, and approved, in his name. Counsel submitted that Mr. Tanweer did not know that applications were signed with his name. Whether he knew that his signature was applied to these applications was beside the point. The fact remained that he knew these applications were being submitted in his name: that was the crux of the arrangement.
- Mr. Tanweer permitted a third party to use personal credentials obtained in his name to provide regulated services to public. The Panel did not accept the argument that seriousness of the misconduct was somehow lessened by the fact that Mr. Tanweer did not allow Ahmed to use his CPA designation. The fact that Mr. Tanweer permitted the misuse of the privilege of his Mortgage Licence, in a regulated activity, was equally serious in terms of its impact on Mr. Tanweer's integrity. When a CPA is in any public role, all of the conduct of that CPA must meet the standards of integrity expected of all CPA members.

- Mr. Tanweer continued with the arrangement, even though he knew from the outset that Ahmed was not entitled to use his credentials. Even apart from what Mr. Tanweer would have learned in the mortgage agent training, the Panel was satisfied that it was obvious to Mr. Tanweer, or any reasonable person, that it was improper to allow use of his mortgage credentials as he did under the arrangement.
- The arrangement was structured to provide the appearance that Mr. Tanweer received funds, even though they were being split. This added to the deception. Moreover, some of these funds were directed to the account of a company, RAAHAM Mortgage Services Inc., which was registered through a false name for Ahmed.
- The arrangement led to the illegal processing of approximately 50 mortgages by Ahmed. The processing of these transactions would not have been possible without Mr. Tanweer's complicity.

[23] There were a number of other aggravating factors in Mr. Tanweer's misconduct.

[24] The Panel found that the deception by Mr. Tanweer misled RMA when he purported to seek employment from that company. Whether he actively created the false application or not, he was complicit in that deception. He continued that deception for six years (2013-2019) when he allowed Ahmed to process mortgage transactions in his name.

[25] Counsel for Mr. Tanweer submitted that RMA was not misled because someone within RMA was complicit in the conduct. The Panel was not satisfied that the evidence before the Panel established this conclusion on a balance of probabilities. However, even if it were true that one person within the company was complicit in the dishonesty, the fact that someone within RMA was complicit in any dishonest conduct does not mean that RMA, as a corporation, was not misled by the deception.

[26] In the Panel's view, Mr. Tanweer also misled FSCO, as regulator, because he sought and obtained credentials, namely a Mortgage Licence, that allowed him to participate in a regulated field and he then misused those credentials by allowing someone other than himself to use them. The arrangement allowed Ahmed to work for two mortgage brokerages – which was prohibited conduct for a mortgage agent under the regulatory framework established by FSCO. While Mr. Tanweer may or may not have turned his mind to the specific reason why the arrangement was improper, the Panel was satisfied that he was aware that the arrangement was improper given it involved a misrepresentation as to who was conducting business under his personal Mortgage Licence and personal identifiers.

- [27] There was no evidence that Mr. Tanweer had any legitimate business interest in obtaining a Mortgage Licence. Although he referenced mortgages in his website, there was no indication that he placed mortgages himself in addition to those brokered by Ahmed under the arrangement. Mr. Tanweer obtained regulated credentials for the sole purpose of engaging in unlawful conduct.
- [28] Mr. Tanweer maintained that he did not know about the fraudulent nature of any transactions and only discovered this when FSCO intervened. Whether the transactions arranged by Ahmed were fraudulent in themselves was not relevant to an assessment of Mr. Tanweer's misconduct. The issue was whether he knew that the arrangement itself was dishonest. In the Panel's view, he clearly knew – or at the very least turned a blind eye to the fact - that he had entered an arrangement whose purpose was unlawful.
- [29] Mr. Tanweer profited from the unlawful arrangement to the extent of approximately \$23,000, without having to do any additional work. This self-enrichment was a clear aggravating factor. Counsel for the PCC submitted that the sanction should include some term that would disgorge these profits from Mr. Tanweer. The Panel concluded that such an explicit term was not necessary, but took the amount of profit into account in setting the amount of the fine.
- [30] The Panel also concluded that Mr. Tanweer had not really accepted any responsibility for his involvement in this arrangement. While the Panel recognized that he had signed an Agreed Statement of Facts and admitted misconduct, there was no evidence of remorse apart from these facts or of any taking of responsibility before that time. In particular, the Panel relied on the fact that Mr. Tanweer had not taken any steps to come forward before the situation was discovered by FSCO.
- [31] Moreover, the positions taken in the Agreed Statement indicated to the Panel that Mr. Tanweer placed primary responsibility for the arrangement on Ahmed. The Panel did not accept this characterization. Mr. Tanweer played a central role in this arrangement, and the arrangement could not have proceeded without his involvement. Even if Ahmed devised the arrangement, the Panel found Mr. Tanweer equally responsible for its implementation.
- [32] In the Panel's view, when there is something wrong with a plan or proposal being discussed, the CPA should lead the charge to stop the plan or amend the plan to eliminate any impropriety. It is not enough for the CPA to point to others involved in the discussion as the ones to blame. It is not enough for the CPA to do nothing and say that he was a victim of someone else. The expectations on a CPA, given the privileged position of the profession and the trust placed in the members of the profession by the public, are greater than that.
- [33] The Panel recognized that there were mitigating factors in favour of Mr. Tanweer. He did not have a discipline history prior to these events. There was no evidence that anyone had suffered losses on the underlying mortgage transactions. Also,

while there was some suggestion that one or more of the transactions established by Ahmed may have been fraudulent in themselves, there was no evidence to demonstrate that. Mr. Tanweer had voluntarily surrendered his Mortgage Licence. And, as noted, Mr. Tanweer admitted professional misconduct and entered an Agreed Statement of Facts.

- [34] Notwithstanding these mitigating factors, the Panel concluded that the seriousness of the misconduct required a sanction greater than the three to six month range set out by counsel. The Panel was consequently required to determine an appropriate sanction from first principles. The Panel found that the cases cited were not particularly helpful in this regard as they were determined on their specific, and quite unique facts. However, the Panel did note that the cases cited with respect to a member assisting dishonest conduct by another person all involved suspensions of at least six months. The most analogous case was the decision of the Discipline Committee in Horsley (Re) (August 16, 2016), in which Mr. Horsley had not taken appropriate care to ensure the accuracy of the financial information for a company of which he was Chief Financial Officer and allowed his name to be associated with the financial information, nonetheless. Mr. Horsley's membership was revoked.
- [35] The Panel did consider whether revocation was the appropriate sanction given that the misconduct involved dishonesty, which undermined the essential character trait required of all members of CPA Ontario: integrity. However, the Panel was mindful of the advice of its counsel, which was not disputed by either party, that the Panel had to give some weight to the positions of the party. Since the PCC had not sought revocation of Mr. Tanweer's membership, the Panel concluded that it would not be appropriate to impose that sanction at this point.
- [36] In addition, the Panel was satisfied that Mr. Tanweer could be rehabilitated. While there was a clear need for a sanction that deterred Mr. Tanweer and others from this sort of conduct, the Panel recognized that it was necessary to also consider whether these goals could be met while allowing, and supporting, the member's rehabilitation as a member who met the standards of the profession. The Panel accepted that this could be possible in this case given the steps he had taken in admitting his misconduct. However, the Panel concluded that further education of the member was necessary to support this rehabilitation, and, for this reason, directed that Mr. Tanweer complete substantial continuing professional development related to the issues raised by the Allegation before he could return to practice.
- [37] While allowing for Mr. Tanweer's rehabilitation, the Panel did conclude that a substantial suspension was required to express its disapproval of a member engaged in dishonest conduct and convey to the profession and the public that

such misconduct would be met with very serious sanctions. For these reasons, the Panel found that a suspension of 18 months was appropriate.

[38] With respect to the amount of the fine, the Panel considered the profit that Mr. Tanweer recovered and concluded that the penalty had to be greater than that amount. In the Panel's view, there needed to be an additional amount included in setting the amount of the fine to avoid the fine simply becoming a cost of doing business. The Panel accepted that more time to pay the fine than would usually be granted was appropriate as a result of the economic impact of the COVID-19 pandemic and made its order accordingly.

[39] In the Panel's view, the serious nature of Mr. Tanweer's conduct, and the fact that his practice involved services to many members of the public, required that there be publication of the decision in two newspapers in the geographic area of Mr. Tanweer's practice. Even though Mr. Tanweer now expressed some remorse through his admission of misconduct, The Panel concluded that the fact that Mr. Tanweer had admitted misconduct did not provide sufficient assurance that he would not engage in similar misconduct in the future unless the public was made aware that he could not act as a Chartered Accountant.

[40] The Panel recognized that newspaper publication of the suspension was not required under section 48 of Regulation 6-2 because Mr. Tanweer did not have a public accounting licence. However, the Panel found that it had authority under section 50 to order publication in any form where it considered it appropriate.

VIII. COSTS

[41] The PCC asked the Panel to award costs equal to two thirds of the costs incurred by the PCC in the prosecution of this matter, as reflected in the Costs Outline filed as Exhibit 3. As those costs totaled slightly more than \$27,000, this request would amount to a costs award of \$18,000. Counsel for Mr. Tanweer submitted that the costs award should only be 50% of the costs incurred by the PCC because Mr. Tanweer had moved the hearing process forward efficiently and in cooperation with the PCC.

[42] In recent decisions, the Discipline Committee has recognized that a costs award against a member equal to two-thirds of the actual costs incurred by the PCC set the appropriate balance between the member's obligation to reimburse costs incurred as a result of his own misconduct and the profession's obligation to bear some cost for regulating its members. The Panel found no reason to depart from this proposition here. The benefit of Mr. Tanweer's cooperation in the hearing process was reflected in a reduction of the total costs of the PCC. The Panel did not see any reason to discount the costs award further.

[43] The Panel ordered that Mr. Tanweer pay costs in the amount of \$18,000 within 24 months of the order being made. The Panel allowed this amount of time to pay in recognition of the financial hardships caused by the COVID-19 pandemic.

Dated at Toronto this 6th day of January, 2021



Stuart Douglas, FCPA, FCA
Discipline Committee – Deputy Chair

Members of the Panel

Paul A. Busch, FCPA, FCA, LPA
Rebecca Huang (Public Representative)
Catherine Kenwell (Public Representative)
Peter-John Vaillancourt, CPA, CGA

Independent Legal Counsel

Glenn Stuart, StuartLaw