

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

DISCIPLINE COMMITTEE

IN THE MATTER OF: Allegations against **Jack Cayne, CPA, CGA**, a member of the Chartered Professional Accountants of Ontario, under **Rules 104, 206.1 and 218** of the CPA Code of Professional Conduct and Allegations against **Jack Cayne, CPA, CGA**, a member of the Chartered Professional Accountants of Ontario, under **Rules 104, 202.1, 205(a) and 208** of the CPA Code of Professional Conduct.

BETWEEN:

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

-and-

Jack Cayne

APPEARANCES:

For the Professional Conduct Committee: For D-23-016: Kelvin Kucey, Counsel
For D-24-027: Jonathan Smith, Counsel

For Jack Cayne: Present
Gary Srebrolow, Counsel

Heard: For D-23-016: August 8 and 9, 2024;
November 11, 21, 25, 26 and 29, 2024;
December 16, 2024; and June 16, 2025
For D-24-027: June 16, 2025

Order effective for D-23-016: June 16, 2025

Decision and Order effective for D-24-027: June 16, 2025

**Release of written reasons on Sanction
for D-23-016:** July 28, 2025

**Release of written reasons on Finding
and Sanction for D-24-027:** July 28, 2025

REASONS FOR THE DECISION AND ORDER MADE JUNE 16, 2025

I. OVERVIEW

- [1] On March 7, 2025, the Discipline Committee of the Chartered Professional Accountants of Ontario found that Jack Cayne (the “Member”) committed professional misconduct as alleged in Case ID – D-23-016 (“D-23-016”) ([Cayne, March 7, 2025](#)) and issued reasons for decision on finding dated March 7, 2025.
- [2] In a second matter, Case ID – D-24-027 (“D-24-027”), the Professional Conduct Committee of the Chartered Professional Accountants of Ontario (“PCC”) made Allegations of professional misconduct that the Member signed or associated with letters, statements, or representations which he knew, or should have known, were false or misleading; failed to act with integrity and due care; failed to take appropriate measures to maintain and protect confidential information of clients and thereafter disclosed confidential information of those clients to a client (JW); and, failed to cooperate with the regulatory processes of CPA Ontario and failed to promptly produce documents when required to do so.
- [3] At the request of counsel for the parties in both D-23-016 and D-24-027, the Panel combined the proceedings in the two matters pursuant to Rule 6 of the [CPA Ontario Rules of Practice and Procedure](#) (the “Rules”).
- [4] On June 16, 2025, the Panel first considered whether the Allegations in D-24-027 were established and whether the conduct breached Rules 205(a), 202.1, 208 and 104 of the [CPA Code of Professional Conduct](#) (the “Code”).
- [5] Once the Panel found that the Member had committed professional misconduct in D-24-027, the Panel considered the parties’ joint submission respecting the sanctions for the Member’s professional misconduct in both matters.

II. D-24-027 COMPLAINT AND THE ALLEGATIONS

- [6] On June 14, 2022, CPA Ontario received a complaint from the Member’s client, JW, about the services that he had provided to her respecting her personal and corporate income tax returns and her GST/HST returns.
- [7] Following an investigation, the PCC brought Allegations against the Member. The summary of the Allegations is as follows:
- (a) From in or about November 1, 2022 through May 31, 2023, the Member attempted to mislead CPA Ontario, and in particular,
- i. he falsified a letter to CPA Ontario purported to be from JW. The letter stated that JW wanted to withdraw her complaint about the Member;
 - ii. the Member signed JW’s name to the letter without her knowledge;
 - iii. JW did not agree to withdraw her complaint to CPA Ontario at that time; and
 - iv. after he sent the forged letter to CPA Ontario, the Member asserted to

CPA Ontario on several occasions that JW had withdrawn her complaint, knowing that it was not true.

- (b) From in or about March 1, 2020 through May 31, 2023, the Member failed to act with integrity and due care, and in particular,
- i. he signed clients' names on official documents;
 - ii. he sent a letter to the Canada Revenue Agency ("CRA") without the prior approval of JW after she had noted that the earlier draft letter had errors, including the implication that JW was at fault;
 - iii. he did not retain documents and correspondence from JW; and
 - iv. he did not prepare or retain the necessary documentation to account for funds transferred from JW.
- (c) From in or about November 1, 2022 through December 31, 2022, the Member sent JW a file containing highly confidential information about other clients, thus failing to take appropriate measures to maintain and protect the confidential information of clients.
- (d) From in or about November 1, 2022 through November 6, 2024, the Member failed to cooperate with the regulatory processes of CPA Ontario and failed to promptly produce documents when requested.

III. PRELIMINARY ISSUES AND MOTIONS

- [8] This Panel conducted a hearing respecting Allegations of professional misconduct in D-23-016 on August 8 and 9, November 11, 21, 25, 26 and 29, and December 16, 2024. Following the receipt of written submissions on Finding, on March 7, 2025, the Panel found that the PCC had established that the Member committed professional misconduct in matter D-23-016. Reasons for the decision were released on May 1, 2025 ([Cayne, May 1, 2025](#)).
- [9] The hearing on Sanction for D-23-016 was scheduled for June 16, 2025.
- [10] On May 23, 2025, the Panel was advised for the first time that there was another matter involving the Member, D-24-027, and that the parties were working towards a resolution on professional misconduct in D-24-027 and a global resolution on sanction in both matters (D-23-016 and D-24-027).
- [11] When the parties reached a resolution, including an Agreed Statement of Facts respecting D-24-027 and a Joint Submission on Sanction for both matters, they brought a motion to combine the two matters. The Panel granted the motion on June 11, 2025 and ordered that the two matters be combined and heard together by this Panel on June 16, 2025 ([Cayne, June 11, 2025](#)).
- [12] On June 16, 2025, the Panel first heard submissions from counsel for both parties (Mr. Smith and Mr. Srebrolow) on Finding in D-24-027. After the Panel made a finding of

professional misconduct in that matter, the Panel heard submissions from counsel for the parties for both matters (Mr. Kucey and Mr. Smith, on behalf of the PCC, and Mr. Srebrolow, on behalf of the Member) respecting Sanction for both matters.

IV. ISSUES ON FINDING (D-24-027)

[13] The Panel identified the following issues arising from the Allegations in D-24-027:

- (a) Did the evidence establish, on a balance of probabilities, the facts on which the Allegations made 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 Allegations constitute professional misconduct?

V. DECISION ON FINDING (D-24-027)

[14] The Panel found that the evidence established on a balance of probabilities, the facts on which the Allegations were based.

[15] The Panel was satisfied that the Allegations in D-24-027 were proven and constituted breaches of Rules 205(a), 202.1, 208 and 104 of the Code. The Panel determined that, having breached these Rules, the Member committed professional misconduct.

VI. REASONS FOR DECISION ON FINDING (D-24-027)

[16] The Panel reviewed the Agreed Statement of Facts (Exhibit 1) and the Joint Book of Documents (Exhibit 2). In paragraph 109 of the Agreed Statement of Facts, the Member admitted that his conduct, as detailed in the Allegations, established that he signed or associated with false or misleading letters, statements or representations, contrary to Rule 205; failed to act with due care and integrity, contrary to Rule 202.1; failed to take appropriate measures to maintain and protect confidential information, contrary to Rule 208; and, failed to cooperate with the regulatory process of CPA Ontario, contrary to Rule 104.

[17] At the outset of the hearing, the Member confirmed his agreement with the facts set out in the Allegations and that the Allegations constituted professional misconduct.

Member's Background

[18] The Member, who was 74 years old at the time of the hearing, obtained his Certified General Accountant designation in 1987 and was admitted as a legacy member of CPA Ontario in 2014. He received his Public Accounting Licence ("PAL") in 2013 and it was renewed in August 2022.

The Complaint

[19] On April 7, 2022, the Member was advised that the Practice Inspection Committee found that he had failed to maintain professional standards and referred the matter to the PCC (subsequently referred to as D-23-016). The investigator appointed by the PCC in D-23-

016 contacted the Member on May 30, 2022.

- [20] Two weeks later, JW made a complaint to CPA Ontario about the Member on June 14, 2022 (subsequently referred to as D-24-027). JW was a licensed pharmacist in Ontario and had been a tax client of the Member since 2014.
- [21] JW complained that the Member repeatedly failed to respond to her communications. She said that he had missed deadlines with CRA and failed to respond to CRA communications. JW was concerned that the Member made errors in her CRA filings and backdated letters to CRA to make it appear that the letters were filed on time. Finally, JW noted that she paid approximately \$7,000 to the Member over a series of e-transfers for the express purpose of submitting the funds to CRA, but he failed to do so. The Member did not return the funds to her.
- [22] To support her complaint, JW sent further correspondence to CPA Ontario on August 16, September 21 and October 26 and 28, 2022.
- [23] Standards Enforcement (SE) reviewed JW's complaint until July 2024. On August 2, 2024, the PCC appointed investigators to review JW's complaint.

ALLEGATION 1 – Rule 205(a) – The Member signed or associated with letters, statements, or representations which he knew, or should have known, were false or misleading

Particular (a) - He falsified a letter purported to be from JW dated November 23, 2022 ("November 23 Forged Letter") to CPA Ontario under her name and signature.

Particular (b) - He wrote a letter dated November 28, 2022 to CPA Ontario stating that JW decided not to proceed with the complaint against him, when she had not done so.

- [24] After SE received JW's complaint and the supporting documentation for her complaint, they wrote to the Member on November 16, 2022, seeking his response. SE required a substantive response by December 7, 2022.
- [25] When the Member learned about JW's complaint, he emailed her on November 20, 2022, and asked if they could discuss her complaint. He suggested that they address "everything that had gone wrong over the past 11 months between [them] and then work on a solution to fix things." He wrote that he hoped that she would withdraw her complaint to CPA Ontario.
- [26] JW responded that she did not know how he could fix the bad impression that CRA had with her file or the consequences. The Member then offered to write to CRA to explain that he was responsible for the problems with her file.
- [27] On November 23, 2022, the Member emailed JW attaching two draft letters that he proposed to send to CRA and CPA Ontario. The draft letter to CPA Ontario was dated November 23, 2022 and included JW's name at the bottom with no signature above it. The letter, in part, stated: "Please be advised that I do not wish to putsue [sic] this complaint any longer and would ask that you discontinue any work that you may have started in this regard" ("November 23 Draft Letter").

- [28] The next day, the Member and JW continued their discussion by email. With respect to the Complaint to CPA Ontario, their exchange, in part, was as follows:
- JW: "I do not want to cancel my complaint at this time till [sic] the issues are resolved."
 - Member: "The CPA Association has given me until the end of November or else my license will not be renewed. I promise you the CRA will be notified of the [sic] my responsibility for the problems you have been having with them but I need the letter to the CPA's really soon."
 - JW: "You can try to ask CPA for an extension. I do not think your College will not allow you to renew your license with a complaint."
 - Member: "That's not fair!! I want to continue practicing and the less contact with them the better. Can't we comprise [sic]??"
- [29] On November 27, 2022, the Member wrote to JW about amending his letter to CRA and asked JW to remember the deadline for contacting CPA Ontario with the withdrawal of her complaint. JW replied that it was inappropriate for her to make a decision to withdraw her complaint and again suggested that the Member ask CPA Ontario for an extension. She added that she needed to see the resolution of her issues with CRA before she would consider withdrawing her complaint.
- [30] The next day, the Member begged JW to withdraw her complaint and promised that he would follow through on everything else that she wanted. JW replied that she had not received the updated letter to CRA that she had requested.
- [31] On November 29, 2022, the Member emailed SE and attached two letters:
- (a) The first letter was written under his own name and signature dated November 28, 2022. The Member wrote that he was attaching a second letter from JW and indicated that she had decided not to proceed with the complaint. He added that he trusted that this letter would suffice to close the file ("November 28 Member Letter").
 - (b) The second letter was dated November 23, 2022, and was under the name of JW. The letter purported to be signed by JW. The letter stated that JW "did not wish to putsue [sic] the complaint any longer" and asked SE to discontinue any work that they may have started on the file ("November 23 Forged Letter"). Other than the addition of JW's signature, the November 23 Forged Letter was the same as the November 23 Draft Letter sent to JW for her approval.
- [32] On November 30, 2022, the Member wrote to the General Inbox for the Investigations and Prosecutions Coordinators at CPA Ontario and advised: "[JW] has withdrawn her complaint and will not be pursuing it. This was communicated to [SE] yesterday evening".
- [33] Later that day, Mr. Kucey (PCC counsel for D-23-016) wrote to the Member and advised

him that once an external complaint is filed, it cannot be withdrawn.

Particular (c) – He wrote a letter dated December 1, 2022 to CPA Ontario stating that the matter had been settled with JW

[34] On December 2, 2022, the Member sent a letter to SE, dated December 1, 2022, and advised, in part, that the complaint between him and JW had been "amicably [sic] "settled"" and that the matter involved a "break-down" in communications between himself and JW about who would be sending certain correspondence to CRA. He explained "... we successfully resolved the problem" and in the end, they had agreed to work more closely together. He wrote: "This file has been a "wake-up call" as to the importance of communications and the role it plays in establishing and maintaining trust in professional dealings with clients."

[35] When he sent this letter to SE, the Member knew much of its contents were false; in particular, the matter had not been settled or resolved with JW, their dispute was not about which of them would write to CRA, he had forged her signature on the November 23 Forged Letter and she had never authorized him to send the letter.

Particular (d) – He wrote a letter dated January 25, 2023 to CPA Ontario stating that JW had previously written the November 23 Letter withdrawing her complaint, when JW had not written the November 23 Forged Letter

[36] The Member did not substantively respond to JW's complaint by December 7, 2022 as initially requested.

[37] When SE asked him on January 24, 2023 to respond to each of the allegations in JW's complaint, the Member responded on January 25, 2023 that the allegations had been addressed and JW had written to CPA Ontario to withdraw her complaints.

Particular (e) – He wrote a letter dated March 27, 2023 to CPA Ontario stating that JW had written the November 23 Letter, which she had not written

[38] On March 1, 2023, SE explained to the Member that they had not had any direct communication with JW where she expressed a wish to withdraw her complaint.

[39] The Member responded by letter dated March 27, 2023, and stated that JW wrote to CPA Ontario withdrawing the allegations. He again attached the November 28 Member Letter, and the signed November 23 Forged Letter.

[40] On March 31, 2023, SE notified the Member that his responses to SE (November 28 and December 1, 2022 and January 25 and March 27, 2023) had been forwarded to JW for her information and comment.

[41] When she received these letters from SE, JW told them that she did not write, sign or authorize the November 23 Forged Letter. JW did not understand what the Member meant with respect to "amicably settling the matter" in his letter dated December 1, 2022 and said that she had never asked CPA Ontario to withdraw the complaint.

- [42] On May 9, 2023, SE wrote to the Member and provided JW's response denying that they had settled and that she had seen or signed the November 23 Forged Letter. SE advised the Member that having regard to Rules 105, 201.1 and 205, he was to provide a written response to the additional allegation that he forged JW's signature.
- [43] On May 17, 2023, the Member emailed JW: "Is there any chance we can talk or meet? I am still having problems with the CPA Association and really need your help." JW did not respond to his email.
- [44] The next day, the Member wrote a letter to SE and admitted that he signed JW's name to the November 23 Forged Letter, stating in part "... I acknowledge that I signed her name to a letter addressed to the association."
- [45] On or about February 28, 2024, and after the Member engaged counsel to assist him with this matter, the Member wrote a letter to SE to further acknowledge that he signed JW's name to the November 23 Forged Letter. He attempted to explain the context and background of why he did this. The Member claimed that he believed that JW had agreed in principle to a letter being sent to CPA Ontario withdrawing the complaint if the Member first sent her proof that a letter was sent to CRA. The Member explained that he sent the November 23 Draft Letter to JW for her approval and "once approval was obtained," he signed the letter and forwarded it to CPA Ontario on her behalf. He said that this was done with JW's knowledge and consent.
- [46] The exchange set out in para [27] of these Reasons, does not support this version of events. In her email of November 24, 2022, JW expressed that she did not want to "cancel her complaint at this time" until the issues were resolved. Also, in her email of November 27, 2022, she stated that she wanted "to see the resolutions first before I consider to withdraw the complaint" (emphasis added).
- [47] In his letter of February 28, 2024, the Member expressed regret for sending the November 23 Forged Letter and acknowledged that in hindsight he should not have sent the letter to CPA Ontario by signing JW's name and if any such letter was sent, it should have been signed and sent directly by JW. He suggested that the withdrawal of the complaint was JW's idea. He regretted signing the letter on JW's behalf or that he accepted her offer to withdraw the complaint. Again, this was not true because JW was not the originator of the plan to withdraw her complaint, and she never offered to withdraw the complaint.
- [48] In the Agreed Statement of Facts, the Member finally admitted that when he sent CPA Ontario the November 23 Forged Letter, JW had not agreed to ask CPA Ontario to withdraw the complaint and, furthermore, she did not authorize the use of her name or signature in the November 23 Forged Letter.

ALLEGATION 2 – Rule 202.1 – The Member failed to act with integrity and due care

Particular (a) – He signed clients' names on official documents

[49] On August 23, 2024, as part of the Member's written response to the investigators, he provided a document entitled "Background/Context." In part, the Member stated that "[t]his is the only time [he] signed correspondence on behalf of [JW] or any other client," referencing the November 23 Forged Letter.

[50] On September 19, 2024, the Member was interviewed by the investigators appointed by the PCC in this matter. He told them that during the Covid-19 pandemic, when he could not meet with clients personally, if he wanted to send a letter on behalf of that client, and they agreed to the letter being sent and the contents of the letter, he would sign a client's name to the letter, including letters sent to CRA.

[51] The Member admitted that this conduct occurred on more than one occasion.

Particular (b) – He changed the content of a letter to CRA without the prior approval of JW

[52] Before she complained to CPA Ontario, JW received a significant amount of correspondence from CRA seeking additional information and documents related to her tax filings and her professional corporation. The Member was JW's authorized representative but he had not responded to CRA's requests for information in a timely manner.

[53] Additionally, JW was notified that her HST filings for the 2020 and 2021 year ends were filed late with CRA. The Member did not have any written documentation to explain why they were filed late.

[54] Between November 20 and 29, 2022, a series of emails between JW and the Member discussed the issues that she was experiencing with CRA. As previously set out with respect to Allegation 1, the Member offered to write to CRA and take responsibility for the issues experienced by JW and, further, provided her with draft versions of a letter that he proposed to send to CRA.

[55] The first draft of the proposed CRA letter was sent to JW on November 23, 2022 ("November 23 CRA Draft"). JW took issue with the November 23 CRA Draft and the Member offered to rewrite the letter.

[56] On November 27, 2022, the Member told JW that he had produced a second draft letter to CRA that was "stronger" and sent an attachment "Sheet_77.xlsx".¹ The attachment was an Excel workbook that contained approximately 75 sheets. Sheet 77 within the workbook had a draft letter to CRA dated November 28, 2022 ("November 28 CRA Draft 1"). The Member indicated that JW could edit the letter.

[57] On November 28, 2022, the Member sent an email to JW with an attachment "[JW] _Letter_CRA.xlsx" with a third version of the draft letter to CRA dated November 28, 2022 ("November 28 CRA Draft 2"). He stated that he had addressed the issues she

¹ The Member drafted most of his correspondence for and to clients in Microsoft Excel, rather than Word. He used a single Excel workbook file for multiple clients with each different worksheet within the file containing draft correspondence or information related to an individual client.

had earlier raised. The attachment was an Excel workbook that contained approximately 75 sheets. Sheet 77 contained the November 28 CRA Draft 2.

[58] On the morning of November 29, 2022, the Member wrote to JW and asked her to approve the November 28 CRA Draft 2. JW responded that she had not seen an attachment from the previous day.

[59] The Member then sent another email to JW with an attachment "[JW].xlsx" which was an Excel spreadsheet containing a draft CRA letter dated November 28, 2022 ("November 28 CRA Draft 3")

[60] JW confirmed receipt of the draft CRA letter and upon reviewing the November 28 CRA Draft 3 told the Member that "[t]here were/are mistakes through the years that you are my accountant, not just this year". The Member replied: "I can say that these have been occurring in prior years but this year we want to make sure they don't reflect badly on you".

[61] After sending the November 28 CRA Draft 3 to JW, the Member made further changes to the letter to CRA and, according to the Member, he sent this final letter, dated November 28, 2022, to CRA ("Final November 28, 2022 CRA Letter").

[62] The November 28 CRA Draft 3 (seen by JW but not approved) stated, in part:

Since the beginning of the year she has received a lot of correspondence from the Agency regarding payroll and HST remittances that had not been answered.

As her accountant [sic], I bear full responsibility for these errors of omission [sic] and others concerning missed deadlines and filings.

I want to bring to the attention of the Agency that none of these mistakes were committed by the taxpayer herself.

Going forward I will make every effort to attend to all correspondence addressed to the taxpayer and/or her corporation in a timely fashion.

[63] The Final November 28, 2022 CRA Letter (which JW did not see before it was sent) stated, in part:

In the past few weeks she has received a lot of correspondence from the Agency regarding payroll and HST remittances that have not been answered.

As her accountant, I should be more diligent in encouraging her to attend to these matters on a more timely basis.

Going forward I will make every effort to attend to all correspondence addressed to the taxpayer and/or her corporation within a reasonable period of time.

[64] The Member changed the content of the Final November 28, 2022 CRA Letter without

notifying JW or providing her with the final version. He changed the letters so that in the previous draft letter, he took "full responsibility" for the errors but in the final version of the letter sent to CRA, he suggests that JW should have attended to these matters on a more timely basis.

- [65] As set out below, the Member initially told the investigators that he sent the November 28 CRA Draft 3 letter to CRA and he produced proof of postage for the package with a handwritten note "[JW]." He later admitted that he sent the Final November 28, 2022 CRA Letter.

Particular (c) - He did not retain documents and correspondence from his client JW

- [66] During the SE complaint review and PCC investigation, the Member was requested to provide documents and correspondence with respect to JW.

- [67] The Member told the investigators that he had a number of verbal communications with JW regarding CRA, and the possibility of drafting a letter, as well as the possibility of withdrawing the CPA Ontario complaint. The Member also stated that there were additional emails that were not part of the email chains provided by JW to CPA Ontario. However, the Member did not prepare or could not produce any documentation of the alleged verbal communications and failed to retain any additional email correspondence.

- [68] JW had stated as part of her complaint that the Member had filed two HST returns late with CRA for the November 30, 2020 and November 30, 2021 filings. According to the Member, this occurred because JW had not provided him with the required information and there was a change to her corporation's year end. However, he did not retain documents or correspondence with respect to the late filings.

- [69] JW also alleged issues with the Member's filings for her personal and corporate taxes, including a notice of reassessment in 2017 resulting in additional taxes of \$2,000 and arrears interest of \$162. The Member advised that he did not retain copies of draft personal or corporate tax returns that he has prepared, nor did he retain copies of source documents used to prepare income and HST returns filed on behalf of clients. As a result, no records were available to determine the cause of the changes.

- [70] The Member admitted that he failed to retain documents and correspondence related to JW as described above.

Particular (d) – He did not prepare or retain the necessary documentation to account for funds transferred from JW

- [71] Between December 13, 2021 and April 4, 2022, JW made six Interac e-transfers to the Member.

- [72] The Member was able to account for the disbursement of five of the six e-transfers, other than a transfer on February 14, 2022 of \$200. According to the Member, the \$200 was sent to CRA for HST as "\$300 in error"; however, the Member could not explain whether this was in addition to or related to the \$300 transfer from JW on

February 15, 2022.

- [73] The Member also produced an invoice dated September 5, 2023 for \$565 for various corporate matters for JW and stated that the \$200 may have been used to pay part of that invoice. The Member later confirmed that the \$565 was received from JW and recorded in December 2021 as revenue of \$500 and HST of \$65.
- [74] The Member did not prepare or retain the necessary documentation to account for the \$200 transfer.
- [75] As set out above with respect to Allegation 2, the Member admitted that he failed to act with integrity and due care, contrary to Rule 202.1 of the Code.

ALLEGATION 3 – Rule 208 – The Member failed to take appropriate measures to maintain and protect confidential information of clients and thereafter disclosed confidential information of those clients to JW

- [76] As described at paragraph [55] above, on November 27, 2022, the Member sent JW an email with the attachment "Sheet_77.xlsx", which contain approximately 75 worksheets. Only "Sheet 77" related to JW and the other worksheets related to clients other than JW.
- [77] The next day, the Member sent JW an email with the attachment "[JW]_Letter_CRA.xlsx", and again the attachment contained approximately 75 worksheets with only "Sheet 77" relating to JW.
- [78] The nature of the confidential information contained in the two attachments was as follows:
- (a) Clients' names
 - (b) Clients' addresses
 - (c) CRA Issue/File Identification numbers
 - (d) Clients' Social Insurance Numbers (if applicable)
 - (e) Clients' Business Numbers (if applicable)
 - (f) Financial details related to the CRA issue in question for each client, e.g. Notice of Objection for CERB repayment, tax assessments/reassessments etc.
- [79] As part of the PCC's investigation, the investigators asked JW to provide all correspondence between her and the Member throughout the relevant period. Upon receiving the correspondence from JW between her and the Member, the investigators noted that the two attachments referenced above disclosed the confidential information of other clients.
- [80] The Member first learned of the inadvertent disclosure from the investigators during their interview of him on October 1, 2024. He told the investigators that he was not computer savvy and that he did not intend to share the confidential information of approximately 75 clients. The Member agrees that it was his duty to ensure that

confidential information had adequate safeguards and that it was not provided to any other individuals.

- [81] The Member subsequently notified the affected individuals of the disclosure of their confidential information.

ALLEGATION 4 – Rule 104 – The Member failed to cooperate with the regulatory processes of CPA Ontario and failed to promptly produce documents when required to do so

- [82] The Member was initially contacted about JW's complaint ("November 16 Letter") and asked to provide a substantive response, including relevant evidence, by December 7, 2022. He did not substantively respond and did not produce any supporting documentation or evidence. Instead, he relied on the November 23 Forged Letter and the November 28 Member Letter falsely claiming that JW wished to withdraw her complaint.
- [83] The Member was asked again to respond to JW's complaint on January 24, 2023. He responded on January 25, 2023, but did not substantively respond to the complaint or the November 16 Letter.
- [84] SE wrote to the Member again on March 1, 2023 and noted that no "fulsome responses" had been received with respect to the allegations. He was reminded of the requirement to cooperate pursuant to Rule 104 of the Code. The Member was given a new deadline of March 22, 2023 to respond. The Member did not respond to the letter.
- [85] The Member responded to SE on March 27, 2023 and stated that he had previously responded to the March 1 Letter. He stated that CPA Ontario had received written communication from JW, i.e. the November 23 Forged Letter, stating that she did not wish to pursue the matter. The Member provided responses to the complaint but did not produce any documents or other supporting evidence. The Member again produced the November 23 Forged Letter and the November 28 Member Letter.
- [86] On May 9, 2023, SE wrote to the Member ("May 9 Letter") seeking additional information with respect to a new allegation that he had forged JW's signature on the November 23 Forged Letter. The Member was asked to provide any other comments, information, and/or documents he wished to be considered by May 26, 2023.
- [87] On May 18, 2023, the Member responded to the May 9 Letter and admitted that he signed JW's name to a letter addressed to CPA Ontario.
- [88] On January 17, 2024, SE sent the Member additional material provided by JW and requested a written response. On February 28, 2024, the Member provided a written response.
- [89] In or about the end of January 2024, the Member's legal counsel on D-23-016, began to represent him with respect to D-24-027.
- [90] On February 28, 2024, the Member responded to SE's January 17, 2024 letter and

provided a more detailed response to the allegations related to JW's complaint.

- [91] On August 2, 2024, the Member was notified in writing of the appointment of PCC's investigators for D-24-027. They wrote to the Member and his counsel to schedule an interview and also asked the Member to submit several documents before August 27, 2024.
- [92] On August 23, 2024, the Member provided an explanatory letter entitled "Background/Context" as well as certain documents to the PCC investigators. The documents provided did not cover all requests set out in the investigator request, for example, the Member did not provide:
- (a) copies of all invoices to JW and her corporation;
 - (b) copies of JW's personal tax returns;
 - (c) emails related to the matters under investigation;
 - (d) a native file of the November 23 Forged Letter; and
 - (e) an accounting of all receipts provided by JW, i.e. invoices or documents supporting disbursements on her behalf to CRA.
- [93] On September 3, 2024, the investigators wrote to the Member through his legal counsel and identified the information that had not been provided or was unanswered. On September 5, 2024, additional responses were provided by the Member through his legal counsel.
- [94] On September 5, 6 and 12, 2024, the Member's counsel provided additional responses to the investigators. On September 6, the counsel indicated that the Member had no further records pertaining to the JW matter and the Member would continue to look for the email to JW.
- [95] On September 12, the Member's counsel told the investigators that the letter sent to CRA by the Member was the November 23 CRA Draft and not the November 28 CRA Draft 3. However, in correspondence of September 19, this was corrected, and the investigators were told that it was the November 28 CRA Draft 3 that was sent to CRA.
- [96] The Member also told the investigators that he deleted his emails every six months and that he replaced his laptop 18 months prior and all data on his old computer had been "cleaned" by a professional service prior to its disposal.
- [97] The investigators advised the Member that he would be able to recover deleted emails with the assistance of a professional and they requested an invoice or proof of the computer "cleaning" service. No invoice was ever provided, and the Member did not take steps to recover deleted emails relevant to this matter.
- [98] During the interview with the investigators, inconsistencies in the various written responses of the Member were identified. On October 2, 2024, the Member was asked to provide a correction to anything previously provided to CPA Ontario, if the Member deemed anything necessary to correct.

- [99] On October 8, 2024, the Member sent revised versions of his February 28, 2024 written response, his March 27, 2023 written response, and his letter with the "Background/Context" document. The revisions to the three earlier responses are significant changes.
- [100] The Member signed a Warrant, Declaration and Acknowledgement that he had provided all information requested by CPA Ontario that the Member considered relevant and that any information provided subsequently may not be considered by the investigators.
- [101] In paragraph [106] of the Agreed Statement of Facts, it was agreed that the investigators' multiple requests for documents in August 2024 occurred while the Member was in the midst of preparing for a contested disciplinary hearing on D-23-016, which may have affected the promptness of his being able to respond and provide some of the requested documents during that portion of the regulatory process.
- [102] In April 2025, the Member was offered the opportunity to provide any other documents that had not been previously provided that may be relevant to this matter. The Member advised that no other documents would be provided.
- [103] The Member admitted that he failed to cooperate with the regulatory processes of CPA Ontario and failed to promptly produce documents when required to do so, contrary to Rule 104 of the Code.

VII. ORDER RESPECTING FINDING (D-24-027)

- [104] The Panel found that the Member committed professional misconduct as set out in the Allegations for D-24-027.

VIII. DECISION AS TO SANCTION AND COSTS

- [105] After considering the joint submission of the parties, the Panel concluded that the appropriate sanction was the immediate revocation of the Member's membership and PAL with CPA Ontario, a fine of \$45,000, publication of the Decision and Order including newspaper publication, and costs of \$105,000. The fine and costs were to be paid no later than June 16, 2026.

IX. REASONS FOR THE DECISION AS TO SANCTION (D-23-016 and D-24-027)

- [106] The purpose of sanctions in a professional discipline matter is to provide specific deterrence to the member or student who has committed professional misconduct and general deterrence to others in the profession at large. Sanctions are intended to demonstrate to the public that CPA Ontario is diligent about disciplining its members and students for contraventions of their respective Codes. Sanctions are intended to protect both the public and the high reputation of the profession.
- [107] Where there is a joint submission from the parties about the appropriate sanctions, the agreement reached by the parties is entitled to a high level of deference. A joint submission should be adopted unless it is contrary to the public interest, and it would bring the

regulatory process into disrepute because it was beyond the reasonable range of sanction for similar professional misconduct. In the words of Justice Moldaver of the Supreme Court of Canada in the matter of [R. v. Anthony Cook](#), rejection of a joint submission:

“denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons ... to believe that the proper functioning of the justice system had broken down” (para 34).

[108] Counsel for the PCC submitted that the joint submission was reasonable and fair, and that the rejection of the joint submission would bring the regulatory process of CPA Ontario into disrepute. For the reasons set out below, the Panel accepted the joint submission.

Mitigating Factors

[109] Although the Member agreed to the proposed sanction, Mr. Srebrolow asked the Panel to make note of the following mitigating factors:

- (a) The Member acknowledged his wrongdoing in D-24-027 and agreed to a joint position on sanction in both matters;
- (b) In D-23-016, the Member genuinely believed that he did not need to produce his working files to CPA Ontario because his client told him not to release his working papers to CPA Ontario;
- (c) In D-24-027, JW wanted to see resolution of the issue with CRA before she would consider withdrawing her complaint to CPA Ontario – the Member did not “dream this up”;
- (d) In D-24-027, when he was advised that he had disclosed confidential information respecting other clients to JW, he notified the individuals affected by his breach; and
- (e) The Member’s lack of cooperation with the investigation of D-24-027 took place while he was engaged before the Discipline Committee in D-23-016.

[110] The Panel gave credit to the Member for executing the Agreed Statement of Facts in this matter because it resolved the sanction for D-23-016 and the finding and sanction for D-24-027. However, the Panel noted that the Member did not take any ownership for his failure to cooperate with the regulatory processes of CPA Ontario in D-23-016 and he continued to misconstrue his communications with JW, who very clearly did not agree to withdraw her CPA Ontario complaint on November 23, 2022 and whose signature he forged on a letter to his regulator.

Member’s Statement Respecting Sanction

[111] The Member read a statement toward the end of the hearing. He said that he had been a CPA for over 50 years and was heartbroken and saddened by the way things had worked out. He characterized these events as “No good deed goes unpunished,” presumably referring to his view that he was correct when he did not cooperate with CPA Ontario’s practice review process or the PCC investigation because of his client’s instructions.

[112] The Member explained that he was completely overwhelmed when he sent the November 23 Forged Letter to CPA Ontario and continued to rely upon it. The Member said this was not “black and white” and context was important. He added that he knew almost immediately that what he had done was wrong, but he could not help himself.

Aggravating Factors

[113] The Panel found that considering the seriousness of the Member’s misconduct in these two matters, the only reasonable and appropriate sanction was the revocation of his membership in CPA Ontario. In the past three years, the Member committed numerous breaches of the Code and showed himself to be ungovernable. The Panel found that the public interest and the reputation of the profession both required the removal of the Member from the profession.

[114] There were many disturbing aspects to both matters which had some striking similarities. The most concerning issues to the Panel were the Member’s lack of honesty and integrity, his failure to recognize his obligation to cooperate with CPA Ontario’s regulatory processes and his substandard management of his professional practice.

[115] In D-23-016, in addition to the findings on the Allegations, the Panel found that the Member had relied on an engagement letter that was purportedly signed by his client, Mr. D., when Mr. D. testified that he had not signed the engagement letter. Similarly, in D-24-027, the Member attempted to rely on the November 23 Forged Letter when JW had not signed it or authorized the Member to sign it on her behalf, nor had she authorized the Member to submit it on her behalf to CPA Ontario. In both matters, these significant misrepresentations to CPA Ontario were asserted by the Member over and over again. While he had many opportunities to resile from these false assertions, the Member took no action at all in D-23-016. He only partially resiled the matters of D-24-027 and only after JW was contacted by CPA Ontario and confirmed the Member’s deception.

[116] In D-23-016, it was found that the Member provided other false information to CPA Ontario. For example, before the matter commenced, he gave false information to CPA Ontario about the time he spent on assurance matters. He advised the investigator that he had closed his practice and destroyed his files, which turned out to be untrue. The Panel also questioned the Member’s evidence at the hearing, for example, his assertion that all financial statements issued in Canada for both public and private companies are available for public consumption. There were several other times where the Panel found that the Member made misrepresentations to CPA Ontario.

[117] The Member did not fully cooperate with CPA Ontario staff and investigators in either matter when they were merely doing their jobs. While at times he responded to their correspondence, he did not cooperate substantively and at times engaged in obfuscation and misdirection, most notably the November 23 Forged Letter. His attitude towards his regulator was generally defiant.

[118] The third common issue in the two matters relates to the Member’s basic practice management skills. The Member improperly shredded client files in the summer of 2022,

including signed T183s. He admitted to signing client's names on documents, including documents filed with CRA. The Member did not retain his correspondence with clients or keep reliable records of the funds that JW sent to him. His error in sending JW highly confidential information about 75 other clients on multiple occasions reflects his lack of safeguards to maintain and protect client confidentiality. Overall, the evidence in these matters showed that the Member was not operating his professional business competently or in accordance with the most basic practice management requirements, such as keeping records of communication with clients, maintaining and safeguarding client records or keeping accurate financial records.

Case law

[119] The case law provided by the parties addressed issues of integrity and cooperation with CPA Ontario's regulatory processes. In [*Chartered Professional Accountants of Ontario v. Hametaj*](#)², for example, the Discipline Committee noted:

[49] Public confidence in the accounting profession is based on such matters as a member's credibility, integrity, character, repute and fitness. Integrity implies adherence to moral and ethical principles on the basis of which peers and the public can evaluate the 'soundness' (or consistency) of a person's moral character and, ultimately, their honesty, accountability, and responsibility. The failure to cooperate with the regulator speaks ill of a member's integrity and character because it reflects a refusal to facilitate one's accountability to one's peers and the public. A self-regulating profession cannot tolerate such behavior as it can undermine public confidence in the ability of the regulator to govern the profession in the public interest.

[120] In [*Mistry \(Re\)*](#), May 12, 2025, where the Member provided false and misleading statements to CPA Ontario, the Discipline Committee commented:

[66] The Member's failures to perform his professional duties with integrity and due care were manifold and extended over a significant period of time. Performing one's duties with integrity and due care is the minimum expectation of the public for any CPA. If the public lacked confidence that CPAs could be relied upon to perform their professional services with integrity and due care, the public would lose faith in the integrity of the profession.

[67] The Member's failure to retain documentation evidencing his professional services and his failure to cooperate constitute serious misconduct as such misconduct undermines the ability of the profession to regulate its members and thereby undermines the

² *Chartered Professional Accountants of Ontario v. Hametaj*, 2022 ONCPA 11 (CanLII)

public's confidence in the profession. Failure to respond jeopardizes the collection of information that is required to address a complaint.Failure to cooperate with the regulator represents a refusal to accept accountability to one's peers and the public.

- [121] Revocation of professional membership is the most serious sanction for a professional. Here, the Member brought shame upon himself by his actions from 2020 through 2024, as well as damaging the good reputation of the CPA profession.
- [122] Unfortunately, it appeared from the Member's statement of "no good deed goes unpunished" that he still does not appreciate the gravity of what he has done and that he still felt justified in his actions. The Member's actions in these two matters demonstrated a profound lack of judgment and integrity as well as a hostile and antagonistic attitude towards his regulator. It was an unfortunate but necessary end to the Member's career as a CPA.

Fine

- [123] The Panel found that the agreed-upon fine of \$45,000 reflected the gravity of the Member's conduct and its reasonableness was based on the cases included in the Joint Brief of Authorities adjusted for passage of time. The Panel also found that it was reasonable to give the Member a year to pay the fine.

Publication

- [124] Publication of the Decision and Order, as well as these Reasons, is required to demonstrate the transparency of CPA Ontario's disciplinary processes; it shows that CPA Ontario takes the matter of governing its members and students seriously and in the interest of general and specific deterrence.
- [125] Under section 45 of [Regulation 6-2](#), notice of a finding of professional misconduct, including brief particulars of the misconduct, must be sent to all members, the Public Accounting Standards Committee (if the subject has a PAL) and all provincial bodies.
- [126] Where the membership of a member is revoked, under section 48 of Regulation 6-2, the name of the person whose membership has been revoked must be published in a newspaper distributed in the geographic area where the person practiced. This alerts the public that the member is no longer a CPA. The subject is required to pay for this publication.
- [127] The Panel made an Order respecting the publication of these matters in accordance with Regulation 6-2.

X. COSTS

- [128] With respect to costs, the law is settled that an order against a member or student for costs with respect to disciplinary proceedings is not a penalty. Costs are intended to indemnify the PCC based on the underlying principle that the profession should not bear all of the costs of the investigation, prosecution and hearing arising from a student's or

member's misconduct.

[129] The total actual costs for both matters was \$159,926.73. The parties asked for an Order that the Member pay \$105,000 in costs, approximately 2/3 of the actual costs, by June 16, 2026. While the Panel questioned the investigation costs in D-24-027, without further information, the Panel accepted that the costs had been reviewed by both parties and considered reasonable and fair. The Panel awarded the PCC costs of \$105,000, payable within one year of the Decision and Order.

DATED this 28th day of July, 2025



Bernard S. Schwartz, FCPA, FCA
Discipline Committee – Chair

Members of the Panel

Peter Albert, CPA, CA, LPA
Marianne Park-Ruffin, Public Representative
Barbara Ramsay, Public Representative

Independent Legal Counsel

Susan Heakes, Barrister & Solicitor