

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

ADMISSION AND REGISTRATION COMMITTEE

IN THE MATTER OF: A [REDACTED] R [REDACTED], an Applicant applying to be admitted as a member under Regulation 7-1: Admission to Membership, Obligations and Standing, Section 14: Good Character on Admission, and Section 15: Credibility on Admission, as amended

TO: A [REDACTED] R [REDACTED]

AND TO: The Admission and Registration Committee

NOTICE OF REFERRAL FOR A HEARING

Pursuant to sections 14 and 15 of Regulation 7-1, adopted by Council under the *Chartered Professional Accountants of Ontario Act, 2017*, and the By-law governing the Chartered Professional Accountants of Ontario (CPA Ontario), I hereby request the Admission and Registration Committee (ARC) to convene an oral hearing in respect of this application.

THE GROUNDS FOR THE REQUEST ARE:

1. The Applicant applied for membership with CPA Ontario on March 29, 2024. Having reviewed the application for membership:
 - a. I am not satisfied that the Applicant has provided evidence of good character as required; and
 - b. This is a circumstance where the evaluation of the application for membership requires assessment of the Applicant's credibility.

As such, I am referring the Applicant for such assessments in accordance with sections 14 and 15 of Regulation 7-1 Admission to Membership, Obligations and Standing.

2. In or about 2008, the Applicant, together with several accomplices, engaged in a scheme to improperly obtain funds by fraudulent means involving stolen, manipulated and/or counterfeit debit and credit cards.
3. On or about November 24, 2009, the Applicant was found guilty of five counts of fraud over \$5,000 in connection with their role in the fraudulent scheme. The Applicant pled guilty and was sentenced to 729 days conditional sentence and a two years' probation. The Applicant agreed to an agreed statement of facts and to testify against one of their co-accused accomplices.

4. In or about 2011, at the trial of the Applicant's co-accused, the Applicant gave false testimony that differed from the agreed statement of facts entered into as part of their guilty plea.
5. On or about February 6, 2012, the Applicant was found guilty of perjury in relation to their false testimony at the trial of their co-accused. The Applicant was sentenced to one year incarceration and a one-year probation.
6. On July 13, 2020, the Applicant applied to register as a student with CPA Ontario. The Applicant answered "no" to the question: "Have you ever been found guilty of a criminal offence or other similar offence for which a pardon has not been granted or are there any charges pending against you?"
7. On July 17, 2020, the Applicant was registered as a student with CPA Ontario.
8. On April 7, 2021, the Applicant was awarded a Pardon under the *Criminal Records Act* ("CRA") for all their convictions.
9. In and around February 2022, while processing a pre-assessment request submitted by the Applicant in the Practical Experience Reporting Tool, CPA Ontario became aware of public reports regarding the Applicant's undisclosed criminal history, including that, among other things:
 - a. The Applicant had been one of 26 people charged with fraud in connection with a debit card forgery ring that garnered tens of thousands of dollars;
 - b. The Applicant had been charged with 15 counts of fraud over \$5,000, 15 counts of unlawful possession of credit card data, three counts of theft under \$5,000, participation in a criminal organization, six counts of breach of recognizance, possession of property obtained by crime, and possession of proceeds of crime;
 - c. The Applicant had pled guilty, agreed to an agreed statement of facts, and had testified at the trial and preliminary inquiry of a co-accused; and
 - d. The Applicant had also been charged with perjury, attempt to obstruct justice, conspiracy to commit perjury, and breach of conditional sentence for providing different and inconsistent testimony in relation to their original declaration regarding an ongoing fraud investigation.
10. The Applicant subsequently admitted to CPA Ontario that:
 - a. In 2008, the Applicant engaged in fraud together with a group of individuals;
 - b. The fraudulent conspiracy involved the theft of banking information from debit card PIN pads at various retail stores;

- c. The scheme was accomplished by co-opting a cashier at the targeted store, who would turn a blind eye while a member of the conspiracy removed the PIN pad from the debit machine and replaced it with a decoy;
- d. The PIN pad was then taken to another site and altered to enable the conspirators to steal data from subsequent uses of the PIN pad;
- e. The original now-altered PIN pad would then be returned and reinstalled at the retail store;
- f. A member of the conspiracy would return to the store some days or weeks later to recover the data using an electronic device, possibly a laptop;
- g. The stolen data was then used to produce counterfeit debit or credit cards that were, in turn, used to withdraw funds from the targeted accounts by way of automated teller machines;
- h. The Applicant recruited the cashier at the G ■■■ J ■■■ retail store in Woodbridge, where one such fraud was carried out;
- i. The Applicant's net proceeds from the conspiracy at the G ■■■ J ■■■ retail store totaled approximately \$40,000;
- j. In November 2009, the Applicant pled guilty to five counts of fraud over \$5,000 pursuant to a plea agreement that required him to agree to an agreed statement of facts and to commit to giving testimony in the trial of one of their co-accused. The Applicant agreed to forfeit \$35,000 found in a safety deposit box and received a conditional sentence;
- k. At the time of their guilty plea, the Applicant was in custody, having breached their bail conditions;
- l. The Applicant instructed their lawyer to draft the agreed statement of facts, which implicated the co-accused in the crimes alleged against them;
- m. The Applicant confirmed the truth of the agreed statement of facts under oath at the time of their guilty plea and testified that it was "100 per cent accurate". The presiding judge accepted the plea on the basis of the Applicant's assurance that the plea was voluntary and their testimony that the plea was founded on evidence that was true and accurate;
- n. The Applicant profited considerably from their guilty plea and the pretrial statements underlying them;
- o. The Applicant subsequently testified at the preliminary inquiry of their co-accused and gave evidence consistent with their agreed statement of facts;

- p. At the trial of the Applicant's co-accused in 2011, the Applicant lied during their testimony, gave information that differed from what they had agreed to in their agreed statement of facts, and recanted portions of the agreed statement of facts; and
 - q. In February 2012, the Applicant pled guilty to perjury in relation to their testimony under oath at the trial of their co-accused.
11. I have determined that the Applicant otherwise meets all the criteria for admission to membership.

Date: January 09, 2025



Heidi Franken, CPA, CA
Registrar