

Enrico Franco Benigni: Summary, as Published in *CheckMark*

Enrico Franco Benigni, of Concord, was found guilty of a charge under Rule 104 of failing to promptly reply in writing to correspondence from the Institute in respect of a matter of professional conduct. He was fined \$1,000, and ordered to promptly respond to the Institute's correspondence. Mr. Benigni's failure to respond within the specified time resulted in his suspension, and ultimately, in his expulsion from membership.

CHARGE(S) LAID re Enrico Franco Benigni

The Professional Conduct Committee hereby makes the following charges against Enrico F. Benigni, CA, a member of the Institute:

1. THAT, the said Enrico F. Benigni, CA, in or about the period December 10, 1992 to March 30, 1993, failed to promptly reply in writing to a letter from the Institute in respect of a matter of professional conduct signed by an associate director of standards enforcement and dated and sent December 10, 1992 in which a written reply was specifically required, contrary to Rule 104 of the Rules of Professional Conduct.

DATED at Toronto this 30th day of March, 1993.

J.L.M. BADALI, FCA - CHAIR
PROFESSIONAL CONDUCT COMMITTEE

DISCIPLINE COMMITTEE re Enrico Franco Benigni

DECISION AND ORDER IN THE MATTER OF: A charge against ENRICO FRANCO BENIGNI, CA, a member of the Institute, under Rule 104 of the Rules of Professional Conduct, as amended.

DECISION AND ORDER MADE JUNE 17, 1993

DECISION

THAT, having seen and considered the evidence, and having heard the plea of guilty to the charge, THE DISCIPLINE COMMITTEE FINDS Enrico Franco Benigni guilty of the charge.

ORDER

IT IS ORDERED in respect of the charge:

1. THAT Mr. Benigni be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Benigni be and he is hereby fined the sum of \$1,000, to be remitted to the Institute within six (6) months from the date this Decision and Order becomes final under the bylaws.
3. THAT Mr. Benigni respond to the letter of December 10, 1992 from the associate director of standards enforcement within one (1) week from the date this Decision and Order becomes final under the bylaws.
4. THAT notice of this Decision and Order, disclosing Mr. Benigni's name, be given after this Decision and Order becomes final under the bylaws:
 - (a) by publication in *CheckMark*;
 - (b) to the Public Accountants Council for the Province of Ontario; and
 - (c) to the Canadian Institute of Chartered Accountants.
5. THAT in the event Mr. Benigni fails to comply with any of the requirements of this Order within the time periods specified, he shall thereupon be suspended from the rights and privileges of membership in the Institute, and notice of his suspension, disclosing his name, shall be given in the manner specified in paragraph 4 hereof.
6. THAT in the event Mr. Benigni is suspended pursuant to paragraph 5 hereof, the suspension shall terminate upon compliance with the term of the Order in respect of which he was suspended, provided that he complies within thirty (30) days from the date of his suspension.
7. THAT in the event Mr. Benigni fails to terminate a suspension imposed pursuant to paragraph 5 hereof within the thirty (30) day period specified in paragraph 6, 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 in paragraph 4 hereof.

DATED AT TORONTO, THIS 30TH DAY OF JUNE, 1993
BY ORDER OF THE DISCIPLINE COMMITTEE

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

DISCIPLINE COMMITTEE re Enrico Franco Benigni

REASONS FOR THE DECISION AND ORDER IN THE MATTER OF: A charge against ENRICO FRANCO BENIGNI, CA, a member of the Institute, under Rule 104 of the Rules of Professional Conduct, as amended.

WRITTEN REASONS FOR THE DECISION AND ORDER MADE JUNE 17.1993

These proceedings before this panel of the discipline committee of the Institute of Chartered Accountants of Ontario were convened on June 17, 1993.

Ms. Deborah McPhadden attended on behalf of the professional conduct committee. Mr. Benigni represented himself, and confirmed for the record that he understood he had the right to be represented by legal counsel.

The charge brought against Mr. Benigni read as follows:

THAT, the said Enrico F. Benigni, CA, in or about the period December 10, 1992 to March 30, 1993, failed to promptly reply in writing to a letter from the Institute in respect of a matter of professional conduct signed by an associate director of standards enforcement and dated and sent December 10, 1992 in which a written reply was specifically required, contrary to Rule 104 of the Rules of Professional Conduct.

Mr. Benigni pleaded guilty to the charge. The member confirmed that he understood that upon a plea of guilty, and upon that basis alone, he could be found guilty by the discipline committee.

Based on the plea of guilty, and after a review of the document brief filed as an exhibit, the committee found Mr. Benigni guilty of the charge.

The committee then heard submissions as to sanction and, after deliberation, made the following order:

ORDER

IT IS ORDERED in respect of the charge:

1. THAT Mr. Benigni be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Benigni be and he is hereby fined the sum of \$1,000, to be remitted to the Institute within six (6) months from the date this Decision and Order becomes final under the bylaws.
3. THAT Mr. Benigni respond to the letter of December 10, 1992 from the associate director of standards enforcement within one (1) week from the date this Decision and Order becomes final under the bylaws.
4. THAT notice of this Decision and Order, disclosing Mr. Benigni's name, be given after this Decision and Order becomes final under the bylaws:
 - (a) by publication in *Checkmark*;

- (b) to the Public Accountants Council for the Province of Ontario; and
- (c) to the Canadian Institute of Chartered Accountants.

5. THAT in the event Mr. Benigni fails to comply with any of the requirements of this Order within the time periods specified, he shall thereupon be suspended from the rights and privileges of membership in the Institute, and notice of his suspension, disclosing his name, shall be given in the manner specified in paragraph 4 hereof.
6. THAT in the event Mr. Bemgm is suspended pursuant to paragraph 5 hereof, the suspension shall terminate upon compliance with the term of the Order in respect of which he was suspended, provided that he complies within thirty (30) days from the date of his suspension.
7. THAT in the event Mr. Benigni fails to terminate a suspension imposed pursuant to paragraph 5 hereof within the thirty (30) day-period specified in paragraph 6, 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 in paragraph 4 hereof.

The committee is of the view that a reprimand is necessary as a deterrent to the member and to stress to him the unacceptability of his conduct as a chartered accountant.

As the Institute is a self-regulating professional body, it is important that all members respond promptly in writing to correspondence from it when a written response is requested. The committee felt a fine of \$1,000 to be appropriate to impress this upon the member.

As of the date of the hearing Mr. Benigni had not yet responded to the letter from the Institute, though he indicated that he could deliver a response the following day. The committee ordered that he respond within one week from the date the Decision and Order becomes final under the bylaws.

Only in rare and unusual circumstances is publicity, including the member's name, not ordered. No such circumstances were raised by Mr. Benigni, and, therefore, the committee followed its normal practice for the giving of notice.

Should Mr. Benigni fail to comply with the terms of the Order, he will be suspended until he does. Should he fail to terminate his suspension within thirty days, he will be expelled.

DATED AT TORONTO, THIS 29th DAY OF JULY, 1993
BY ORDER OF THE DISCIPLINE COMMITTEE

R.C.H. ANDREWS, CA - CHAIR
THE DISCIPLINE COAMBTTEE

MEMBERS OF THE PANEL:
C.J. BURKE, FCA
F.J. DUNN, CA
W.L. WOOD, CA
A. CRANSTON (Public representative)