

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO ACT, 2017

TO: Amit Mistry, CPA, CMA

AND TO: The Discipline Committee of CPA Ontario

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

1. That the said Amit Mistry, in or about the period January 1, 2018, through November 30, 2023, while engaged as the accountant for "RM Inc.", signed or associated with letters, reports, statements or representations which he knew, or should have known, were false or misleading, in that he and RM Inc. held him out as the CFO, controller and director of finance of RM Inc. to potential investors and third parties when he did not hold those positions, contrary to Rule 205 of the CPA Code of Professional Conduct ("Code").
2. That the said Amit Mistry, in or about the period November 1, 2018, through November 30, 2019, while engaged as the accountant for "RSG Corp." (now known as "CE Inc."), signed a statement or representation which he knew, or should have known, was false or misleading, in that he declared himself to be a director or officer of RSG Corp., when he was not, when filing Articles of Amendment, pursuant to the *Canada Business Corporations Act*, contrary to Rule 205 of the Code.
3. That the said Amit Mistry, in or about the period January 1, 2018 through November 19, 2023, while engaged as the accountant for RM Inc., failed to perform his professional duties with integrity and due care, contrary to Rule 202.1 of the Code, in that:
 - a. He accounted for a payment of \$227,130 to "JEP" as a marketing expense in the books and records of RM Inc., although no services were rendered by JEP Inc., and the associated invoice was not issued to RM Inc.;
 - b. He applied for the Input Tax Credit ("ITC") on the fourth-quarter 2018 GST/HST return of RM Inc., associated with a \$227,130 payment to "JEP" when RM Inc. was ineligible;
 - c. He disclosed approximately \$132,000 of payments to his firm, Interactive CPA Professional Corporation (formerly CYOS Professional Corporation, the "Firm") for professional services in the financial statements of RM Inc., while claiming receipt of approximately \$47,000 in his Firm's accounting records for those services;
 - d. He included \$50,000 in revenue in RM Inc.'s fiscal 2021 financial statements and corporate income tax return filings, when RM Inc. did not earn revenue; and

- e. He identified former shareholders of RM Inc. as active shareholders on RM Inc.'s 2022 corporate income tax return.
- 4. That the said Amit Mistry, in or about the period November 1, 2018 through October 31, 2019, while engaged as the accountant for RSG Corp., failed to perform his professional duties with due care, in that he applied for the ITC associated with a \$227,130 payment to "JEP", when RSG Corp. was ineligible, contrary to Rule 202.1 of the Code.
- 5. That the said Amit Mistry, in or about the period of February 1, 2024 to June 12, 2024, failed to comply with CPA Ontario's General By-Law and Regulations 7-1, 10-1 and 14-1, contrary to Rule 101.1(b)(i) of the Code, in that:
 - a. He performed professional services through his Firm without holding the requisite professional liability insurance; and
 - b. He failed to provide CPA Ontario with accurate information as to his current employment, his lapsed insurance and the nature of the professional services provided by his Firm.
- 6. That the said Amit Mistry, in or about the period January 1, 2018 through June 12, 2024, failed to take reasonable steps to retain records or other documentation which reasonably evidenced the nature and extent of the work done in respect of any professional service, in that he did not keep complete and accurate records of professional services provided by his Firm, contrary to Rule 218 of the Code.
- 7. That the said Amit Mistry, in or about the period March 20, 2024, through June 12, 2024, failed to co-operate with the regulatory process of CPA Ontario, contrary to Rule 104.2 of the Code, in that, he failed to provide documents or other information when requested to do so by the Professional Conduct Committee through its investigator.

Dated at Toronto, Ontario this 23rd day of July, 2024.



KELLY KHALILIEH, FCPA, FCA – DEPUTY CHAIR
PROFESSIONAL CONDUCT COMMITTEE