

Ahmad Amin Allouba: Summary, as Published in *CheckMark*

Ahmad Amin Allouba, of Scarborough, was found guilty of three charges under Rule 201.1 of failing to maintain the good reputation of the profession and its ability to serve the public interest; one charge under Rule 202 of failing to perform his professional services with due care; two charges under Rule 206 of failing to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the *CICA Handbook*; one charge under Rule 303.1 of failing to supply to a successor accountant on a timely basis reasonable information about work done; and one charge under Rule 303.2 of failing to supply to a successor accountant on a timely basis the books, documents and other property in his possession belonging to the client. The essence of the misconduct was that in the course of conducting various engagements for different clients over a number of years, Mr. Allouba failed to adhere to generally accepted standards of practice in the preparation of financial statements, exercise due care in his work, complete assignments which had been entrusted to him, and cooperate with successor accountants on a timely basis. Mr. Allouba was fined \$3,000; charged costs of \$5,000; and ordered to complete three professional development courses, a period of supervised practice, and a reinvestigation by the professional conduct committee.

As reported in the Spring 2004 issue of *CheckMark*, **Ahmad Amin Allouba**, of Scarborough, was found guilty of eight charges under various rules of professional conduct arising out of his failure to adhere to generally accepted standards of practice, exercise due care in his work, complete assignments which had been entrusted to him, and cooperate with successor accountants on a timely basis. One of the terms of the discipline committee's order made against Mr. Allouba was that he practise under supervision for a specified period of time pursuant to the terms of a supervised practice plan which he was to prepare, have approved by the director of standards enforcement, and file with the secretary of the discipline committee. Mr. Allouba failed to file the supervised practice plan as ordered, as a result of which he was expelled from the Institute.

CHARGE(S) LAID re Ahmad Amin Allouba

The Professional Conduct Committee hereby makes the following charges against Ahmad A. Allouba, a member of the Institute:

1. THAT the said Ahmad A. Allouba, in or about the period October 14, 2001 to February 18, 2003, having been requested by his client, Kalmoni Establishments Inc. to supply to the successor accountant, Shafik Damani, CA, reasonable information about the work done, failed to do so on a timely basis, contrary to Rule 303.1 of the rules of professional conduct.
2. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Establishments Inc. ("KEI") as at September 30, 1998, 1999 and 2000, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) for each of the relevant years, he failed to ensure that the financial statements included a cash flow statement or a note disclosing why a cash flow statement was not included;
 - b) for each of the relevant years, he failed to ensure that a term deposit of \$47,098 held by the Bank of Credit and Commerce Canada ("BCCI") was carried at market value;
 - c) for each of the relevant years, he failed to ensure that the financial statements adequately disclosed related party transactions;
 - d) for each of the relevant years, he failed to ensure that foreign currency assets and liabilities were disclosed in Canadian dollars at the exchange rate in effect at the balance sheet date;
 - e) for each of the relevant years, he failed to ensure that the income statements included in the financial statements reflected foreign currency gains or losses;
 - f) for each of the relevant years, he failed to perform sufficient and appropriate enquiry, discussion and analysis to satisfy himself as to the plausibility of the balance sheet items "Accounts Payable" and "Overseas Trade Customers";
 - g) for each of the relevant years, he failed to ensure the disclosure in the financial statements of the authorized share capital or provide a brief description of each class of shares;

3. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Establishments Inc. ("KEI") as at September 30, 1998, 1999 and 2000, failed to perform his professional services with due care, contrary to Rule 202 of the rules of professional conduct in that:
 - a) for the 1999 and 2000 years, he failed to ensure that the sale in May of 1999 of property known as 1037 Tuxedo Drive in Port Moody, B.C. was properly accounted for;
 - b) for the 2000 year, he failed to ensure that the financial statements accurately reflected the information in the books of account; and
 - c) for the 2000 year, he permitted the inaccurate disclosure in Note 7 to the financial statements that the corporation had declared cash and stock dividends when no such dividends had been declared by the corporation.
4. THAT the said Ahmad A. Allouba, in or about the period March 31, 2001 to October 14, 2001, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to prepare and file the corporate tax returns of Kalmoni Establishments Inc. for the fiscal year ended September 30, 2000, he failed to file the returns as required.
5. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Developments Ltd. ("KDL") as at September 30, 1998, 1999 and 2000, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) for each of the relevant years, he failed to ensure that the financial statements adequately disclosed related party transactions.
6. THAT the said Ahmad A. Allouba, in or about the period January 22, 2002 to January 24, 2003, having been requested by his client, Bessie Georgopoulos on behalf of 352085 Ontario Limited, operating as Golden Ring Bar and Grill ("Golden Ring") to transfer promptly to the successor accountant, Nicholas Stamatopoulos, all books, documents, and other property belonging to the client which were in his possession, failed to do so on a timely basis, contrary to Rule 303.2 of the rules of professional conduct.
7. THAT the said Ahmad A. Allouba, in or about the period August 31, 1996 to January 17, 2002, while engaged as the accountant for 352085 Ontario Limited operating as Golden Ring Bar & Grill, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to prepare and file the corporate tax returns for the fiscal years 1996 through 2000, failed to do so.

8. THAT the said Ahmad A. Allouba, in or about the period March 1, 1999 to January 17, 2002, while engaged as the accountant for 352085 Ontario Limited operating as Golden Ring Bar & Grill, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to compile the financial statements for the years ended February 28, 1999, 2000 and 2001, he failed to do so.
9. THAT the said Ahmad A. Allouba, in or about the period January 1, 2002 to June 28, 2002, while engaged to perform a review of the financial statements of Beaver Bread (1968) Limited as at December 31, 2001, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) he failed to properly document items important to support his report; and
 - b) he failed to perform sufficient and appropriate enquiry, discussion and analysis to satisfy himself as to the plausibility of the information in Note 4 to the financial statements.

Dated at Windsor, Ontario this 8th day of April 2003.

D.D. MELOCHE, CA - DEPUTY CHAIR
PROFESSIONAL CONDUCT COMMITTEE

DISCIPLINE COMMITTEE re Ahmad Amin Allouba

DECISION AND ORDER IN THE MATTER OF: Charges against **AHMAD AMIN ALLOUBA, CA**, a suspended member of the Institute, under **Rules 201.1, 202, 206, 303.1 and 303.2** of the Rules of Professional Conduct, as amended.

DECISION AND ORDER MADE SEPTEMBER 17, 2003

DECISION

THAT, having seen, heard and considered the evidence, and having heard the plea of guilty to particulars (a), (c) and (g) of charge No. 2, particular (c) of charge No. 3, and charges Nos. 4, 6, 7 and 8, the Discipline Committee finds Ahmad Amin Allouba not guilty of charge No. 5 and guilty of charges Nos. 1, 2, 3, 4, 6, 7, 8 and 9.

ORDER

IT IS ORDERED in respect of charges Nos. 1, 2, 3, 4, 6, 7, 8 and 9:

1. THAT Mr. Allouba be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Allouba be and he is hereby fined the sum of \$3,000, to be remitted to the Institute within two (2) years from the date this Decision and Order becomes final under the bylaws.
3. THAT Mr. Allouba be and he is hereby charged costs fixed at \$5,000, to be remitted to the Institute within two (2) years from the date this Decision and Order becomes final under the bylaws.
4. THAT Mr. Allouba be and he is hereby required to complete, by paying for and attending in their entirety, before the expiry of the period of supervised practice ordered in paragraph 5, the following professional development courses made available through the Institute, or, in the event a course becomes unavailable, the successor course which takes its place:
 - (a) *Essentials of Review Engagements*;
 - (b) *Accounting Refresher*; and
 - (c) *Financial Statement Presentation & Disclosure*.
5. THAT Mr. Allouba be and he is hereby required to have his practice supervised for a period of one (1) year, by a supervisor who has been chosen by Mr. Allouba, has been approved by the director of standards enforcement, and has agreed in writing to accept the engagement. In particular:
 - (a) Mr. Allouba shall, within thirty (30) days from the date this Decision and Order becomes final under the bylaws, file with the secretary of the discipline committee a supervised practice plan that has been reviewed and approved by the director of standards enforcement, and that sets out the name and the detailed responsibilities of the supervisor.

- (b) The responsibilities of the supervisor shall include, at a minimum, the review and approval from time to time of a sampling of Mr. Allouba's working papers and financial statements prior to Mr. Allouba's release of the financial statements; the names of the files, the number of files to be reviewed, and the timing of any particular review to be at the supervisor's sole discretion; and the files requested for review to be delivered by Mr. Allouba to the supervisor immediately upon the supervisor's request.
 - (c) In the event the professional conduct committee finds Mr. Allouba's choice of supervisor unacceptable, or there is any other issue relating to the supervised practice plan about which Mr. Allouba and the professional conduct committee cannot agree, either may apply to the chair of the panel or to the chair of the discipline committee at an assignment hearing for directions.
 - (d) The one (1) year period of supervised practice shall commence on the day that Mr. Allouba files the approved supervised practice plan in accordance with paragraph 5(a) above, or on the day the supervised practice plan is settled by the chair pursuant to paragraph 5(c) above, whichever day is later.
6. THAT Mr. Allouba be reinvestigated by the professional conduct committee, or by a person retained by the professional conduct committee, on one occasion, within three (3) months from the expiry of the period of supervised practice ordered in paragraph 5, the cost of the reinvestigation, up to \$3,000, to be paid by Mr. Allouba within thirty (30) days of receiving notification of the cost of the reinvestigation.
7. THAT notice of this Decision and Order, disclosing Mr. Allouba's name, be given after this Decision and Order becomes final under the bylaws, in the form and manner determined by the Discipline Committee:
- (a) to the Public Accountants Council for the Province of Ontario;
 - (b) to the Canadian Institute of Chartered Accountants; and
 - (c) by publication in *CheckMark*.
8. THAT in the event Mr. Allouba fails to comply with any of the requirements of this Order, he shall thereupon be expelled from membership in the Institute, and notice of his expulsion, disclosing his name, shall be given in the manner specified above, and in the *Toronto Star*.

DATED AT TORONTO THIS 26TH DAY OF SEPTEMBER, 2003.
BY ORDER OF THE DISCIPLINE COMMITTEE

BRYAN W. STEPHENSON, BA, LLB
SECRETARY – DISCIPLINE COMMITTEE

DISCIPLINE COMMITTEE re Ahmad Amin Allouba

REASONS FOR THE DECISION AND ORDER IN THE MATTER OF: Charges against **AHMAD AMIN ALLOUBA, CA**, a suspended member of the Institute, under **Rules 201.1, 202, 206, 303.1 and 303.2** of the Rules of Professional Conduct, as amended.

REASONS FOR THE DECISION AND ORDER MADE SEPTEMBER 17, 2003

1. This panel of the discipline committee of the Institute of Chartered Accountants of Ontario convened on September 16 and 17, 2003 to hear charges brought by the professional conduct committee against Mr. Ahmad Allouba, a member of the Institute.
2. The professional conduct committee was represented by Ms. Barbara Glendinning, and she was accompanied by professional conduct committee investigators Mr. Bruce Armstrong, CA, and Mr. Mark Dawber, FCA. Mr. Allouba appeared on his own behalf and confirmed for the record that he understood that he was entitled to be represented by counsel.
3. The formal decision and order made on September 17, 2003 was signed by the discipline committee secretary and sent to the parties on September 26, 2003. These reasons, given pursuant to Bylaw 574, include the charges, the decision and the order as well as the reasons of the discipline committee.

DECISION ON THE CHARGES

4. The charges laid by the professional conduct committee dated April 8, 2003, read as follows:
 1. THAT the said Ahmad A. Allouba, in or about the period October 14, 2001 to February 18, 2003, having been requested by his client, Kalmoni Establishments Inc. to supply to the successor accountant, Shafik Damani, CA, reasonable information about the work done, failed to do so on a timely basis, contrary to Rule 303.1 of the rules of professional conduct.
 2. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Establishments Inc. ("KEI") as at September 30, 1998, 1999 and 2000, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) for each of the relevant years, he failed to ensure that the financial statements included a cash flow statement or a note disclosing why a cash flow statement was not included;

- b) for each of the relevant years, he failed to ensure that a term deposit of \$47,098 held by the Bank of Credit and Commerce Canada ("BCCI") was carried at market value;
 - c) for each of the relevant years, he failed to ensure that the financial statements adequately disclosed related party transactions;
 - d) for each of the relevant years, he failed to ensure that foreign currency assets and liabilities were disclosed in Canadian dollars at the exchange rate in effect at the balance sheet date;
 - e) for each of the relevant years, he failed to ensure that the income statements included in the financial statements reflected foreign currency gains or losses;
 - f) for each of the relevant years, he failed to perform sufficient and appropriate enquiry, discussion and analysis to satisfy himself as to the plausibility of the balance sheet items "Accounts Payable " and "Overseas Trade Customers";
 - g) for each of the relevant years, he failed to ensure the disclosure in the financial statements of the authorized share capital or provide a brief description of each class of shares;
3. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Establishments Inc. ("KEI") as at September 30, 1998, 1999 and 2000, failed to perform his professional services with due care, contrary to Rule 202 of the rules of professional conduct in that:
- a) for the 1999 and 2000 years, he failed to ensure that the sale in May of 1999 of property known as 1037 Tuxedo Drive in Port Moody, B.C. was properly accounted for;
 - b) for the 2000 year, he failed to ensure that the financial statements accurately reflected the information in the books of account; and
 - c) for the 2000 year, he permitted the inaccurate disclosure in Note 7 to the financial statements that the corporation had declared cash and stock dividends when no such dividends had been declared by the corporation.
4. THAT the said Ahmad A. Allouba, in or about the period March 31, 2001 to October 14, 2001, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to prepare and file the corporate tax returns of Kalmoni Establishments Inc. for the fiscal year ended September 30, 2000, he failed to file the returns as required.

5. THAT the said Ahmad A. Allouba, in or about the period October 1, 1998 through November 24, 2000, while engaged to perform a review of the financial statements of Kalmoni Developments Ltd. ("KDL") as at September 30, 1998, 1999 and 2000, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) for each of the relevant years, he failed to ensure that the financial statements adequately disclosed related party transactions.
6. THAT the said Ahmad A. Allouba, in or about the period January 22, 2002 to January 24, 2003, having been requested by his client, Bessie Georgopoulos on behalf of 352085 Ontario Limited, operating as Golden Ring Bar and Grill ("Golden Ring") to transfer promptly to the successor accountant, Nicholas Stamatopoulos, all books, documents, and other property belonging to the client which were in his possession, failed to do so on a timely basis, contrary to Rule 303.2 of the rules of professional conduct.
7. THAT the said Ahmad A. Allouba, in or about the period August 31, 1996 to January 17, 2002, while engaged as the accountant for 352085 Ontario Limited operating as Golden Ring Bar & Grill, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to prepare and file the corporate tax returns for the fiscal years 1996 through 2000, failed to do so.
8. THAT the said Ahmad A. Allouba, in or about the period March 1, 1999 to January 17, 2002, while engaged as the accountant for 352085 Ontario Limited operating as Golden Ring Bar & Grill, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest, contrary to Rule 201.1 of the rules of professional conduct in that, having been engaged to compile the financial statements for the years ended February 28, 1999, 2000 and 2001, he failed to do so.
9. THAT the said Ahmad A. Allouba, in or about the period January 1, 2002 to June 28, 2002, while engaged to perform a review of the financial statements of Beaver Bread (1968) Limited as at December 31, 2001, failed to perform his professional services in accordance with generally accepted standards of practice of the profession, including the Recommendations set out in the CICA Handbook, contrary to Rule 206 of the rules of professional conduct in that:
 - a) he failed to properly document items important to support his report; and

- b) he failed to perform sufficient and appropriate enquiry, discussion and analysis to satisfy himself as to the plausibility of the information in Note 4 to the financial statements.

5. Mr. Allouba entered a plea of not guilty to charge No. 1; to particulars (b), (d), (e) and (f) of charge No. 2; to particulars (a) and (b) of charge No. 3; to charge No. 5; and to charge No. 9. He entered a plea of guilty to particulars (a), (c), and (g) of charge No. 2; to particular (c) of charge No. 3; and to charges Nos. 4, 6, 7 and 8. He confirmed for the record that he understood that on the basis of his plea of guilty to certain of the charges, and on that basis alone, he could be found guilty of those charges.

6. The chair directed that a plea of not guilty be entered to charges Nos. 1, 2, 3, 5 and 9.

7. Ms. Glendinning gave a brief overview of the case for the professional conduct committee, and filed a document brief containing various correspondence between Mr. Allouba and his clients and others, as well as trial balances and financial statements for Kalmoni Establishments Inc. and Kalmoni Developments Ltd., which are the subjects of charges Nos. 1 to 5.

8. The essence of the misconduct alleged against Mr. Allouba was a failure to:

- adhere to generally accepted standards of practice when preparing the financial statements of the above-mentioned companies;
- exercise due care in his work;
- complete assignments which had been entrusted to him; and
- cooperate with successor accountants on a timely basis.

9. Ms. Glendinning presented two successor accountants as witnesses, who explained their difficulties in obtaining responses from Mr. Allouba to their queries, as well as the deficiencies in the information when he finally did respond. She then called Bessie Georgopoulos, who testified in respect of charges Nos. 6, 7 and 8, relating to 352085 Ontario Limited operating as Golden Ring Bar & Grill, that the tax returns for the company were not filed as and when required, and that numerous requests were made to Mr. Allouba for company documents without satisfactory results.

10. Ms. Glendinning's final witness was the investigator Mr. Dawber, who was accepted as an expert witness, and who testified as to the inaccuracies and deficiencies in the working papers of and financial statements reported on by Mr. Allouba.

11. Mr. Allouba testified on his own behalf and gave explanations for his actions, acknowledging certain allegations of misconduct and denying others.

12. Upon deliberation, the panel concluded that the allegations set out in the charges, other than in charge number 5, had been proven. While Mr. Allouba had an explanation for some of the misconduct, he acknowledged that his standard of practice had fallen below the required standard. The panel found that his departure from the required standard constituted professional misconduct.

13. Upon the hearing reconvening, the chair read the following decision into the record:

DECISION

THAT, having seen, heard and considered the evidence, and having heard the plea of guilty to particulars (a), (c) and (g) of charge No. 2, particular (c) of charge No. 3, and charges Nos. 4, 6, 7 and 8, the Discipline Committee finds Ahmad Amin Allouba not guilty of charge No. 5 and guilty of charges Nos. 1, 2, 3, 4, 6, 7, 8 and 9.

ORDER AS TO SANCTION

14. While neither party called evidence with respect to sanctions, both Ms. Glendinning and Mr. Allouba made submissions.

15. On behalf of the professional conduct committee, Ms. Glendinning asked for an order that included the following sanctions: a fine of \$3,000, costs of \$5,000, a six month suspension, a requirement to take professional development courses, and supervised practice for twelve months followed by a professional conduct committee reinvestigation. She also asked for the usual order as to the giving of notice.

16. Ms. Glendinning submitted that both rehabilitation and deterrence should be primary objectives of sanctioning in this case. She submitted that the proposed fine was at the low end of the typical range for misconduct of the sort exhibited in this case, but that it was appropriate given Mr. Allouba's financial position and the significant monetary impact upon him of the rest of the sanctions being requested. She also submitted that the combination of the fine and the suspension requested by the professional conduct committee would form an adequate general deterrent to the membership at large.

17. Ms. Glendinning submitted that the professional development courses, supervised practice, and reinvestigation would serve both the public interest and Mr. Allouba's interest by assisting with and monitoring his rehabilitation.

18. Ms. Glendinning informed the panel of both aggravating and mitigating circumstances in Mr. Allouba's case. The aggravating circumstances were that:

- Mr. Allouba failed to cooperate with a successor accountant on more than one occasion;
- there was not only a failure of standards on the part of Mr. Allouba, but a lack of due care and a failure to maintain the good reputation of the profession and its ability to serve the public interest;
- more than one client was affected by Mr. Allouba's failure to apply generally accepted standards of practice and failure to complete engagements, often for lengthy periods of time;
- Mr. Allouba failed to complete outstanding work even after giving assurances to the Institute that he would do so.

The mitigating factors presented by Ms. Glendinning were that:

- there was no moral turpitude involved in Mr. Allouba's misconduct;
- there was minimal financial loss to Mr. Allouba's clients as a result of his misconduct;
- Mr. Allouba attended this hearing and acknowledged his misconduct in some respects by pleading guilty to some of the charges laid.

19. Ms. Glendinning pointed out that Mr. Allouba did not acknowledge any guilt until the first day of the hearing, and did not advise her prior to the hearing of his intention to plead guilty to some of the charges. She submitted that time and costs would have been saved had the hearing been able to proceed on the basis of an agreed statement of facts.

20. Mr. Allouba limited his submissions regarding sanctions to statements that he had no objection to taking courses if ordered, that he felt no purpose would be served by suspending him except to prevent him from earning an income with which to pay his Institute fees and any fines and costs levied, that he would like to have a say as to who his practice supervisor would be, and that if he could not live with the panel's order he would resign from the Institute.

21. After hearing the parties' submissions, the panel deliberated, following which the chair read into the record the terms of the order. The formal written order signed by the secretary and sent to the parties reads as follows:

ORDER

IT IS ORDERED in respect of charges Nos. 1, 2, 3, 4, 6, 7, 8 and 9:

1. THAT Mr. Allouba be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Allouba be and he is hereby fined the sum of \$3,000, to be remitted to the Institute within two (2) years from the date this Decision and Order becomes final under the bylaws.
3. THAT Mr. Allouba be and he is hereby charged costs fixed at \$5,000, to be remitted to the Institute within two (2) years from the date this Decision and Order becomes final under the bylaws.
4. THAT Mr. Allouba be and he is hereby required to complete, by paying for and attending in their entirety, before the expiry of the period of supervised practice ordered in paragraph 5, the following professional development courses made available through the Institute, or, in the event a course becomes unavailable, the successor course which takes its place:
 - (a) *Essentials of Review Engagements*;
 - (b) *Accounting Refresher*; and
 - (c) *Financial Statement Presentation & Disclosure*.

5. THAT Mr. Allouba be and he is hereby required to have his practice supervised for a period of one (1) year, by a supervisor who has been chosen by Mr. Allouba, has been approved by the director of standards enforcement, and has agreed in writing to accept the engagement. In particular:
 - (a) Mr. Allouba shall, within thirty (30) days from the date this Decision and Order becomes final under the bylaws, file with the secretary of the discipline committee a supervised practice plan that has been reviewed and approved by the director of standards enforcement, and that sets out the name and the detailed responsibilities of the supervisor.
 - (b) The responsibilities of the supervisor shall include, at a minimum, the review and approval from time to time of a sampling of Mr. Allouba's working papers and financial statements prior to Mr. Allouba's release of the financial statements; the names of the files, the number of files to be reviewed, and the timing of any particular review to be at the supervisor's sole discretion; and the files requested for review to be delivered by Mr. Allouba to the supervisor immediately upon the supervisor's request.
 - (c) In the event the professional conduct committee finds Mr. Allouba's choice of supervisor unacceptable, or there is any other issue relating to the supervised practice plan about which Mr. Allouba and the professional conduct committee cannot agree, either may apply to the chair of the panel or to the chair of the discipline committee at an assignment hearing for directions.
 - (d) The one (1) year period of supervised practice shall commence on the day that Mr. Allouba files the approved supervised practice plan in accordance with paragraph 5(a) above, or on the day the supervised practice plan is settled by the chair pursuant to paragraph 5(c) above, whichever day is later.
6. THAT Mr. Allouba be reinvestigated by the professional conduct committee, or by a person retained by the professional conduct committee, on one occasion, within three (3) months from the expiry of the period of supervised practice ordered in paragraph 5, the cost of the reinvestigation, up to \$3,000, to be paid by Mr. Allouba within thirty (30) days of receiving notification of the cost of the reinvestigation.
7. THAT notice of this Decision and Order, disclosing Mr. Allouba's name, be given after this Decision and Order becomes final under the bylaws, in the form and manner determined by the Discipline Committee:

- (a) to the Public Accountants Council for the Province of Ontario;
- (b) to the Canadian Institute of Chartered Accountants; and
- (c) by publication in *CheckMark*.

8. THAT in the event Mr. Allouba fails to comply with any of the requirements of this Order, he shall thereupon be expelled from membership in the Institute, and notice of his expulsion, disclosing his name, shall be given in the manner specified above, and in the *Toronto Star*.

Reprimand

22. The panel ordered that Mr. Allouba be reprimanded in writing by the chair of the hearing in order to stress to him the unacceptable nature of his actions.

Fine

23. Considering his remorse, the panel agreed with Ms. Glendinning that a fine of \$3,000 was significant enough in the circumstances to serve as both a specific and a general deterrent. Taking into account his personal financial circumstances, it was appropriate to provide for an extended payment period of two years.

Costs

24. Ms. Glendinning's not knowing in advance of the hearing that Mr. Allouba would plead guilty to a number of the charges necessitated her making certain hearing preparations that otherwise could have been avoided, including the preparation and attendance of some or all of the witnesses. As a result, the panel felt that costs fixed at \$5,000 were reasonable, again with a two year payment period.

Professional Development Courses

25. To assist Mr. Allouba in his rehabilitation, and to upgrade his skills to the standards required of a chartered accountant, the panel agreed with the recommendation of the professional conduct committee that he take professional development courses.

Supervised Practice And Reinvestigation

26. The panel ordered practice supervision for a year, in order to monitor that Mr. Allouba's work attains the Institute standard of practice for the protection of the public. The reinvestigation to follow the period of supervised practice will also provide a check that the necessary lessons have been learned.

Suspension

27. The panel concluded that it was in the best interests of the member, the Institute and the public that Mr. Allouba rehabilitate himself as quickly as possible, and that a suspension levied by the discipline committee would hinder rather than help that process. The panel noted in this regard that Mr. Allouba was already under suspension for non-payment of Institute fees, which was something he would have to remedy in the near future. [Since the hearing, those fees have been paid and Mr. Allouba's suspension has been lifted.]

Notice

28. Publishing the names of members found guilty of professional misconduct is essential as a specific and general deterrent, and is consistent with the openness of the Institute's discipline process and with the Institute's desire to give assurance to the public that the profession takes the obligation to govern itself seriously.

DATED AT TORONTO THIS 17TH DAY OF NOVEMBER, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE

H.B. BERNSTEIN, CA – DEPUTY CHAIR
THE DISCIPLINE COMMITTEE

MEMBERS OF THE PANEL:

L.G. BOURGON, CA
S.F. DINELEY, FCA
A. HANSON, CA
J.G. SEDGWICK, CA
S.J. MURRAY (Public representative)