

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

**DISCIPLINE COMMITTEE**

**IN THE MATTER OF:** Allegations against **LAERT KASAJ, CPA, CGA**, a member of the Chartered Professional Accountants of Ontario, under **Rules 103 and 201.1** of the CPA Ontario Code of Professional Conduct.

**BETWEEN:**

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

**-and-**

**Laert Kasaj**

**APPEARANCES:**

<b>For the Professional Conduct Committee:</b>	Lindsay Bandini, Counsel
<b>For Laert Kasaj:</b>	Not Present and Not Represented
Heard:	May 22, 2024
Decision and Order effective:	May 22, 2024
Release of written reasons:	June 12, 2024

**REASONS FOR THE DECISION AND ORDER MADE MAY 22, 2024**

**I. OVERVIEW**

- [1] The Professional Conduct Committee (“PCC”) of the Chartered Professional Accountants of Ontario (“CPA Ontario”) has alleged that Laert Kasaj (“the Member”) engaged in professional misconduct by way of two Allegations. The first was that he failed to maintain the good reputation of the profession and its ability to serve the public interest, as a result of being convicted of aiding and abetting the importation of drugs into Australia. It was also alleged that the Member made false and misleading statements to CPA Ontario about this conviction.
- [2] This hearing was held to determine whether the Allegations were established, whether the PCC has shown on a balance of probabilities that the Member’s conduct breached Rules 201.1 and 103 of the CPA Ontario Code of Professional Conduct (“the Code”) and whether the conduct amounted to professional misconduct.

- [3] The hearing proceeded on May 22, 2024, via videoconference as enabled by the CPA Ontario *Rules of Practice and Procedure*.

## **II. THE COMPLAINT AND THE ALLEGATIONS**

- [4] On May 3, 2023, CPA Ontario received an anonymous complaint alleging that the Member had been convicted of a drug offence in Australia. The complainant attached two newspaper articles detailing the fact that the Member had been convicted and jailed for two years and seven months for his role in importing 645 kilograms of MDMA into Australia.
- [5] Shortly before the complaint was received, the Member had been readmitted to the profession. His membership had been suspended and subsequently revoked for failing to pay his annual member dues and complete his continuing professional development obligations.
- [6] Standards Enforcement contacted the Member about the complaint. He initially responded by attaching a criminal background check from the RCMP and referred to that as evidence that he did not have a criminal record. After further inquiries were made, the Member eventually acknowledged that he had been convicted of the offence in Australia.
- [7] As Standards Enforcement continued its investigation, it learned that on several occasions between August 2021 and April 2023, the Member had been untruthful with CPA Ontario about his conviction, including during his readmission application. The Member had provided misleading information in his annual declarations about his location, the reasons that he was unemployed and why he was unable to return to Canada. Further, in his readmission application of March 9, 2023, the Member responded 'no' when asked if he had ever been convicted of a criminal offence.

## **III. PRELIMINARY ISSUES**

- [8] The Member did not attend the hearing, nor did he have a representative attend on his behalf. To proceed in his absence, the Panel had to be satisfied that the Member had received proper notice of the Allegations and the hearing. After waiting approximately 15 minutes for the Member to attend, the Panel sought evidence from the PCC that he had received proper notice.
- [9] The PCC relied on the Affidavit of Tayler Levick (Exhibit 1), a Professional Standards Coordinator in the Investigations and Prosecutions department of CPA Ontario. It established that the Member was served with the Allegations of Professional Misconduct on February 27, 2024.
- [10] The Affidavit further established that on March 6, 2024, the Member sent an email to PCC Counsel and the Tribunals Office advising of his availability for a pre-hearing conference (PHC). The PHC was scheduled for April 9, 2024 and the Member filed his PHC memo on April 2, 2024. The Member then attended the PHC on April 9, 2024.
- [11] On April 10, 2024, the Tribunals Office sent an email to the Member and PCC counsel with the Notice of Hearing for this matter. The Notice of Hearing confirmed that the hearing was scheduled to proceed on May 22, 2024, 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.

- [12] PCC counsel attempted to communicate with the Member on several occasions following the PHC. Three emails were sent to the Member's email address and a voicemail message was left at his preferred phone number.
- [13] On May 2, 2024, PCC counsel sent an email to the Tribunals Office and the Member advising that the Member had not responded to any of these communications. Later that same day, the Tribunals Office sent an email to PCC Counsel and the Member confirming receipt of the email. The Tribunals Office also advised the Member to "please see Direction 5 of the April 9, 2024 PHC report (attached) for the deadlines and requirements for filing your materials for the May 22, 2024 hearing".
- [14] Based on this 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.
- [15] Once it was determined that the hearing could proceed in the absence of the Member, the Panel raised another preliminary issue with the PCC: whether a psychological assessment submitted during the Member's sentencing in Australia and included in the PCC's Document Brief should be sealed.
- [16] The PCC was not opposed to sealing the exhibit given the sensitive information contained within the report. PCC counsel advised the Panel that in her discussions with the Member at the PHC, he had requested that the report not be publicly available.
- [17] In balancing the Member's privacy interests against the principle that hearings are presumptively open to the public, the Panel determined that it was appropriate to grant the non-publication order with respect to the contents of the psychological report on the understanding that the Panel could refer to the contents of the documents in its reasons if it was necessary to do so to explain the Panel's decision. In the Panel's view, this result appropriately balanced the competing interests involved.

#### **IV. ISSUES**

- [18] The Panel proceeded to consider the following issues:
  - 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 proven on a balance of probabilities, did the Allegations constitute professional misconduct?

#### **V. DECISION**

- [19] The Panel found that the evidence presented by the PCC established, on a balance of probabilities, the facts on which the Allegations were based.

- [20] The Panel was satisfied that the Allegation as alleged constituted a breach of Rule 201.1 of the Code in that the Member failed to act in a manner which would maintain the good reputation of the profession and its ability to serve the public interest.
- [21] The Panel was also satisfied that the Allegation as alleged constituted a breach of Rule 103 in that the Member made false and misleading statements to CPA Ontario.
- [22] The Panel proceeded to find that the substantive breaches of Rules 201.1 and 103 of the Code unequivocally amounted to professional misconduct.

## **VI. REASONS FOR THE DECISION ON MISCONDUCT**

### *Findings Regarding the Conduct of the Member*

- [23] The PCC filed a Document Brief (Exhibit 2) containing documents relating to the Member's conviction and sentencing in Australia, including the Agreed Statement of Facts and sentencing decision, newspaper articles reporting on the Member's arrest, conviction and sentencing, as well as various correspondences between the Member and CPA Ontario, including the Member's 2023 readmission application.
- [24] In addition to the Document Brief, the PCC called Jodie Wolkoff, the Director of Investigations ("Wolkoff"), who testified about her efforts to investigate the Member's conviction, the facts supporting it and whether the Member disclosed the conviction to CPA Ontario. It is based on this evidence and the materials contained in Exhibit 2 that the Panel made the following findings.
- [25] CPA Ontario learned from an anonymous complaint dated May 3, 2023 that the Member had been convicted and jailed for at least two years and seven months for his role in importing 645 kilograms of MDMA into Australia. The facts underpinning the conviction were set out in the Agreed Statement of Facts as well as in the sentencing judgment by Justice Shead of the District Court of New South Wales.
- [26] The evidence established that the Member aided and abetted the importation of drugs that had been secreted in barbeques that were imported from Cyprus into Australia. The authorities in Australia intercepted the importation and were able to replace all the MDMA with an inert substance. They then surveilled the barbeques over an extended period to determine who was involved with the importation.
- [27] At some point, the individuals involved in importing the MDMA had some concerns about the integrity of the shipment and, as a result, on December 3, 2019, the Member was asked by a friend to travel to Australia to take photos of the barbeques. There was no evidence that the Member knew of the drug importation scheme at that time. The next day, the Member purchased plane tickets and booked accommodations in Australia.
- [28] On December 10, 2019, the Member flew from Toronto to Sydney, Australia. When he arrived, he sent a message confirming a meeting for the following morning. The next day, the Member was picked up and driven to a warehouse. While at the warehouse, the Member photographed and videotaped the barbeques being deconstructed and the packages of the MDMA being removed. These images and videos were sent to others who were involved in the importation

of the drugs. The Member spent approximately 20 minutes in the warehouse and had no further involvement with the drugs after that time. In the Agreed Statement of Facts, the Member acknowledged that he intended his conduct would aid and abet the illegal importation of a substance and was reckless about whether the criminal offence had been committed.

- [29] The Member's attendance at the warehouse was videotaped and photographed by the police. He was arrested on December 16, 2019 as he travelled from Sydney to Brisbane. The Member was held in custody following his arrest.
- [30] On October 19, 2021, the Member pleaded guilty to one count of aiding and abetting the importation of the MDMA.
- [31] A sentencing hearing was held before Justice Shead on June 3, 2022.
- [32] On July 5, 2022, Justice Shead sentenced the Member to four years imprisonment. The minimum time he had to serve in custody was two years and seven months.
- [33] There are several references in the sentencing judgment to the fact that the Member was a CPA. In fact, in his discussions with the psychologist who prepared the report filed at the sentencing hearing, the Member acknowledged that he was aware that his criminal conviction would likely prevent him from returning to his work as a CPA.
- [34] The Member was eventually released from jail on July 15, 2022. He returned to Canada in December 2022.
- [35] At no point, either when in Australia or when he returned to Canada, did the Member report his charges, conviction, or incarceration to CPA Ontario, even when asked directly. The matter only came to CPA Ontario's attention because of the anonymous complaint. In fact, on several occasions between August 2021 and April 2023, the Member corresponded with CPA Ontario and provided misleading information about his circumstances.
- [36] In his Annual Membership declaration dated July 31, 2020, a time when the Member was incarcerated in Australia, the Member declared that his residential address was in Toronto. The Member later acknowledged in an interview with Wolkoff that this declaration was false. He stated that the submission was made by his sister-in-law on his behalf while he was incarcerated.
- [37] In his Annual Membership declaration dated August 29, 2021, the Member again listed his address as being in Toronto instead of being in jail in Australia. Further, to seek an exemption of his CPD requirements, the Member stated that he was unable to return to Canada because of Covid-19. This statement was false. He was unable to return to Canada because he was incarcerated, not because of the pandemic.
- [38] The Member's membership in CPA Ontario was eventually administratively revoked because he had not paid his annual dues. Consequently, he was required to file an application for readmission. In his application dated March 9, 2023, the Member was asked the following question: "Have you ever been convicted of a criminal offence or other similar offence for which a pardon has not been granted or are there any charges pending against you?" Even though the Member had been convicted and sentenced by that point, he falsely responded

'no' to this question. In his interview with Wolkoff, the Member acknowledged that he had been convicted in Australia. However, he claimed that he believed only Canadian convictions needed to be disclosed. He also stated that he was ashamed and embarrassed about the conviction and so he felt that it was not necessary to disclose the conviction to CPA Ontario.

- [39] On March 21, 2023, in an email exchange with a Members Coordinator of CPA Ontario in which the Registrar's Office was seeking to confirm aspects of his readmission application, the Member falsely stated that he had been unable to return to Canada in 2021 because he hadn't been vaccinated. The Member acknowledged that his statement was false; he could not return to Canada because he was incarcerated, not due to his vaccination status at the time.
- [40] In this same email exchange, the Registrar's Office requested a log of the Member's CPD activities from the previous year. In response, the Member stated that he did not submit his 2022 CPD hours because he did not work at an accounting firm. He did not say why he could not complete the courses other than to say that "COVID did not help." At no point did the Member ever indicate that he had been convicted of anything or been incarcerated in Australia.
- [41] Further on in the readmission form, when asked why he was seeking reinstatement, the Member declared that he had been unemployed for three years, he had been working out of the country and had family problems.
- [42] Had the Member been honest in his readmission application and disclosed his conviction and incarceration, the Registrar might have been unable to decide on readmission. Instead, the Member's readmission request might have been referred to the Admission and Registration Committee for an oral hearing to determine whether he was of good character and thereby met the requirements to be registered with CPA Ontario.

#### *Findings of Professional Misconduct*

- [43] The onus was on the PCC to demonstrate on a balance of probabilities that the Member's conduct breached Rules 201.1 and 103 of the Code and that such conduct constituted professional misconduct.

#### *Rule 201.1*

- [44] The Panel had no hesitation in concluding that the Member acted in a manner that failed to maintain the good reputation of the profession. The Member was convicted of an extremely serious criminal offence. The fact that he received such a significant sentence for the limited role he played in the conspiracy to import the drugs speaks to the seriousness of the offence. The Member's conduct undermines the integrity and negatively impacts on the reputation of the accounting profession.
- [45] It is of no moment that the criminal activity was unrelated to the practice of accounting. Any accountant who engages in such serious criminality erodes public confidence in the profession. The public has the right to expect every CPA to be trustworthy and to act with the highest degree of integrity. Integrity is the profession's stock and trade. By choosing to facilitate a drug trafficking enterprise, the Member chose to engage in behaviour that is

deleterious to the integrity and the reputation of the profession. The criminal conduct he engaged in was the antithesis of the conduct expected by the public and members of CPA Ontario.

- [46] The fact that the Member was a Chartered Professional Accountant was highlighted by the sentencing judge on several occasions in her reasons for judgment. Further, a simple Google search of the Member would reveal that he had been convicted and sentenced for a serious drug offence, all of which negatively impacts the profession and its ability to serve the public interest. Indeed, the negative impact of the Member's conduct on the profession is illustrated by the fact that CPA Ontario received a complaint expressing concerns that the Member held the CPA designation.

### *Rule 103*

- [47] For approximately three years, the Member engaged in a pattern of deceitful conduct intended to conceal the fact that he had been charged and later convicted of a criminal offence. The Panel did not accept the Member's explanation to Wolkoff that he believed that he only needed to disclose Canadian criminal convictions. There was no ambiguity in the question being asked in the application for readmission. Furthermore, the suggestion that he believed only Canadian criminal convictions needed to be disclosed is contradicted by his own acknowledgment in the psychological report. He explicitly recognized and communicated to the psychologist that his criminal conviction would probably hinder his ability to return to work.
- [48] The Member knew that there was an obligation for him to report his conviction and that there would be adverse consequences if he notified CPA Ontario. Instead, he provided a series of false and misleading statements with the intent to mislead his regulator. Even when initially confronted by Standards Enforcement, the Member attempted to deny the fact that he had been convicted of an offence. He provided a Canadian criminal background check to prove that he had no criminal record. When that did not suffice, he attempted to minimize his conduct and claimed that he got caught in a misunderstanding while on vacation in Australia. This was a continued attempt by the Member to deceive and mislead.
- [49] CPA Ontario should not have to depend on anonymous complaints to regulate its members. The ability to properly regulate is dependent on members being truthful and self-reporting criminal offences or other breaches of the Code. Instead of doing so, the Member engaged in a protracted period of deception that was designed to mislead his regulator and the public who he would be serving if he continued to be a member of the profession. He engaged in a pattern of dishonest behaviour that is deleterious to the integrity and the reputation of the profession.

## **VII. DECISION AS TO SANCTION**

- [50] The PCC sought the following as appropriate sanction in this matter: revocation of membership; a fine in the amount of \$40,000 with two years to pay; full publicity disclosing the Member's name to all members of CPA Ontario and all provincial bodies as well as the public; publication on the CPA Ontario website and in the *Globe and Mail*, costs of which are to be borne by the Member.

- [51] After considering the law and the submissions of PCC, the Panel concluded that the appropriate sanction was revocation, a \$40,000 fine payable to CPA Ontario by May 23, 2026. Notice of the Decision and Order disclosing the Member's name is to be given to all members of CPA Ontario, all provincial bodies, and made available to the public on the CPA Ontario website and in the *Globe and Mail*.

## VIII. REASONS FOR THE DECISION AS TO SANCTION

- [52] In any discipline proceeding, a Panel must consider all principles of sanction and may have a view to those articulated in the [Chartered Professional Accountants of Ontario Sanction Guidelines](#). In applying these principles, the Panel concluded that a significant penalty was necessary to protect members of the public, to deter other members from engaging in misconduct and to maintain the public's confidence in the profession.
- [53] When considering the appropriate sanction in this matter, the Panel must consider both the aggravating and mitigating factors. The Member did not attend the hearing, nor did he submit any materials for the Panel to consider in mitigation. While the Member initially participated in this disciplinary process, he stopped cooperating after the pre-hearing conference. His failure to attend this hearing has denied the Panel the opportunity to assess whether he had any remorse for his actions or recognition of the impact his conduct had on the reputation of the profession.
- [54] The Panel held that a significant aggravating factor was the seriousness of the Member's criminal conduct. Engaging in such serious criminal behaviour is devastating to a profession that exists on its good reputation. It cannot be countenanced by either the profession, or by the public the profession serves. The severity of the Member's misconduct was then compounded by the Member's repeated efforts to mislead CPA Ontario and conceal his criminal conviction, impairing the investigative and disciplinary functions of CPA Ontario and undermining public confidence in the profession's ability to self-regulate.
- [55] In determining the appropriate sanctions in this matter, the Panel considered specific and general deterrence. In matters where members of the profession, who are trusted upon to conduct themselves with the highest degree of integrity and to be honest and transparent with the regulator, abuse this trust, the ultimate sanction must be imposed: revocation of membership. Deterrence is fully served by revocation. Public confidence in the profession is maintained by the revocation of membership of those who engage in such abhorrent behaviour. Such a sanction sends a clear message to the public and members of the profession that this conduct will not be tolerated.
- [56] The Member showed a total disregard for two foundational qualities of the accounting profession: honesty and integrity. There is an expectation that CPA Ontario will severely discipline members who do not maintain these foundational covenants. Members of the public must be able to trust CPAs and to rely on their honesty. As a self-regulating profession tasked with protecting the public, CPA Ontario is dependent on members to self-report their misconduct. A failure to do so, which is then compounded by attempts to mislead the regulator, must be denounced in the strongest possible terms.
- [57] A fine is appropriate considering the gravity of the misconduct. In determining the appropriate



amount of the fine, this Panel was presented with comparable cases where a member had been convicted of a serious criminal offence. The fines imposed in those cases ranged from \$5,000 to \$60,000. The Panel observed that the cases where lower fines were imposed were quite dated. The more recent cases (see [Granelli](#) and [Hull](#)) reflect a trend towards more significant fines to serve as a specific deterrent to the member and a general deterrent to the membership should they contemplate similar misconduct.

- [58] Having considered the case law and the aggravating and mitigating factors in this case, including the seriousness of the Member's criminality and his ongoing dishonesty in concealing it, the Panel determined that a fine in the amount of \$40,000 was necessary to send a clear message to the Member and the public that such conduct will attract a significant financial penalty. Having not heard any submissions from the Member regarding the time he would need to pay the fine, the Panel accepted PCC counsel's submission and imposed a period of two years within which to pay the fine.
- [59] Full publicity of the order and publication of the order serves to inform the public of the transparency of CPA Ontario's disciplinary process and protects the public by informing the community of the revocation of the Member's membership. Such publicity also acts as a deterrent to members contemplating engaging in similar misconduct and sends a clear message to the public that CPA Ontario will not tolerate such egregious criminal conduct. Nor will it accept members then trying to conceal these actions. Publication also protects the public as it is a declaration that the Member can no longer provide accounting services as a CPA.

## **IX. COSTS**

- [60] The law is settled that an order 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 should not bear the costs of members, such as the Member, who choose to abandon their professional obligations.
- [61] Costs are awarded at the discretion of the Discipline Committee. It has become customary for the PCC to file a Costs Outline and to seek 2/3 of the costs incurred in the investigation and prosecution of the matter.
- [62] The PCC presented a Costs Outline (Exhibit 3) for the Panel's consideration. It totals \$24,034.52, 2/3 of which is approximately \$15,000, the amount sought by the PCC.

[63] The Panel ordered a costs award of \$15,000, payable within 24 months of the date of the Order.

**DATED** this 12<sup>th</sup> day of June, 2024

A handwritten signature in black ink, appearing to read 'A. Finkel', with a stylized flourish at the end.

Alexandra Finkel, CPA, CA  
Discipline Committee – Deputy Chair

Members of the Panel

Jim Huang, CPA, CGA  
Marianne Park-Ruffin, Public Representative  
Kane Porter, CPA, CA  
John Wilkinson, Public Representative

Independent Legal Counsel

Seth Weinstein, Barrister & Solicitor