

## **Robert Paul Edward Donahoe: Summary, as Published in *CheckMark***

**Robert Paul Edward Donahoe**, of Dundas, a registered student of the Institute, was found guilty of a charge of professional misconduct, under former Rule 201, of failing to conduct himself in a manner so as to maintain the good reputation of the profession and its ability to serve the public interest. The charge arose out of Mr. Donahoe's criminal conviction for sexual assault. He was struck off the register of students.

## **CHARGE(S) LAID re Robert Paul Edward Donahoe**

The Professional Conduct Committee hereby makes the following charges against Paul R. Donahoe, CA, a member of the Institute:

1. THAT, the said Paul Robert Donahoe, 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 on or about the 3<sup>rd</sup> day of November 1989, he was convicted of a criminal offence, namely, that on or about the 27<sup>th</sup> day of March 1988 at the City of Hamilton in the Judicial District of Hamilton-Wentworth, he did sexually assault an unnamed person contrary to the provisions of Section 246.1(1) of the Criminal Code of Canada, all of which is contrary to Rule 201 of the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario, approved June 11, 1973.

Dated at Toronto this 22nd day of February 1995.

R.G. LONG, CA - CHAIR  
PROFESSIONAL CONDUCT COMMITTEE

## **DISCIPLINE COMMITTEE re Robert Paul Edward Donahoe**

**DECISION AND ORDER IN THE MATTER OF:** A charge against **ROBERT PAUL EDWARD DONAHOE**, a student of the Institute, under **Rule 201** of the Rules of Professional Conduct, as amended.

**DECISION AND ORDER MADE NOVEMBER 8, 1994**

### **DECISION**

THAT, having seen and considered the evidence, including the agreed statement of facts, filed, and having heard the plea of guilty to the charge, THE DISCIPLINE COMMITTEE FINDS Robert Paul Edward Donahoe guilty of the charge.

### **ORDER**

IT IS ORDERED in respect of the charge:

1. THAT Mr. Donahoe be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Donahoe be and he is hereby struck off the register of students.
2. THAT notice of this Decision and Order, disclosing Mr. Donahoe's name and the nature of his criminal conviction giving rise to the charge herein, 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.

DATED AT TORONTO THIS 10TH DAY OF NOVEMBER, 1994  
BY ORDER OF THE DISCIPLINE COMMITTEE

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

## **DISCIPLINE COMMITTEE re Robert Paul Edward Donahoe**

**REASONS FOR THE DECISION AND ORDER IN THE MATTER OF:** A charge against **ROBERT PAUL EDWARD DONAHOE**, a student of the Institute, under **Rule 201** of the Rules of Professional Conduct, as amended.

### **WRITTEN REASONS FOR THE DECISION AND ORDER MADE NOVEMBER 8, 1994**

These proceedings before this panel of the discipline committee of the Institute of Chartered Accountants of Ontario were convened on November 8, 1994.

Mr. Paul Farley attended on behalf of the professional conduct committee. Mr. Donahoe attended with and was represented by his counsel, Mr. Patric Mackesy.

One charge had been laid against Mr. Donahoe by the professional conduct committee. Mr. Donahoe pleaded guilty to the charge, and confirmed that he understood that upon his plea of guilty, and upon that basis alone, he could be found guilty of the charge. Upon consent, a minor amendment was made to Mr. Donahoe's name in the charge.

The charge, as amended, read as follows:

*THAT, the said Robert Paul Donahoe, 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 on or about the 3rd day of November 1989, he was convicted of a criminal offence, namely, that on or about the 27th day of March 1988 at the City of Hamilton in the Judicial District of Hamilton-Wentworth, he did sexually assault an unnamed person contrary to the provisions of Section 246.1(1) of the Criminal Code of Canada, all of which is contrary to Rule 201 of the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario, approved June 11, 1973.*

After reviewing the agreed statement of facts, filed as Exhibit 3, the committee found Mr. Donahoe guilty of the charge. In order to prevent sensitive personal details contained in the agreed statement of facts from being disclosed, the discipline committee ordered that Exhibit 3 be sealed.

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

### **ORDER**

IT IS ORDERED in respect of the charge:

1. THAT Mr. Donahoe be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Donahoe be and he is hereby struck off the register of students.

3. THAT notice of this Decision and Order, disclosing Mr. Donahoe's name and the nature of his criminal conviction giving rise to the charge herein, 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.

The reasons for the committee's sanctions are as follows:

#### Reprimand

The committee is of the view that a reprimand is necessary to demonstrate to Mr. Donahoe the unacceptability of his conduct while a student of the Institute of Chartered Accountants of Ontario.

#### Striking Mr. Donahoe off the register of students

Mr. Donahoe made representations as to his extensive work within the community. He also represented that, although he had pleaded guilty to this charge of professional misconduct before the discipline committee, he maintained his innocence of the criminal offence giving rise to the disciplinary charge, upon which he had been convicted. The committee, however, was not persuaded that in admitting his criminal conviction but denying the correctness of it, Mr. Donahoe offered compelling evidence that the criminal conviction could not be relied upon as evidence for the charge before the discipline committee.

The committee felt that the facts pertaining to Mr. Donahoe's criminal conviction for sexual assault demonstrated a total lack of integrity on his part. The committee was of the opinion that the assault on a youth represented a breach of trust, and concluded that Mr. Donahoe should no longer be afforded the opportunity to pursue the designation of chartered accountant.

#### Publicity

The committee ordered notice of its decision and order in the manner specified, including disclosure of Mr. Donahoe's name and the nature of his criminal conviction. The committee felt that the notification was necessary to demonstrate to the membership and to the public the consequences of such a serious criminal conviction.

DATED AT TORONTO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995  
BY ORDER OF THE DISCIPLINE COMMITTEE

P.A. CAMPOL, CA - CHAIR  
THE DISCIPLINE COMMITTEE

#### MEMBERS OF THE PANEL:

L.P. BOOKMAN, CA  
C.J. BURKE, FCA  
H.R. KLEIN, CA

R.W. WARKENTIN, P.Eng. (Public representative)