

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

DISCIPLINE COMMITTEE

IN THE MATTER OF: Allegations against **Rauf Hameed, CPA**, a member of the Chartered Professional Accountants of Ontario, under **Rules 201.1 and 205** of the CPA Ontario Code of Professional Conduct

BETWEEN:

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

-and-

Rauf Hameed

APPEARANCES:

For the Professional Conduct Committee:	Jean Iu, Counsel
For Rauf Hameed:	Not Present and Not Represented
Heard:	September 25 and 26, 2023
Decision and Order effective:	September 26, 2023
Release of written reasons:	November 1, 2023

REASONS FOR THE DECISION AND ORDER MADE SEPTEMBER 26, 2023

I. OVERVIEW

- [1] The Professional Conduct Committee (“PCC”) of the Chartered Professional Accountants of Ontario (“CPA Ontario”) has made Allegations that Rauf Hameed (“the Member”) made or associated with false or misleading statements and representations related to his applications for employment, that he simultaneously maintained full-time employment with two accounting firms without advising those firms, that he impersonated another individual in order to obtain confidential information, and that he sent over 100 emails to a company, government agencies, officials and regulators alleging fraud against the company and that the company was engaged in fraud. The PCC alleges that through these actions the Member breached Rule 205 of the CPA Ontario Code of Professional Conduct (“the Code”) which prohibits making false or misleading statements, and breached Rule 201.1 of the Code in that he failed to act in a manner which would maintain the good reputation of the profession and serve the public interest.

- [2] The Member was admitted as a member of the Association of Chartered Certified Accountants in the United Kingdom in March 2013. He applied to CPA Ontario for membership in June 2015. He became a student in August 2015, and was admitted as a member of CPA Ontario in December 2017.

II. THE COMPLAINTS AND THE ALLEGATIONS

- [3] In June 2021, CPA Ontario received a complaint from a representative of the accounting firm “T” LLP alleging that the Member had made false representations in applying for employment. Specifically, the complaint indicated that the Member had claimed that he was a designated CPA, CA, and that he had been employed with “B” LLP for almost four years. After he was hired, “T” LLP discovered that both claims were false, leading to the Member’s termination during his probationary period.
- [4] The PCC investigation into the complaint confirmed the allegations in the complaint and also uncovered that the Member had maintained full-time employment with another accounting firm during the period he was employed with “T” LLP, contrary to the letter of employment the Member signed with “T” LLP. The investigation also uncovered that between April 2019 and April 2021, the Member was employed by two CPA accounting firms simultaneously on five separate occasions, with the overlap ranging between two weeks and four months.
- [5] A second complaint against the Member was received by CPA Ontario in September 2021. A representative of an accounting firm “W” CPA alleged that the Member had made false representations in applying for employment including misrepresenting his employment history and providing a fictitious individual as a professional reference.
- [6] The PCC investigation into the complaint confirmed the allegations made in the complaint and uncovered additional facts, including that the Member had provided a second fictitious reference when he applied for a position with “W” CPA.
- [7] A third complaint against Hammed was received by CPA Ontario in June 2022. The Chief Privacy Officer from “H” Company, a mortgage lender, alleged that the Member had committed identity theft by impersonating a client of “H” Company for the purpose of obtaining private and confidential information about that client.
- [8] The PCC investigation into the third complaint confirmed the allegations by the complainant and also uncovered additional facts, including that the Member created an alias to make complaints against “H” Company, and ultimately sent over 140 emails under cover of this alias to representatives of “H” Company, as well as to other institutions.
- [9] The PCC investigations led to the following six allegations of professional misconduct against the Member, which were amended on consent of the parties on June 13, 2023:

(1) THAT the said Rauf Hameed, in or about January 2021, made or associated with statements and representations that he knew, or should have known, were false or misleading, contrary to Rule 205 of the CPA Ontario Code of Professional Conduct, in that, while applying for employment with the accounting firm “T” LLP, he:

- a. Submitted a resumé stating that he was a CPA, CA when he was not;

- b. Submitted a resumé that misstated his employment history; and
 - c. Made a false oral representation as to his employment history.
- (2) THAT the said Rauf Hameed, in or about the period from February 1, 2021 to April 30, 2021, failed to act in a manner which would maintain the good reputation of the profession and serve the public interest contrary to Rule 201.1 of the CPA Ontario Code of Professional Conduct, in that he simultaneously maintained full-time employment with two accounting firms contrary [sic] the terms and conditions of his employment with "T" LLP and without informing those employers.
- (3) THAT the said Rauf Hameed, in or about the period from July 1, 2021 to September 30, 2021, associated with statements and representations that he knew, or should have known, were false or misleading, contrary to Rule 205 of the CPA Ontario Code of Professional Conduct in that while applying for employment with the accounting firm "W" CPA, he:
 - a. Submitted a resumé stating that he was a CPA, CA when he was not;
 - b. Submitted a resumé that misstated his employment history; and
 - c. Provided false or misleading information about individuals whom he provided as professional references.
- (4) THAT the said Rauf Hameed in or about the period from April 1, 2019 to August 31, 2021 failed to act in a manner which would maintain the good reputation of the profession and serve the public interest contrary to Rule 201.1 of the CPA Ontario Code of Professional Conduct in that, from time to time, he simultaneously maintained fulltime employment with more than one accounting firm without informing those employers.
- (5) THAT the said Rauf Hameed, in or about February 22, 2022, made or associated with oral statements which he knew were false or misleading contrary to Rule 205 of the CPA Ontario Code of Professional Conduct, in that during telephone calls with customer service representatives of "H" Company, he identified himself as "HM" in order to access confidential information on a mortgage account belonging to "HM".
- (6) THAT the said Rauf Hameed, in or about the period from October 1, 2021 to May 31, 2022, failed to act in a manner which would maintain the good reputation of the profession and serve the public interest contrary to Rule 201.1 of the CPA Ontario Code of Professional Conduct in that he:
 - a. Sent in excess of 100 emails to "H" Company alleging fraud against "HM" and alleging that officials at "H" Company were facilitating the fraud committed by "HM"; and
 - b. Sent complaints by email to government agencies, officials and regulators alleging that "H" Company and its employees were facilitating mortgage fraud when "H" Company did not respond to his

emails in the manner that he had suggested.

- [10] The onus was on the PCC to show on a balance of probabilities that the Member's conduct breached Rules 201.1 and 205 of the Code and constituted professional misconduct.

III. PRELIMINARY ISSUES

- [11] The Member did not attend the hearing nor did he have a representative attend on his behalf. In order to proceed in the absence of the Member, the Panel had to be satisfied that he had received proper notice of the Allegations and the hearing. After waiting approximately 10 minutes for the Member, the Panel sought evidence from the PCC that he had received proper notice.
- [12] The Affidavit of Daniel Bowmaster, a process server, establishes that the Member was personally served with the Allegations of Professional Misconduct on April 25, 2023 (Exhibit 2). On August 24, 2023, the Tribunals Office sent to the Member and the PCC the Notice of Hearing for this matter, by way of email (Exhibit 1). The Notice of Hearing confirmed that the hearing was scheduled to proceed on September 25 and 26, 2023 at 9:30 a.m. by videoconference. The Notice of Hearing also advised the Member that if he chose not to attend the hearing, the Discipline Committee may proceed in his absence.
- [13] Based on the above evidence, the Panel was satisfied that the Member had received proper notice of the Allegations and the hearing and determined that it would proceed in his absence.

IV. ISSUES

- [14] The Panel identified the following issues arising from the Allegations:
- A. Did the evidence establish, on a balance of probabilities, the facts on which the Allegations by the PCC were based?
- B. If the facts alleged by the PCC were established on the evidence on a balance of probabilities, did those facts constitute professional misconduct?

V. DECISION

- [15] The Panel found that the evidence established, on a balance of probabilities, the facts set out in the Allegations of professional misconduct.
- [16] The Panel was satisfied that Allegations 1, 2, 3, 5, and 6 were proven and constituted breaches of Rules 201.1 and 205 of the Code, and having breached the Code, the Member committed professional misconduct.
- [17] The Panel was not satisfied that the facts underlying Allegation 4 constituted professional misconduct.

VI. REASONS FOR THE DECISION ON MISCONDUCT

Evidence Before the Panel on the Issue of Conduct

- [18] Evidence in support of the Allegations was placed before the Panel through an Agreed Statement of Facts (“ASF”), signed by each party and dated July 20, 2023 (Exhibit 3). The ASF included an attached Document Brief, also part of Exhibit 3.
- [19] In advance of the hearing, the Member had sent email letters and multiple attachments to the PCC and the Tribunals Office. Included in these documents were statements of alleged fact relating to what he considered to be PCC misconduct during the process leading up to the hearing, allegations that the Tribunal process would be unfair to him, explanations for his conduct, medical documentation he said related to him and his wife, and submissions in response to the PCC position on sanction and costs.
- [20] These documents were not included in the ASF or the associated Document Brief, and the PCC did not consent to their admission as evidence. The Panel found it did not have a basis to determine that the statements of alleged facts or medical documentation were relevant and reliable pursuant to Rule 19.01 of the Rules of Practice and Procedure and accordingly did not admit them into evidence. The Panel also did not wish to include in the record any confidential medical documentation on which it did not rely, particularly in the absence of consent from the affected individuals.
- [21] The letters sent by the Member to the PCC and the Tribunals Office did include certain submissions which the Panel considered were properly before it and which the Panel took into account during its deliberations. Accordingly, these letters were identified as lettered exhibits for ease of reference. The August 8, 2023 letter is Exhibit A; the August 23, 2023 letter is Exhibit B; and the August 30, 2023 letter is Exhibit C.
- [22] In his letter of August 8, 2023 (Exhibit A), the Member states, among other things, that counsel for the PCC altered the ASF after he had signed an earlier version. At the Panel’s request, counsel for the PCC advised the Panel of the PCC position that there were no alterations to the version of the ASF before the Panel after it was signed by the Member. Counsel for the PCC explained that the Member appeared to be referring to an earlier draft version sent for his consideration which he had signed prematurely.
- [23] The Panel found that the ASF and the associated Document Brief was properly admitted into evidence as Exhibit 3 and constituted the only evidence before the Panel on the issue of conduct.

Allegations 1 and 2

- [24] The first Allegation is that the Member, in January of 2021, made or associated with statements and representations that he knew, or should have known, were false or misleading, contrary to Rule 205 of the Code when he applied to work with the accounting firm “T” LLP. Specifically, it is alleged that the Member submitted a resumé which stated he was a CPA, CA when he was not, and which misstated his employment history, and that the Member also made a false oral representation as to his employment history.

- [25] The second Allegation is that the Member, from the start of February to the end of April, 2021, failed to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code in that he simultaneously maintained full-time employment with two accounting firms contrary to the terms and conditions of his employment with “T” LLP and without informing those employers.

Findings Regarding the Conduct of the Member

- [26] The ASF states that the PCC investigation confirmed that, in response to a posted advertisement by “T” LLP, the Member submitted a resumé representing that he was a designated CPA, CA, and that at the time of the application, he was employed at “B” LLP and had been so employed for approximately four years. During the interview process, the Member continued to represent that he was, at the time, employed by “B” LLP. As a result, “T” LLP made, and the Member accepted, an offer of employment.
- [27] The ASF states that after he was hired, representatives of “T” LLP discovered that the Member was not employed by “B” LLP at the time of his application, that the Member’s previous employment at “B” LLP was for 9 months not four years, and that the Member did not have a CPA, CA designation. As a result, “T” LLP terminated the Member’s employment on April 9, 2021.
- [28] The ASF includes an excerpt from the Member’s employment contract with “T” LLP which included a non-competition/loyalty clause in which, among other things, the Member agreed to devote his full time and full attention to the firm, and not engage in any other employment, or become an employee or agent of any other firm, without the express approval or consent of the firm.
- [29] The ASF states that despite this clause, the Member maintained full-time employment with another accounting firm during the period of his employment with “T” LLP, and that he did not inform anyone at “T” LLP about his second job. “T” LLP’s representatives stated they would not have provided approval for the Member to work at another accounting firm and would not have made the job offer if they knew of the second job.
- [30] The ASF states that when he was contacted by CPA Ontario as part of the investigation, the Member acknowledged that he had misrepresented his work history with “B” LLP, expressed remorse for this misrepresentation, and stated that he was under enormous stress because of his wife’s health problems and that he was the sole income earner for his family. The Member disagreed that he misrepresented his designation and stated that he thought since the merger of the prior accounting regulatory bodies into CPA Ontario, he was permitted to use the designation CA as the designations were all the same. The Member stated to the CPA Ontario investigator that he thought he was entitled to hold more than one full-time position as long as he was able to meet his work obligations to each employer. He stated that he was motivated by the financial stress associated with his family circumstances.
- [31] The Panel finds that the ASF provides clear and cogent evidence that the facts upon which the first two Allegations are based have been proven on a balance of probabilities.

Finding of Professional Misconduct

- [32] With respect to Allegation 1, the Panel finds that the Member's misrepresentations to "T" LLP while applying for employment breached Rule 205 of the Code in that they constituted representations that he knew or should have known were false or misleading, and thereby constituted professional misconduct. This finding is consistent with the Discipline Committee's decision in [Re Banerjee \(2017\)](#), where the fact that Banerjee falsely claimed to a potential employer that he had obtained his CGA designation was found to constitute a breach of Rule 205 and amounted to professional misconduct.
- [33] With respect to Allegation 2, the Panel had to determine whether the fact that the Member simultaneously maintained full-time employment with two accounting firms, in violation of the terms and conditions of his employment with "T" LLP, amounted to a failure to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code, thereby constituting professional misconduct.
- [34] The PCC submitted that working two full-time jobs for different accounting firms at the same time constituted a failure to maintain the good reputation of the profession and serve the public interest because working as a CPA professional required a complete commitment and was inconsistent with "dabbling." The PCC submitted that it would be impossible for a CPA professional to devote themselves to serving both firms simultaneously, with an inevitable negative effect on work product. The PCC also raised the issue of potential conflicts of interest arising from working simultaneously at two accounting firms. The PCC relied on the specific clause in the employment contract signed by the Member, in which he undertook to devote his full time and full attention to the firm, and not engage in any other employment, without the express approval or consent of the firm. The PCC submitted that the Member's decision to work at another firm in violation of his employment contract with "T" LLP, and his decision to withhold that information from "T" LLP, was relevant to finding that Hameed's actions in working at two accounting firms at the same time constituted a breach of Rule 201.1.
- [35] In response to the Panel's request, the PCC provided several cases in which the Discipline Committee had found a breach of Rule 201.1.¹ The Panel found these cases to be of limited utility, as none of them addressed a factual situation comparable to that of the Member.
- [36] Given the lack of relevant caselaw, the Panel considered the wording of Rule 201.1 itself, which is quite broad: "A member or firm shall act at all times with courtesy and respect and in a manner which will maintain the good reputation of the profession and serve the public interest." Rule 201.2 addresses how a finding that a member or firm is guilty of "illegal activities" as defined in Rule 102.1 of the Code may constitute a failure to maintain the good reputation of the profession or serve the public interest. Rule 201.3 addresses how a finding that a member or firm is guilty of failure to comply with the requirements of other provincial bodies may constitute a failure to maintain the good reputation of the profession or serve the public interest. Rule 201.2 and Rule 201.3 thus do not apply to the facts at hand.

¹ When counsel for the PCC emailed the cases to the Tribunals Office to be forwarded to the Panel, she copied the Member. The Member responded by email, objecting to the PCC providing cases to the Panel. The Panel held that the Member, in choosing not to attend the hearing, had waived his right to make objections.

- [37] The Guidance to Rule 201 published with the Code addresses compliance with regulatory legislation, criticism of the work of other professionals, and resignation/termination of auditors, none of which apply to the facts at hand.
- [38] The Preamble to the Code identifies the fundamental principles of ethics from which the Code is derived. They include Professional Behaviour: "Chartered Professional Accountants conduct themselves at all times in a manner which will maintain the good reputation of the profession and serve the public interest." The Preamble to the Code elaborates that: "In doing so, members and firms are expected to avoid any action which would discredit the profession."
- [39] Another fundamental principle of ethics identified in the Preamble to the Code is Integrity and Due Care: "Chartered Professional Accountants perform professional services with integrity and due care." The Preamble to the Code elaborates that "Members and firms are expected to be straightforward, honest and fair dealing in all professional relationships."
- [40] Considering the submissions of the PCC, the wording of Rule 201.1 of the Code, and the Preamble to the Code, the Panel finds that the Member's actions in simultaneously maintaining full-time employment with two accounting firms, in violation of the terms and conditions of his employment with "T" LLP, amounted to a failure to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code, thereby constituting professional misconduct. Working in a second job after undertaking through his employment contract that he would not, and hiding that fact from his employer, exhibited a serious lack of integrity and honesty. He did this after having deceived his employer about his work experience and his credentials. The Member was not straightforward, honest or fair in his professional dealings. The Panel had no difficulty in finding that Allegation 2 was made out as the Member's actions breached Rule 201.1 and constituted professional misconduct.

Allegation 3

- [41] The third Allegation is that the Member, from July 1, 2021 to September 30, 2021, associated with statements or representations that he knew, or should have known, were false or misleading, contrary to Rule 205 of the Code, when he applied for employment with the accounting firm "W" CPA. Specifically, it is alleged that the Member submitted a resumé which stated he was a CPA, CA when he was not, and which misstated his employment history, and that the Member also provided false or misleading information about individuals whom he provided as professional references.

Findings Regarding the Conduct of the Member

- [42] The ASF states that the PCC investigation confirmed that, in response to a posted advertisement by "W" CPA, the Member submitted a resumé representing that he was a designated CPA, CA when he was not, that at the time of the application, he was employed at "B" LLP and had been so employed for approximately four years when he was not, and that he had been employed by "B&K" LLP for approximately three years when it was for only 14 months. During the interview process, the Member continued to represent he was, at the time, employed by "B" LLP when he was not.
- [43] Following the interview, "W" CPA made an offer of employment to the Member, conditional on

satisfactory reference checks. The offer of employment provided that the Member “shall, during the term of [his] employment with the company, devote the whole of [his] time and attention to the business of the company... and shall not, without proper written consent... engage in any other major business or employment.”

- [44] When asked for professional references by “W” CPA, the Member provided the name “Ali Malik” who he said was an account manager at “B&K” LLP, and provided the name of “Joseph Stutsman”, who he said was a senior accountant at “B&K” LLP. The “W” CPA Human Resources Manager conducted telephone interviews with both references and requested someone from “B” LLP as an additional reference. The Member provided the name “Arsal Khalid” who, the Member said, had worked with him at “B” LLP for three years.
- [45] There was a LinkedIn profile for an “Arsal Khalid” indicating that “Khalid” had worked at “B” LLP. However, “B” LLP advised “W” CPA that they had never employed anyone by the name of “Arsal Khalid.” “W” CPA confronted “Arsal Khalid” about the misrepresentations during the reference call, and shortly after the LinkedIn profile for “Arsal Khalid” was removed. About 12 hours after the reference call with “Arsal Khalid”, the Member contacted “W” CPA and advised he would be unable to join the firm as he was travelling outside the country the following day due to an urgent family situation. The Member did travel outside the country about 30 days later.
- [46] Subsequent investigations revealed that “B&K” LLP had never employed any person by the name of “Ali Malik” or “Joseph Stutsman.”
- [47] The ASF states that the Member acknowledged that he misrepresented his work experience with “B” LLP. He acknowledged that “Arsal Khalid” was “not real.” The Member said “Khalid” was not a CPA but “an accountant friend” who had created a fake LinkedIn profile at the Member’s request. The Member acknowledged that “Joseph Stutsman” is a fictitious individual fabricated by the Member, and that he had also created an email address for this fictitious person.
- [48] In the ASF the Member expressed remorse and said that his mental health had been impacted by his family circumstances. He stated that he had been diagnosed with a skin condition which is associated with stress. He stated that he applied for a job at “W” CPA as a second job to help with his family’s finances.
- [49] The Panel finds that the ASF provides clear and cogent evidence that the facts upon which the third Allegation is based have been proven on a balance of probabilities.

Finding of Professional Misconduct

- [50] The Panel finds that the Member’s misrepresentations to “W” CPA while applying for employment breached Rule 205 of the Code in that they constituted representations that he knew or should have known were false or misleading, constituting professional misconduct. As noted in respect of Allegation 1, this finding is consistent with the Discipline Committee’s decision in *Re Banerjee* (2017), where the fact that Banerjee falsely claimed to a potential employer that he had obtained his CGA designation was found to constitute a breach of Rule 205 and amounted to professional misconduct. The Panel found that the Member’s conduct, including his fabrication of references to deceive an employer, goes well beyond that of

Banerjee.

Allegation 4

- [51] The fourth Allegation is that the Member, from the start of April 2019 to the end of August 2021, failed to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code in that, from time to time, he simultaneously maintained full-time employment with more than one accounting firm without informing those employers.

Findings Regarding the Conduct of the Member

- [52] The ASF states that between April 2019 and August 2021, the Member was employed by two CPA accounting firms simultaneously on five separate occasions, with the overlaps ranging between two weeks and four months. The ASF provides an outline of five occasions in question. One of the five occasions, however, references the time period covered in the second Allegation. Accordingly, there are four separate occasions which fall within this discrete Allegation.
- [53] The Panel finds that the ASF provides clear and cogent evidence that the facts upon which the fourth Allegation is based have been proven on a balance of probabilities.

Finding of Professional Misconduct

- [54] The Panel had to determine whether the fact that the Member simultaneously maintained full-time employment with more than one accounting firm from time to time amounted to a failure to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code, thereby constituting professional misconduct.
- [55] The ASF does not provide any additional factual information about these four occasions, other than the dates of the periods of simultaneous employment and identifiers for the firms which employed the Member. Unlike Allegation 2, there is no evidence about whether the Member had signed employment agreements with any of the firms in question, and if so, whether those employment agreements prohibited working simultaneously for another firm. There is no evidence about any communications between the Member and the firms in question, including whether or not he divulged that he was simultaneously working at another firm, or whether the firms in question may have sanctioned the dual employment. Accordingly, there is an insufficient evidentiary basis for the Panel to find that, in relation to this particular Allegation, the Member's conduct lacked integrity, or that he was dishonest or engaged in unfair dealing in his professional relationships. The bare fact that the Member worked more than one full-time job simultaneously on different occasions was insufficient to support a finding that he had failed to maintain the good reputation of the profession and serve the public interest. While it does not condone the Member's conduct in working two full-time accounting jobs simultaneously, the Panel did not find that the evidence in support of Allegation 4 grounded a finding of professional misconduct.

Allegations 5 and 6

- [56] The fifth Allegation is that the Member, around February 22, 2022, made or associated with oral statements he knew were false or misleading contrary to Rule 205 of the Code, in that when he made telephone calls with customer service representatives of “H” Company, he identified himself as “HM” in order to access confidential information on a mortgage account belonging to “HM.”
- [57] The sixth Allegation is that the Member, from October 2021 to the end of May 2022, failed to act in a manner which would maintain the good reputation of the profession and serve the public interest contrary to Rule 201.1 of the Code, in that he sent over 100 emails to “H” Company alleging fraud against “HM” and alleging that officials at “H” Company were facilitating the fraud committed by “HM,” and that he sent complaints to government agencies, officials and regulators alleging that “H” Company and its employees were facilitating mortgage fraud when “H” Company did not respond to his emails in the manner that he had suggested.

Findings Regarding the Conduct of the Member

- [58] The ASF states that the Member created the fictitious individual “Joseph Stutsman” and an email address for this fictitious person (“Stutsman Email”). The Member used the Stutsman Email to file complaints about “HM” with various banks, mortgage insurance companies, the Canadian Anti-Fraud Centre, and the Canada Mortgage and Housing Corporation.
- [59] Starting in October 2021, the Member began sending emails from the Stutsman Email to representatives of “H” Company including the Director of Corporate Security, the Chief Executive Officer and Members of the Board of Directors. The complaints alleged that “HM” was engaged in mortgage fraud against “H” Company. “H” Company treated the complaints as “whistleblower” complaints, and for privacy reasons information concerning the investigation of such complaints is not shared with unauthorized parties. As a result, in spite of his repeated requests, the Member was not provided with information about the “H” Company investigation into his complaints.
- [60] Each time “H” Company dealt with a complaint from the Stutsman Email in accordance with these policies, the Member made another complaint. The Member’s emails became more aggressive and unreasonable. In December 2021, “H” Company engaged external legal counsel in order to manage the volume of emails sent from the Stutsman Email.
- [61] The Member was unsatisfied with the response of “H” Company to his complaints, and in December 2021 the Member began making complaints about “H” Company and its representatives to other agencies, including the Ontario Securities Commission (“OSC”), the Office of the Superintendent of Financial Institutions, the Canadian Anti-Fraud Centre, the Prime Minister of Canada, the Minister of Finance, the Associate Minister of Finance, the CEO of “H” Company, the House of Commons of Canada, the Minister of Public Safety, the International Association of Financial Crimes Investigators, and Crime Stoppers. Through these complaints using the Stutsman Email, the Member alleged that “H” Company and its employees were involved in fraud and corruption, facilitating and promoting mortgage fraud in Canada.

- [62] In January 2022, the Member used the Stutsman Email to send another complaint about “H” Company to the OSC Whistleblower program, copied to various representatives at “H” Company. In the email, the Member stated that if “H” Company did not conduct a formal investigation into his complaint, he would contact the Canada Revenue Agency and ask them to conduct a tax audit of their business income and of the personal income tax of their directors for the past 10 years “as this group is too busy in promoting and facilitating fraud, making money out of fraudulent deals.” The Member stated: “I’m certain that they have been involved in tax evasion as well.”
- [63] According to the ASF and associated documents, on February 22, 2022 the Member called “H” Company under false pretenses and identified himself as “HM” to change the email of record to an email address under the Member’s direct control. Shortly after, the Member called “H” Company again posing as “HM” and requested and received mortgage documentation related to “HM” at the new email address of record that he had just provided to “H” Company.
- [64] The ASF states that counsel for the Member acknowledged by letter to CPA Ontario that the Member had impersonated “HM” and wrote the letters of complaint relating to “HM” using the fictitious Stutsman name and the Stutsman Email. The Member stated that “HM” had made comments at family gatherings which led him to believe that “HM” was committing or planning to commit mortgage fraud by using forged documents and bribery. The Member stated that starting in December 2021, “HM” described a fraudulent scheme against “H” Company involving members of “H” Company. Through his counsel, the Member stated that he impersonated “HM” for the purpose of preventing dishonesty and harm. The Member stated that his actions were motivated by ethical and moral concerns, but that he recognizes that they fell far short of what is expected of him as a CPA, and that he greatly regrets his conduct.
- [65] The Panel finds that the ASF provides clear and cogent evidence that the facts upon which the fifth and sixth Allegations are based have been proven on a balance of probabilities.

Finding of Professional Misconduct

- [66] With respect to Allegation 5, the Panel finds that the Member’s impersonation of “HM” in order to obtain confidential information belonging to “HM” breached Rule 205 of the Code in that the Member knew his oral statements to “H” Company were false and misleading. These statements thereby constituted professional misconduct.
- [67] With respect to Allegation 6, the Panel had to determine whether the fact that the Member sent over 100 emails to “H” Company alleging fraud involving “HM” and officials from “H” Company, and that the Member also sent complaint emails to government agencies, officials and regulators alleging that “H” Company and its employees were facilitating mortgage fraud, amounted to a failure to act in a manner which would maintain the good reputation of the profession and serve the public interest, contrary to Rule 201.1 of the Code, thereby constituting professional misconduct.
- [68] The Panel found that the Member’s communications with “H” Company during the relevant time period showed a complete failure to act in the manner required of a professional. He was not straightforward, honest or fair in his dealings. The Panel found that the Member’s communications escalated into a barrage of harassment, unfounded allegations, and threats against “H” Company representatives which reflected a lack of integrity and due care and

which brought discredit upon the profession. The Member's position that he was attempting to prevent dishonesty in relation to "H" Company does not excuse his failure to abide by fundamental norms of professional conduct, and is undermined by the fact that he engaged in dishonesty, misrepresentation and impersonation in his dealings with "H" Company.

- [69] Taking these facts into consideration, the Panel found that Allegation 6 was made out. Hameed's actions breached Rule 201.1 and constituted professional misconduct.

VII. DECISION AS TO SANCTION

- [70] After considering the evidence, the law, the submissions of the PCC, and the submissions of the Member provided in writing in advance of the hearing, the Panel concluded that the appropriate sanction was the revocation of the Member's membership in CPA Ontario, a fine of \$20,000, and a written reprimand. Notice of the revocation is to be published on the CPA Ontario website and in the Globe and Mail.

VIII. REASONS FOR THE DECISION AS TO SANCTION

Position of the PCC

- [71] The PCC submitted that the Member's actions escalated over time, moving from misrepresentation of his work history and credentials and deceiving his employer about his dual employment, to inventing fictitious professional references and either telling them to lie to prospective employers or impersonating them himself. Even when he was being investigated for creating fictitious references for "W" CPA, he was continuing to pretend to be "Joseph Stutsman" in his dealings with "H" Company, impersonated "HM" and lied to "H" Company to obtain confidential information to which he was not entitled.
- [72] The PCC further submitted that the Member's expressions of remorse should not be believed. The PCC noted that even while the Member was expressing remorse and said he took responsibility for his actions in relation to the first complaint, he was also attacking the complainant, claiming they acted in racist and unethical ways at the workplace. The PCC submitted that the Member did not actually show remorse or insight.
- [73] The PCC emphasized the seriousness of the Member's conduct, considering its long duration, its repetitive nature, the premeditated and intentional nature of his deceptions, the depth of his ethical violations, and the fact that he received financial benefits (from working at two jobs at the same time). The PCC submitted that given the seriousness of the misconduct, revocation was necessary in this case to protect the public interest.
- [74] The PCC relied on case law in which membership in CPA Ontario was revoked for reasons of dishonesty. In [Re Sweeney \(2019\)](#), and [Re Ebrahim \(2022\)](#), the members improperly provided assurance reports and lied about their assurance work to CPA Ontario. In [Re Jewiss \(2019\)](#), the member was found to have acted without integrity by, among other things, making false statements to the CRA. The PCC submitted that similar to these cases, the Member exhibited a flagrant disregard of professional standards, and that his rogue behaviour could not be tolerated.
- [75] The PCC submitted that a fine of \$20,000 was appropriate, given the need for general

deterrence and the Member's pattern of misconduct.

Position of the Member

- [76] In the Member's written submissions provided to the Tribunals Office in advance of the hearing, he stated that he took ownership of his "mistakes" and showed genuine remorse from the moment CPA Ontario started to investigate him. He stated that he was not trying to justify his conduct and acknowledged that he "did not demonstrate ethics, integrity, and professionalism." He stated that he wanted to provide the reasons and circumstances that led him to the "mistakes."
- [77] The Member submitted that his wife's illness, which included hospitalizations, led him to experience depression as well as his own health issues. He submitted that as the only person working in the household, it was almost impossible for him to afford the cost of living, which led him to working two jobs at the same time. He stated he was also motivated by seeing other professionals working two jobs at the same time. He felt that his only options were to work two jobs, kill himself, or commit crimes to support his family. He stated that he "completely forgot the ethical part" of working two jobs for two accounting firms at the same time, as his brain was not functioning properly because of depression and the family issues he was going through, and that he never read his employment agreements in full.
- [78] The Member further submitted that he "completely misread the situation" and showed "bad judgment" in the "H" Company matter. He emphasized that he had no intention of monetary benefit and was simply trying to prevent fraud. He stated that he should have "taken a step back" after reporting the matter to the Board of Directors of "H" Company.
- [79] The Member submitted that going forward, he would never repeat those "mistakes", would never misrepresent his resumé, make oral or written misrepresentations, work for two accounting firms at the same time, or "send excessive emails to anyone."
- [80] The Member addressed the specific sanctions sought by the PCC. He submitted that the fine was extremely high, keeping in mind the current cost of living and that he was the primary income earner for his family of four. He submitted that the fine should be \$5,000, with one year to pay. He submitted that the *Banerjee* case, where a \$5,000 fine was levied, was factually the closest case to his, among the cases relied upon by the PCC.
- [81] The Member submitted that revocation was an extremely harsh sanction for someone with no discipline history. He said that revocation would "kill [him] professionally" and "would basically financially kill 4 people right away, the entire family." He submitted that the revocation cases cited by the PCC were completely different from his own and were much more serious. He asked for "an opportunity to improve and demonstrate professionalism" and said he has learned "a huge lesson."

Reasons for the Panel's Decision on Sanction

- [82] In determining the appropriate sanction, the Panel adopts the approach of the [CPA Ontario Sanction Guidelines](#) that the purpose of sanctioning professional misconduct is to protect members of the public, promote public confidence in the profession, denounce the

misconduct, achieve specific and general deterrence, maintain high ethical standards of the profession, and facilitate rehabilitation.

- [83] The challenge for a Panel is determining how to best achieve these objectives given the set of facts unique to each case, with consideration given to the nature of the misconduct, mitigating and aggravating facts, and the weight to be allocated to each.
- [84] The Panel agreed with the submissions of the PCC respecting the seriousness and escalating nature of the Member's misconduct. The Panel agreed with the Member's submission that he took responsibility for his misconduct through agreeing to a statement of facts in which he fully admits to the alleged misconduct. The Panel considered this to be a mitigating factor, along with the fact that he does not have a prior disciplinary history. The Panel finds the Member's statements of remorse to be hollow, however, as he was involved in additional deceitful conduct even as he was acknowledging and apologizing for past deceitful conduct. Rather than express concern for the victims of his deceit, he tried to undermine their credibility. The Panel has no confidence that, given the opportunity, the Member would not continue to engage in deceitful and unethical conduct.
- [85] The Panel was cognizant of the Member's submissions about his financial situation, including the dependence of his family on his income. However, the Panel had no evidence before it relating to the Member's personal or family finances, which he could have provided had he attended the hearing. The Panel found that a fine of \$20,000 was appropriate given the seriousness of the misconduct, and to send a message to the profession and the public of the gravity of these ethical transgressions. The fine is not payable until September 26, 2024, to permit the Member additional time to make arrangements.
- [86] The Panel appreciates the impact of revocation on the Member and did not impose this sanction lightly. The Panel finds that, after considering the seriousness of the Member's acts of misconduct, it has no option other than revocation. Over the course of a year, the Member's misconduct escalated from serious misconduct to outrageous misconduct. The false statements of work experience, misrepresentation of his qualifications, and working two jobs simultaneously in violation of his employment contract constitute serious wrongdoing that would attract a significant sanction. The Member then repeated this conduct with another employer, with the shocking addition that he fabricated professional references with a false LinkedIn profile, recruited people to lie to his prospective employers on his behalf, and impersonated at least one of his fictitious references in an interview with an employer. The Member followed this misconduct with a vindictive barrage of emailed accusations sent through a fictitious persona, including groundless claims of serious criminality against "H" Company, culminating in the Member impersonating another individual to obtain confidential and private information to which he was not legally entitled.
- [87] The Member's misconduct was premeditated, dishonest, involved gross ethical violations, and continued over a lengthy period of time. Through these actions the Member revealed a conniving duplicity incompatible with the professional obligations of a CPA. His blatant disregard for honesty, truth and integrity disqualifies him from membership in CPA Ontario. The risk of harm to the public, and harm to the public confidence in the profession, requires nothing less than the revocation of his membership.

- [88] Pursuant to section 48 of Regulation 6-2, notice of the Member's revocation will be published in the Globe and Mail, a newspaper distributed in the geographical area in which the Member practiced, at the Member's own expense.

IX. COSTS

- [89] The law is settled that an order against the Member for costs with respect to the disciplinary proceeding is not a penalty. Costs are intended to indemnify the PCC, based on the underlying principle that the profession as a whole should not bear all of the costs of the investigation, prosecution, and hearing arising from the Member's misconduct.
- [90] It has become customary for the PCC to file a Costs Outline in the same form as used in civil proceedings, and to seek two-thirds of the costs incurred in the investigation and prosecution of the matter. The PCC Costs Outline and Appendix is found at Exhibit 4. The costs total \$88,190.52, two-thirds of which is \$58,750, the amount sought by the PCC.
- [91] In his written submissions, the Member questioned how the costs could have been so high, given that he cooperated with the PCC, agreed to a statement of facts, and admitted the misconduct. The Member submitted that the PCC must have been responsible for inflating the costs, acting with malice towards him. The Member also submitted that the Panel should not impose such a high costs award, given his family situation and because his misconduct was not as serious as misconduct involving financial fraud. The Member submitted that if he had to pay \$58,000 in costs he would have to resort to crime. The Member submitted that the maximum costs award he could pay would be \$15,000 in three years.
- [92] The PCC submitted that the Appendix to the Costs Outline shows that the vast majority of the costs incurred by the PCC were for investigator fees and disbursements, which totaled \$76,698.75, for 271.50 hours of work. The PCC submitted that the investigation was complex, and found significant, additional misconduct on the part of the Member beyond that which was known to the initial complainants.
- [93] As the Panel expressed questions about how the investigation costs became so high, the PCC offered to call the investigator as a witness to answer the Panel's questions. After a short break, the PCC called Leigh Beijer ("Beijer"), CPA, CA, DIFA, CFE, CFF, who was affirmed as a witness.
- [94] Beijer addressed questions about her qualifications, employment history, and experience as an investigator with CPA Ontario. She then explained in considerable detail the steps of the investigations into the three separate complaints against the Member.
- [95] In her testimony, Beijer noted that the Member took certain positions which likely lengthened the investigation, including alleging a breach of confidentiality, which required her to seek legal counsel. He also told her he could not remember his employment history or his employment references, and did not have copies of his resumés, which required additional work by Beijer to obtain this information from his previous employers. The interviews with former employers yielded further information which also had to be investigated, including additional cases where the Member had concurrently worked for more than one employer on a full-time basis.
- [96] Since the Member did not provide information about his references, Beijer had to obtain it

from interviewing his former employers. From those references, Beijer learned that some had never even worked with the Member. It was only through investigating the third complaint relating to “H” Company that Beijer discovered that Stutsman, used by the Member as a reference, was actually the Member himself. The Member had redacted that information from the documents he had provided to her, and had told her he could not provide the Stutsman Emails since he could no longer access the Stutsman Email account.

- [97] Having heard Beijer’s detailed evidence about the nature of her investigations into the Member’s conduct, the Panel was satisfied that the costs of the investigation were reasonable, and that the Member’s own conduct likely contributed to the length and expense of the investigation. The Panel held that the costs sought by the PCC was reasonable and ordered costs of \$58,750 payable to CPA Ontario. The Panel provided the Member three years to pay the costs ordered.

DATED this 1st day of November, 2023



David Handley
Discipline Committee – Deputy Chair

Members of the Panel

Vincci So, CPA, CMA
Jim Huang, CPA, CGA
Janice Sheehy, CPA, CMA
Nancy Tran, Public Representative

Independent Legal Counsel

John Dent, Barrister & Solicitor