

CHARGE(S) LAID re John J.S. Ingram-Johnson

The Professional Conduct Committee hereby makes the following charges of professional misconduct against John S. H. Ingram-Johnson, C. A., a member of the Institute.

1. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of February, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$3,000.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
2. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 7th day of February, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3,375.00 for air fare \$3,000.00 of which had already been paid by his firm.
3. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of March, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$3,375.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm, of which he was then a partner.
4. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 21st day of March, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3,375.00 for air fare which had already been paid by his firm.
5. THAT, contrary to Rule 201 the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of May, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$3,000.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
6. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingrain-Johnson, on or about the 2nd day of May, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3,000.00 for air fare *which* had already been paid by his firm.
7. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of December, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,904.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
8. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingrain-Johnson, on or about the 27th day of December, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins &

Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3, 265.00 for air fare \$2,904.00 of which had already been paid by his firm.

9. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingrain-Johnson, in or about the month of January, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,904.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
10. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingrain-Johnson, on or about the 10th day of January, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,904.00 for air fare which had already been paid by his firm.
11. THAT, contrary to Rule 201 the Rules of Professional Conduct, approved June 11, A973, the said John S.H. Ingram-Johnson, in or about the month of February, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,904.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
12. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 21st day of February, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have *known* was false or misleading in that it showed an expense of \$2,904.00 for air fare which had already been paid by his firm.
13. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of April, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$3,265.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
14. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 4th day of April, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3,265.00 for air fare which had already been paid by his firm.
15. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of June, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,902.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
16. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 13th day of June, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$3,329.70 for air fare \$2,902.50 of which had already been paid by his firm.
17. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S . H . Ingram-Johnson, in or about the month of June, 1981 by

deceit, falsehood or other fraudulent means obtained a further benefit in the amount of \$2,902.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.

18. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981, the said John S.H. Ingram-Johnson, on or about the 27th day of June, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,902.50 for air fare which had already been paid by his firm.
19. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of July, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,902.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
20. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981, the said John S.H. Ingram-Johnson, on or about the 25th day of July, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which, he knew or should have known was false or misleading in that it showed an expense of \$2,902.50 for air fare which had already been paid by his firm.
21. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of October, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,500.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
22. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 4th day of October, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,500.00 for air fare which had already been paid by his firm.
23. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of November, 1980 by deceit, falsehood or other fraudulent means obtained benefit in the amount of \$2,500.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm' of which he was then a partner.
24. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 1st day of November, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,500.00 for air fare which had already been paid by his firm.
25. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of April, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,500.00 by filing a false expense reports with Deloitte, Haskins & Sells, a firm of which he was then a partner.

26. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 18th day of April, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,500.00 for air fare which had already been paid by his firm.
27. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of June, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$3,729.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
28. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981, the said John S.H. Ingram-Johnson, on or about the 27th day of June, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$4,105.30 for air fare \$3,729.50 of. which had already been paid by his firm.
29. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973 the said John S.H. Ingram-Johnson, in or about the month of July, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,752.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
30. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981, the said John S.H. Ingram-Johnson, on or about the 25th day of July, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,752.50 for air fare which had already been paid by his firm.
31. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of May, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,760.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
32. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 16th day of May, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,760.00 for air fare which had already been paid by his firm.
33. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of July, 1981 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,772.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
34. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981, the said John S.H. Ingram-Johnson, on or about the

11th day of July, 1981, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading-in that it showed an expense of \$2,772.50 for air fare which had already been paid by his firm.

35. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of January, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,500.50 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
36. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 26th day of January, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,500.50 for air fare which had already been paid by his firm.
37. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of March, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,640.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
38. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 22nd day of March, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,640.00 for air fare which had already been paid by his firm.
39. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of February, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,025.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
40. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 9th day of February, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,025.00 for air fare which had already been paid by his firm.
41. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973 the said John S.H. Ingram-Johnson, in or about the month of May, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$1025.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
42. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 17th day of May, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,025.00 for air fare which had already been paid by his firm.

43. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of June, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,627.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
44. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 14th day of June, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have *known* was false or misleading in that it showed an expense of \$2,627.00 for air fare *which* had already been paid by his firm.
45. THAT, contrary to Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, in or about the month of August, 1980 by deceit, falsehood or other fraudulent means obtained a benefit in the amount of \$2,627.00 by filing a false expense report with Deloitte, Haskins & Sells, a firm of which he was then a partner.
46. THAT, contrary to Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, the said John S.H. Ingram-Johnson, on or about the 9th day of August, 1980, signed or associated himself with an expense report to his firm, Deloitte, Haskins & Sells, which he knew or should have known was false or misleading in that it showed an expense of \$2,627.00 for air fare *which* had already been paid by his firm.

DATED at Toronto this 6th day of May, 1982.

Peter J. Carroll, F.C.A.
Chairman Professional Conduct Committee

DISCIPLINE COMMITTEE re John J.S. Ingram-Johnson

DECISION AND ORDER IN THE MATTER OF: Charges against JOHN S.H.

INGRAM-JOHNSON, a member of the Institute, under Rule 201 of the Rules of Professional Conduct, approved June 11, 1973, and under Rule 205 of the Rules of Professional Conduct, approved June 11, 1973, as amended June 15, 1981.

FINAL DECISION AND ORDER MADE OCTOBER 24, 1984.

DECISION

THAT the committee having reviewed the agreed statement of facts and having seen and heard the evidence after due consideration finds Mr. Ingram-Johnson guilty of charges #1 - #46 inclusive.

ORDER

IT IS ORDERED in respect of the charges:

1. THAT Mr. Ingram-Johnson be and he is hereby fined the sum of \$300 in respect of each of charges #1 - #46 inclusive, of which he was found guilty, totalling in all \$13,800, to be remitted to the Institute within ten (10) days from the date this Decision and Order becomes final under the bylaws.
2. THAT Mr. Ingram-Johnson be and he is hereby charged costs of \$300 in respect of *each* of charges #1 - #46 inclusive, of which he was found guilty, totalling in all \$13,800, 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. Ingram-Johnson be and he is hereby expelled from membership in the Institute.
4. THAT notice of the final Decision herein and this Order disclosing fir. Ingram-Johnson's name be given twenty-one (21) days from the date this Decision and Order becomes final under the bylaws:
 - (a) by publication in Check Mark;
 - (b) to the Public Accountants Council for the Province of Ontario;
 - (c) to the Canadian Institute of Chartered Accountants;
 - (d) to the Institute of Chartered Accountants in England and Wales; and
 - (e) to any other provincial institute of chartered accountants in which Mr. Ingram-Johnson holds membership.

DATED AT TORONTO, THIS 7TH DAY OF MARCH, 1985
BY ORDER OF THE DISCIPLINE COMMITTEE

D.A. NEARINGBURG, CA - STAFF LIAISON
THE DISCIPLINE COMMITTEE

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF ONTARIO
DISCIPLINE COMMITTEE
REASONS FOR DECISION WITH RESPECT TO CHARGES LAID BY
THE PROFESSIONAL CONDUCT COMMITTEE OF THE INSTITUTE
AGAINST
JOHN S. H. INGRAM-JOHNSON,
A MEMBER OF THE INSTITUTE

In this proceeding before the Discipline Committee of the Institute of Chartered Accountants of Ontario, the Professional Conduct Committee, under date of May 6, 1982, laid 46 charges against Mr. John S. H. Ingram-Johnson, a member of the Institute.

The first hearing to consider these charges was called for May 25, 1982. At that time Mr. M. P. S. Spearing appeared as counsel for Mr. Ingram-Johnson and requested an adjournment because of the number of charges and his quite recent retention as counsel. After due consideration, the Committee granted an adjournment until August 11, 1982. This adjournment was extended, subsequently, to January 27, 1983.

At the meeting convened on January 27, 1983, Mr. Spearing requested a further adjournment as Mr. Ingram-Johnson was unable to attend due to the illness of his mother in England. After consideration the Committee granted an adjournment to May 5, 1983.

When the adjourned hearing was convened on May 5, 1983 Mr. Spearing submitted a motion for dismissal of the charges on the basis that they contravened Section 11(g), subsection 2 of the Canadian Charter of Rights and Freedoms, Constitution Act, 1982. After hearing representations from Mr. Spearing and counsel for the Professional Conduct Committee, the Committee concluded that the charges met the requirements of the Constitution Act in that the Institute's rules of conduct did define an offence with sufficient particularity within the meaning of Section 11(g) of the Act. Accordingly, Mr. Spearing's motion was denied.

Mr. Spearing then moved that the charges laid under Rule 201 and Rule 205 of the Institute's Rules of Professional Conduct be dismissed as being invalid. After hearing representations from both parties, The Committee concluded that the charges were sufficiently specific to meet the required technical standards. Accordingly, Mr. Spearing's second motion was denied.

Mr. Spearing then introduced a motion for adjournment to permit him to make application for a Judicial Review of the decisions made by the Committee. This motion was opposed by Counsel for the Professional Conduct Committee, but the Committee granted an adjournment pending the outcome of a Judicial Review.

The hearing was reconvened for a brief time on September 8, 1983 for the purpose of setting a date to hear the charges which had been laid on May 6, 1982. After considering submissions made by both counsel, the hearing was adjourned Sine Die to be reconvened on 21 days notice to Mr. Spearing as Counsel for Mr. Ingram-Johnson.

Mr. Ingram-Johnson's application for a Judicial Review was dismissed by the Divisional Court on April 9, 1984 and the adjourned hearing was reconvened on September 25, 1984. Mr. Ingram-Johnson did not attend this reconvened hearing but was represented by Mr. P. Douglas Turner, Q.C., as Counsel. Mr. Turner advised the Committee that he had been retained by Mr.

Ingram-Johnson only on the previous day and requested a further adjournment in order to permit him time to study the case and the specific charges. After considering representations on this request from Counsel for both parties, the Committee concluded that Mr. Ingram-Johnson had had sufficient time to retain and instruct counsel prior to this hearing. The Committee then ruled that the request for a further adjournment of the hearing be denied. Counsel for Mr. Ingram-Johnson was advised that, in accordance with the order made at the time of the last adjournment, formal notice of the present hearing was sent on July 12, 1984 to Mr. M. P. S. Spearing, legal Counsel for Mr. Ingram-Johnson at that time. Notice was sent to Mr. Ingram-Johnson at his last known address on the same date.

Mr. Turner then advised the Committee that Mr. Ingram-Johnson wished to resign as a member of the Institute of Chartered Accountants of Ontario and submitted that the Committee had the authority to permit his resignation. Reference was made to a letter written by Mr. Ingram-Johnson in November of 1981. After considering representations made by Counsel for both parties, the Committee ruled that it had no jurisdiction to accept Mr. Ingram-Johnson's resignation at this time. It was not clear that Mr. Ingram-Johnson's letter of November 1981 constituted a request to be permitted to resign. It was clear, however, that a resignation had not been accepted by the Council of the Institute. The Committee was made aware that there was a policy that the Council would not accept the resignation of a member charged with professional misconduct or under investigation by the Professional Conduct Committee. The provisions of By-Law 80(f) of the Institute empower the Discipline Committee to permit a member to resign only after a hearing and a determination of guilt.

Mr. Turner prepared and submitted to the Committee a written resignation on behalf of Mr. Ingram-Johnson and requested that the hearing should not proceed until the Council of the Institute had had an opportunity to accept the member's resignation. After considering representations made, the Committee concluded that the letter of resignation submitted by Mr. Turner was a matter to be dealt with by the Council of the Institute. There did not appear to be any reason to anticipate that Council would accept this resignation in view of its policy with respect to members charged with professional misconduct. The Committee concluded that Mr. Ingram-Johnson was a member of the Institute in good standing as, in accordance with the provisions of By-law 1\$ of the Institute, the Council of the Institute had not yet accepted a resignation from Mr. Ingram-Johnson and had not set a date for any such resignation to take effect. It was ruled, accordingly, that the hearing should proceed.

Mr. Turner then requested that the hearing be adjourned to permit an application for a Judicial Review of the Committee's refusal to adjourn because a resignation had been submitted on behalf of Mr. Ingram-Johnson. After considering representations made by Counsel for both parties, the Committee concluded that the request for an adjournment in order to permit a Judicial Review should be denied as it had already ruled that Mr. Ingram-Johnson was a member in good standing. The Committee considered that further delay was not justified as all of the facts now presented were available at the time of the Judicial Review previously obtained by Mr. Ingram-Johnson. If rulings on the member's membership status and right to resign were desired they could have been obtained at the time of the earlier Review.

Mr. Turner then made application to strike out the charges laid against Mr. Ingram-Johnson. All of these charges were laid under either Rule 201 or Rule 205 of the Rules of Professional Conduct of the Institute. Mr. Turner contended that charges could be laid under Rule 201 only if the public were involved. It was clear that the charges laid raised allegations only with respect to transactions between Mr. Ingram-Johnson and the firm of which he was a partner and that there was no allegation of monetary loss by any member of the general public. After consideration, the Committee ruled that the Rules of Professional Conduct deal with conduct affecting the public interest and that it is not necessary that a member of the public be

involved directly in matters which are the subject of charges laid. The Committee also ruled that the charge laid under Rule 201 were proper and could constitute professional misconduct. This matter had previously been ruled upon by The Divisional Court which heard Mr. Ingram-Johnson's application for a Judicial Review of the Committee's action on May 5, 1983 in dismissing the motion for-dismissal of the charges under the Canadian Charter of Rights and Freedoms. The Court's judgement written by Mr. Justice O'Leary concluded with "We furthermore are of the view that the charges here set out are quite clear and unambiguous and by any standard could constitute conduct that fails to maintain the good reputation of the profession under 201 of the Rules of Professional Conduct."

Mr. Turner then submitted that Rule 205 refers only to a letter, report, statement, representation or financial statement issued to the public and could not be applied to the internal expense reports used by Mr. Ingram-Johnson's firm which were the subject of the charges under Rule 205. This challenge had also been raised in a statement of fact and law filed on behalf of Mr. Ingram-Johnson in his earlier application for a Judicial Review which was dismissed by the Divisional Court. After consideration of representations made by Counsel for both parties, the Committee concluded that the provisions of Rule 205 apply to any letter, report, statement, representation or financial statement and are not restricted to documents issued to the public. The subject matter of this submission has already been dealt with by Mr. Justice Lief of the High Court of Justice of Ontario in 1972 in *Re. Imrie and Institute of Chartered Accountants of Ontario*. In this case the Court ruled, under an earlier Rule of Professional Conduct which- was similar to the present Rule 205, that charges *could be laid* even although the documents in question were not issues to the public and the member was not acting in his capacity as a chartered accountant when he signed the documents. The Committee ruled, accordingly, that the charges laid under Rule 205 were proper and could constitute professional misconduct.

Mr. Turner next repeated his earlier request for an adjournment to permit him to review the case and deal with the many issues involved. He explained that, in any event, he was not available to continue the hearing on the following day but undertook, if an adjournment was granted, to review with Counsel for the Professional Conduct Committee the evidence to be submitted with a view to attempting to agree on a statement of facts so that the hearing could be completed without delay. He also undertook to delay any application for Judicial Review until the hearing was completed. This request for further adjournment was opposed by Counsel for the Professional Conduct Committee. After consideration, the Committee ruled that the hearing would be adjourned until October 24, 1984 and that the new hearing date would be peremptory on Mr. Ingram-Johnson.

The hearing was reconvened on October 24, 1984 at which time Mr. Turner advised that Mr. Ingram-Johnson would not be in attendance but that, as legal counsel, he was empowered to act on behalf of the absent member. In response to a request for Mr. Ingram-Johnson's plea to the charges, Mr. Turner tendered a plea of "Nolo Contendere". The Committee, after consultation with its legal Counsel, accepted this plea for the purpose of the record as a plea of "not guilty".

Counsel for the Professional Conduct Committee presented a statement of facts agreed to by him and by Mr. Turner on behalf of Mr. Ingram-Johnson. In view of the accepted plea of "not guilty" Counsel then introduced evidence for each of the charges and completed the case for the Professional Conduct Committee. Counsel for Mr. Ingram-Johnson had no questions on cross-examination and made no representations as to guilt or innocence.

It was clear from the agreed statement of facts and from evidence introduced at the hearing that, over a period of at least eighteen months, Mr. Ingram-Johnson filed false expense

reports on a repetitive basis and, as a result, obtained improper benefits amounting in total to a substantial sum from the firm of which he was a partner. Counsel for Mr. Ingram-Johnson did not dispute any of the evidence but relied on the fact that the funds obtained improperly had been repaid after the firm became aware of the false expense reports and on his previous challenge to the charges based on the contention that no member of the public had suffered financial loss or other harm as a result of the conduct of Mr. Ingram-Johnson. He referred again to Mr. Ingram-Johnson's wish to resign from membership in the Institute.

The Committee, having already dealt with the validity of the charges laid under Rules 201 and 205 of the Rules of Professional Conduct and with the matter of Mr. Ingram-Johnson's resignation, found that the actions which were the subject of the charges laid under Rule 201 did constitute conduct which fails to maintain the good reputation of the profession. It also found that Mr. Ingram-Johnson did sign reports which he knew or should have known were false and misleading in the actions' which were the subject of the charges laid under Rule 205. Based on the agreed statement of facts and on the evidence adduced, the committee found Mr. Ingram-Johnson guilty of all 46 charges.

With respect to penalty, the Committee took into account the planned and repetitive nature of the offences and the very serious consequences of such offences when committed by a member of a profession whose public reputation and standing is very largely dependant on the reputation of its members for integrity. It was concluded that expulsion from the Institute together with fines of \$300 on each charge and the assessment of costs of \$300 on each charge were the minimum penalties appropriate to the charges. It was noted that the costs assessed totalling \$13,800 represented only a portion of the actual costs incurred by the Institute in the course of the prolonged hearings.

In addition to the normal notice to be given of this decision by publication in the Institute's "Check Mark" and to the Public Accountants' Council for the Province of Ontario and to the Canadian Institute of Chartered Accountants, the Committee ordered that notice be given to the Institute of Chartered Accountants of England and Wales and to any other provincial institute of Chartered Accountants in Canada in which Mr. Ingram-Johnson holds membership. These additional notices were ordered because of Mr. Ingram-Johnson's present residence in the United Kingdom and because of the Committee's conclusion that any institute of Chartered Accountants of which Mr. Ingram-Johnson might be a member or in which he might apply for membership in the future should be aware of the Committee's decision in the present case.

K. W. Lemon, LL.D., F.C.A.
Chairman,
Discipline Committee,
Institute of Chartered
Accountants of Ontario.