

Stanley Sidney Filger: Summary, as Published in *CheckMark*

Stanley Sidney Filger, of Markham, was found guilty by the discipline committee of four charges of professional misconduct, laid by the professional conduct committee, namely

- one charge, under Rule of Professional Conduct 104, of failing to promptly reply in writing to a letter from the Institute, in respect of a matter of professional conduct, in which a written reply was specifically required; and
- three charges, under Rule of Professional Conduct 201, of failing to conduct himself in a manner which maintains the good reputation of the profession and its ability to serve the public interest.

The committee ordered that Mr. Filger

- be reprimanded in writing by the chair of the hearing; and
- be expelled from membership in the Institute.

A fine was not levied against Mr. Filger because his misconduct under Rule 201 had taken place in Alberta and he had already been expelled by the Alberta Institute, which had levied costs of \$11,500 against him. He had also previously been expelled by the Quebec Ordre.

CHARGE(S) LAID re Stanley Sidney Filger

The professional conduct committee hereby makes the following charge against Stanley S. Filger, a suspended member of the Institute:

1. THAT, the said Stanley S. Filger, failed to promptly reply in writing to a letter from the Institute, in respect of a matter of professional conduct, signed by the director of standards enforcement and dated and sent June 27, 1990, in which a reply was specifically requested, contrary to Rule 104 of the rules of professional conduct, approved June 15, 1981.

DATED at Toronto this 27th day of September 1990.

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

CHARGE(S) LAID re Stanley Sidney Filger

The professional conduct committee hereby makes the following charge against Stanley Sidney Filger, a suspended member of the Institute:

1. ~~THAT, the said Stanley Filger, committed an act of professional misconduct in that on or about the 20th day of September 1989 at the City of Edmonton in Province of Alberta, he was convicted of a criminal offence, namely he was found guilty of a charge that he did, between January 1, 1986 and December 31, 1986 at or near the City of Edmonton in the Province of Alberta, steal monies in an amount exceeding one thousand dollars (\$1000.00), the property of investors who placed monies with Filger-Toews Financial Corp. upon the direction that those monies be applied to purchasing specific mutual funds, contrary to Section 334(a) of the Criminal Code, R.S.C. 1985, c. C-46, all of which is contrary to Rule 102 of the rules of professional conduct, approved June 11, 1973, as amended.~~ **(WITHDRAWN BY THE PCC BWS)**
2. ~~THAT, the said Stanley Filger, committed an act of professional misconduct in that on or about the 20th day of September 1989 at the City of Edmonton in the Province of Alberta, he was convicted of a criminal offence, namely he was found guilty of a charge that he did, between October 2, 1986 and October 24, 1986 at or near the City of Edmonton, in the Province of Alberta by deceit, falsehood, or other fraudulent means defraud Douglas Coombs of monies of a value exceeding one thousand dollars (\$1,000.00), by producing a false financial statement to Douglas Coombs to entice him to invest in Filger-Toews Financial Services Corp., contrary to Section 380 (1) (a) of the Criminal Code, R.S.C. 1985, c. C-46, all of which is contrary to Rule 102 of the rules of professional conduct, approved June 11, 1973, as amended.~~ **(WITHDRAWN BY THE PCC BWS)**
3. ~~THAT, the said Stanley Filger, committed an act of professional misconduct in that, on or about the 20th day of September 1989 at the City of Edmonton in the Province of Alberta, he was convicted of a criminal offence, namely he was found guilty of a charge that he did, between June 30, 1986 and September 30, 1986 at r near the City of Edmonton, in the Province of Alberta knowingly make a false document, to wit: the financial statement of Filger-Toews Financial Services Corp. for the fiscal period ending June 30, 1986 with intent that it be acted upon as genuine and did thereby commit forgery contrary to Section 367 of the Criminal Code, R.S.C. 19 85, c. C-46, all of which is contrary to Rule 102 of the rules of professional conduct, approved June 11, 1973, as amended.~~ **(WITHDRAWN BY THE PCC BWS)**
4. THAT, the said Stanley Filger, 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 20th day of September 1989 at the City of Edmonton in the Province of Alberta, he was convicted of a criminal offence, namely, he was found guilty of a charge that he did, between January 1, 1986 and December 31, 1986 at or near the City of Edmonton, in the Province of Alberta, steal monies in an amount exceeding one thousand dollars (\$1,000.00), the property of investors who placed monies with Filger-Toews Financial Corp. upon the direction that those monies be applied to purchasing specific mutual funds, contrary to Section 334(a) of the Criminal Code, R.S.C. 1985, c. C-46, all of which is contrary to Rule 201 of the rules of professional conduct, approved June 11, 1973.

5. THAT, the said Stanley Filger, 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 20th day of September 1989 at the City of Edmonton in the province of Alberta, he was convicted of a criminal offence, namely, he was found guilty of a charge that he did, between October 2, 1986 and October 24, 1986 at or near the City of Edmonton, in the Province of Alberta, by deceit, falsehood, or other fraudulent means defraud Douglas Coombs of monies of a value exceeding one thousand dollars (\$1,000.00), by producing a false financial statement to Douglas Coombs to entice him to invest in Filger-Toews Financial Services Corp., contrary to Section 380(1)(a) of the Criminal Code, R.S.C. 1985, c. C-46, all of which is contrary to Rule 201 of the rules of professional conduct, approved June 11, 1973.
6. THAT, the said Stanley Filger, 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 20th day of September 1989 at the City of Edmonton in the Province of Alberta, he was convicted of a criminal offence, namely, he was found guilty of a charge that he did, between June 30, 1986 and September 30, 1986 at or near the City of Edmonton, in the Province of Alberta, knowingly make a false document, to wit: the financial statement of Filger-Toews Financial Services Corp. for the fiscal period ending June 30, 1986 with intent that it be acted upon as genuine and did thereby commit forgery contrary to Section 367 of the Criminal Code, R.S.C. 1985, c. C-46, all of which is contrary to Rule 201 of the rules of professional conduct, approved June 11, 1973.

DATED at Toronto this 21st day of June 1990.

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

DISCIPLINE COMMITTEE re Stanley Sidney Filger

DECISION AND ORDER IN THE MATTER OF: Charges against STANLEY SIDNEY FTLGER, a suspended member of the Institute, under Rules 102, 104 and 201 of the Rules of Professional Conduct, as amended.

DECISION AND ORDER MADE DECEMBER 11, 1991

DECISION

THAT, having seen and considered the evidence, charges Nos. 1, 2 and 3, dated June 21, 1990 having been withdrawn, and having determined to proceed with the hearing in the absence of Mr. Filger, pursuant to Institute Bylaw 87(2)(c), being satisfied that he had proper notice of the hearing, and having entered on his behalf a plea of not guilty to each of the charges, THE DISCIPLINE COMMITTEE FINDS Stanley Sidney Filger guilty of the charge dated September 27, 1990 and of charges Nos. 4, 5 and 6, dated June 21, 1990.

ORDER

IT IS ORDERED in respect of the charges:

1. THAT Mr. Filger be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Filger be and he is hereby expelled from membership in the Institute.
3. THAT notice of this Decision and Order, disclosing Mr. Filger'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;
 - (c) to the Canadian Institute of Chartered Accountants;
 - (d) to the Ordre des comptables agrees du Quebec; and
 - (e) to the Institute of Chartered Accountants of Alberta, such notice to include information relating to his expulsion from membership in the Ordre des comptables agrees du Quebec, and his expulsion from membership in, and the levying of costs against him by, the Institute of Chartered Accountants of Alberta.
4. THAT Mr. Filger surrender his certificate of membership in the Institute to the registrar of the Institute within ten (10) days from the date this Decision and Order becomes final under the bylaws.

DATED AT TORONTO, THIS 13TH DAY OF DECEMBER, 1991
BY ORDER OF THE DISCIPLINE COMMITTEE

B.W STEPHENSON, BA, LLB
SECRETARY - THE DISCIPLINE COMMITTEE

DISCIPLINE COMMITTEE re Stanley Sidney Filger

REASONS FOR THE DECISION AND ORDER IN THE MATTER OF: Charges against STANLEY SIDNEY FILLER, a suspended member of the Institute, under Rules 102, 104 and 201 of the Rules of Professional Conduct, as amended.

WRITTEN REASONS FOR THE DECISION AND ORDER MADE DECEMBER 11, 1991

These proceedings before this panel of the discipline committee of the Institute of Chartered Accountants of Ontario were convened on December 11, 1991.

Mr. Paul Farley attended on behalf of the professional conduct committee. Mr. Filger was not present. The commencement of the hearing was postponed for approximately twenty minutes, during which time Mr. Filger was paged to determine if he was elsewhere in the building. The member did not appear.

When the hearing commenced, Mr. Farley filed exhibits to prove service of the notice of assignment hearing and the notice of hearing. The committee was satisfied that Mr. Filger had proper notice of the hearing, and, accordingly, decided to proceed in his absence, pursuant to Bylaw 87(2)(c).

The professional conduct committee had laid one charge under Rule 104 and three charges under each of Rules 102 and 201 of the Rules of Professional Conduct. At the beginning of the hearing, counsel for the professional conduct committee withdrew the three charges under Rule 102.

Since Mr. Filger was neither present nor represented at the hearing, the chair entered a plea of not guilty on the member's behalf to the remaining four charges.

On behalf of the professional conduct committee, Mr. Farley filed a document brief to support the charges under Rule 201. The brief included certified copies of the original information against Mr. Filger and the transcript of evidence and guilty plea at his trial in the Criminal Division of the Provincial Court of Alberta. The evidence showed that, on September 20, 1989, Mr. Filger was convicted by the Alberta court of the *Criminal Code* offences of theft, forgery and fraud. As one of the owners of a small mutual fund brokerage company (the other owner a being a non-chartered accountant), he misappropriated clients' funds that had been placed with the brokerage for investment, and falsified financial information so as to portray the company as being profitable when it was not, and thereby attract investors and satisfy the minimum financial requirements of the Alberta Securities Commission for mutual fund dealers.

Mr. Farley also presented an affidavit from the director of standards enforcement of the Institute as evidence regarding Mr. Filger's failure to reply in writing to correspondence relating to a matter of professional conduct, contrary to Rule 104 of the Rules of Professional Conduct.

After reviewing the evidence, the discipline committee found Mr. Filger guilty of the charge under Rule 104 and the three charges under Rule 201.

The committee then heard Mr. Farley's submissions as to sanction and, after deliberation, made the following order:

ORDER

IT IS ORDERED in respect of the charges:

1. THAT Mr. Filger be reprimanded in writing by the chair of the hearing.
2. THAT Mr. Filger be and he is hereby expelled from membership in the Institute.
3. THAT notice of this Decision and Order, disclosing Mr. Filger'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;
 - (c) to the Canadian Institute of Chartered Accountants;
 - (d) to the Ordre des comptables agréés du Québec; and
 - (d) to the Institute of Chartered Accountants of Alberta, such notice to include information relating to his expulsion from membership in the Ordre des comptables agréés du Québec, and his expulsion from membership in, and the levying of costs against him by, the Institute of Chartered Accountants of Alberta.
4. THAT Mr. Filger surrender his certificate of membership in the Institute to the registrar of the Institute within ten (10) days from the date this Decision and Order becomes final under the bylaws.

Briefly, the reasons for the committee's order are set out below.

A reprimand is necessary to stress to the member the unacceptability of his conduct and its impact on the profession.

Prior to coming before this committee, Mr. Filger had already been expelled from membership in the Ordre des comptables agréés du Québec and the Institute of Chartered Accountants of Alberta as a result of the activities outlined in the charges under Rule 201. The committee felt, after reviewing the evidence relating to his convictions on the criminal charges, that it was appropriate and necessary under the circumstances to expel Mr. Filger from membership in the Institute.

The imposition of a fine was discussed by the committee, but was considered inappropriate since Mr. Filger had already been assessed costs of \$11,500 by the Institute of Chartered Accountants of Alberta in respect of the Rule 201 misconduct.

The committee felt that it was important to add to the normal provision as to notice disclosing Mr. Filger's name, a reference to his expulsion from membership in the Alberta Institute and Quebec Ordre, and the levying of costs against him in Alberta.

DATED AT TORONTO, THIS 5th DAY OF FEBRUARY, 1992.
BY ORDER OF THE DISCIPLINE COMMITTEE

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

MEMBERS OF THE PANEL:

F.A. DROZD, FCA
F.J. DUNN, CA
W.S. HAZLITT, CA
J.J. LONG, CA
S.F. ANDRUNYK (Public representative)