

Matthew Vernon Wise: Summary, as Published in *CheckMark*

Matthew Vernon Wise, of Oakville, was found guilty of a charge under Rule 201.1 of failing to maintain the good reputation of the profession and its ability to serve the public interest. The charge arose from his conviction under the Criminal Code for fraud. While employed as a company's Vice-President of Finance, he used his corporate credit card to buy personal items for himself, such as a computer, furniture, a television, power tools, a lawnmower, a camcorder, and golf clubs. Mr. Wise was fined \$2,000 and expelled from the Institute.

CHARGE(S) LAID re Matthew Vernon Wise

The Professional Conduct Committee hereby makes the following charge against Matthew V. Wise, CA, a member of the Institute:

1. THAT, the said Matthew V. Wise, on or about July 9, 1996, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest in that, he was convicted by the Ontario Court of Justice (Provincial Division) of a criminal offence, namely,
2. THAT during 1994 to May 25th, 1995 at the Municipality of Metropolitan Toronto in the Toronto Region did by deceit, falsehood or other fraudulent means defraud SHANE BAGHAI GROUP OF COMPANIES and BRIDLEPATH REAL ESTATE INC. of monies of a value exceeding five thousand dollars CONTRARY TO THE CRIMINAL CODE OF CANADA, Section 380(1)

contrary to Rule 201.1 of the rules of professional conduct.

Dated at Toronto this day of , 1996.

NICHOLAS M. HODSON, CA - ACTING CHAIR
PROFESSIONAL CONDUCT COMMITTEE

DISCIPLINE COMMITTEE re Matthew Vernon Wise

DECISION AND ORDER IN THE MATTER OF: A charge against **MATTHEW VERNON WISE, CA**, a member of the Institute, under **Rule 201.1** of the Rules of Professional Conduct, as amended.

DECISION AND ORDER MADE OCTOBER 16, 1996

DECISION

THAT, having seen and considered the evidence, and having heard the plea of guilty to the charge, the Discipline Committee finds Matthew Vernon Wise guilty of the charge.

ORDER

IT IS ORDERED in respect of the charge:

1. THAT Mr. Wise be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Wise be and he is hereby fined the sum of \$2,000, 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. Wise be and he is hereby expelled from membership in the Institute.
4. THAT notice of this Decision and Order, disclosing Mr. Wise's name, be given after this Decision and Order becomes final under the bylaws:
 - (a) to the Public Accountants Council for the Province of Ontario;
 - (b) to the Canadian Institute of Chartered Accountants;
 - (c) by publication in *CheckMark*; and
 - (d) by publication in *The Globe and Mail*.
5. THAT Mr. Wise surrender his certificate of membership in the Institute to the discipline committee secretary within ten (10) days from the date this Decision and Order becomes final under the bylaws.

DATED AT TORONTO THIS 18TH DAY OF OCTOBER, 1996
BY ORDER OF THE DISCIPLINE COMMITTEE

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

DISCIPLINE COMMITTEE re Matthew Vernon Wise

REASONS FOR THE DECISION AND ORDER IN THE MATTER OF: A charge against **MATTHEW VERNON WISE, CA**, a member of the Institute, under Rule 201.1 of the Rules of Professional Conduct, as amended.

WRITTEN REASONS FOR THE DECISION AND ORDER MADE OCTOBER 16, 1996

These proceedings before this panel of the discipline committee of the Institute of Chartered Accountants of Ontario were convened on October 16, 1996.

Mr. P. F. Farley attended on behalf of the professional conduct committee. Mr. Wise represented himself and confirmed for the record that he understood he had the right to be represented by legal counsel.

The professional conduct committee had laid a charge under Rule 201.1 of the rules of professional conduct. Mr. Wise pleaded guilty to the charge, and confirmed that he understood that, upon a plea of guilty, and upon that basis alone, he could be found guilty by the discipline committee. The charge read as follows:

1. THAT, the said Matthew V. Wise, on or about July 9, 1996, failed to conduct himself in a manner which will maintain the good reputation of the profession and its ability to serve the public interest in that, he was convicted by the Ontario Court of Justice (Provincial Division) of a criminal offence, namely,
2. THAT during 1994 to May 25th, 1995 at the Municipality of Metropolitan Toronto in the Toronto Region did by deceit, falsehood or other fraudulent means defraud SHANE BAGHAI GROUP OF COMPANIES and BRIDLEPATH REAL ESTATE INC. of monies of a value exceeding five thousand dollars CONTRARY TO THE CRIMINAL CODE OF CANADA, Section 380(1)

contrary to Rule 201.1 of the rules of professional conduct.

Mr. Farley entered a document brief as an exhibit. The brief sets out the criminal charge under Section 380(1) of the *Criminal Code*. The brief also contains the transcript of the proceeding at which Mr. Wise pleaded guilty to the criminal charge. In simple terms, Mr. Wise's fraud was that, while employed as Vice-President of Finance, he used his corporate credit card to buy personal items for himself, such as a computer, furniture, a television, power tools, a lawnmower, a camcorder, and golf clubs. The agreed total of these fraudulent purchases was \$13,000.

After hearing the evidence, and the plea of guilty to the charge, the discipline committee found Matthew Vernon Wise guilty of the charge. The committee then heard submissions on sanctions from Mr. Farley and Mr. Wise, and, after deliberation, made the following order:

ORDER

IT IS ORDERED in respect of the charge:

1. THAT Mr. Wise be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Wise be and he is hereby fined the sum of \$2,000, 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. Wise be and he is hereby expelled from membership in the Institute.
4. THAT notice of this Decision and Order, disclosing Mr. Wise's name, be given after this Decision and Order becomes final under the bylaws:
 - (a) to the Public Accountants Council for the Province of Ontario;
 - (b) to the Canadian Institute of Chartered Accountants;
 - (c) by publication in *CheckMark*; and
 - (d) by publication in *The Globe and Mail*.
5. THAT Mr. Wise surrender his certificate of membership in the Institute to the discipline committee secretary within ten (10) days from the date this Decision and Order becomes final under the bylaws.

In determining appropriate sanction, the committee considered the three general principles of sentencing, namely rehabilitation, general deterrence, and specific deterrence.

Reprimand

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

Fine

The professional conduct committee suggested a fine in the range of \$4,000 - \$6,000. The discipline committee felt that a fine of \$2,000 was appropriate in this case, both as a general deterrent to like-minded members, and as a demonstration to the public of the profession's intolerance of the type of behaviour demonstrated by Mr. Wise. The committee took into account that Mr. Wise had borrowed funds to make restitution for his crime, and is subject to a further order to repay \$3,000 over a three year period. The committee felt that a larger fine would not serve any useful purpose in this case.

Expulsion

The committee felt that expulsion is required in this case, as a general deterrent, as Mr. Wise was guilty of a crime that involved moral turpitude. The profession cannot tolerate members who, being placed in a position of trust, breach that trust for personal gain.

Notice

Publication of the decision and order, including Mr. Wise's name, is, in the opinion of the committee, a general deterrent. Communication of the fact that the profession views breaches of its bylaws and rules of professional conduct seriously is an important factor in the governance of the profession. Such notification is also necessary to demonstrate to the public that the profession is regulating itself, so as to retain public confidence in the profession's ability to self-govern.

The committee concluded that there were not rare or unusual circumstances in this case to justify withholding publication of the member's name, nor were there grounds to interfere with the application of Bylaw 575(3). The committee therefore ordered publication of this order including disclosure of Mr. Wise's name, in both *CheckMark* and *The Globe and Mail*.

Surrender of Certificate

As is usual in cases of expulsion, the member was ordered to surrender his certificate of membership in the Institute to the discipline committee secretary.

DATED AT TORONTO, THIS DAY OF JUNE, 1997
BY ORDER OF THE DISCIPLINE COMMITTEE

L. P. BOOKMAN, CA - DEPUTY CHAIR
THE DISCIPLINE COMMITTEE

MEMBERS OF THE PANEL

M. BRIDGE, CA
P.B.A. CLARKSON, CA
S.A. GOODMAN, CA
S.W. SALTER
V.G. STAFL (Public Representative)