

November 9, 1995

96-004

## **PRIVATE & CONFIDENTIAL**

Mr. Dennis E. Donovan, CGA 44 Main Street South Brampton ON L6W 2C4

Dear Mr. Donovan:

The CGA Ontario Discipline Committee reviewed your case at the October 24, 1995 meeting. The committee finds you in violation of the Code of Ethics and Rules of Professional Conduct.

In accordance with By-law Four, Article 9, Section 3, the committee proposes the following resolution:

- 6 month suspension;
- a fine of \$250:
- a letter of reprimand;

publication of this discipline action in Statements and a newspaper

The committee asks that you indicate whether you are prepared to accept this resolution by signing the enclosed copy of this letter and return it by November 24, 1995. If you accept this resolution, it will be referred to a one member professional conduct tribunal for ratification. If you reject the resolution, the complaint may be referred to a three-member professional conduct tribunal to hear the case. The discipline committee will seek costs if a tribunal is held and violations are proved. A non-response to this letter will be considered a rejection of this resolution.

Please refer to By-law Four, Article 9, for further information on the discipline process.

The Discipline Committee appreciate the cooperation you have given.

Yours truly,

E. Knoken.

Trudv Kraker, FCGA Chair **Discipline** Committee

I accept the proposed resolution.

L Zanovan Signature - Dennis Donovan

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I reject the proposed resolution.

Signature - Dennis Donovan

Date

240 Eglinton Avenue East, Toronto, Ontario M4P 1K8 Telephone: (416) 322-6520 Fax: (416) 322-6481



January 30, 1996

Mr. Frederick G. Whitley, FCGA 34 Angela Ave. Hamilton, Ontario L9C 1L2

Dear Mr. Whitley:

## Re: Dennis E. Donovan, CGA

On August 28, 1995, Mr. Dennis Donovan, CGA, wrote to the Association and indicated that he had failed to carry out his fiduciary duties to his employer, Memco Welding Products. While employed by Memco, Mr. Donovan provided himself with personal advances and charged personal expenses on a company credit card. The total amount involved was \$40,000.

Mr. Donovan requested that his conduct be viewed in light of the following circumstances:

... when I was let go from a previous position in the same company, due to down sizing, I was offered this position at a significant drop in salary and promises were made to increase my income to the level I was at. The offer was made at the last minute and in such a way that I felt taken advantage of and with no option but to accept the terms. Over the next year, I worked very long hours 60 to 70 per week on an ongoing basis and was under tremendous stress. The promises made for increasing my income were not implemented until after I was terminated. Because of this I have entered counselling with a psychologist. This does not excuse my actions but may explain them.

Mr. Donovan reported that he and his employer have agreed on a re-payment scheme. Consequently, the matter will not be the subject of court action. As of October 1, 1995, Mr. Donovan was unemployed.

The Discipline Committee found that Mr. Donovan violated the Code of Ethics and Rules of Professional Conduct. In accordance with By-Law Four, Article 9, Section 3, the Committee



proposed the following resolution to Mr. Donovan for his consideration and agreement:

- a six month suspension;
- a fine of \$250;
- a letter of reprimand; and
- publication of this discipline in Statements and a newspaper.

Mr. Donovan has indicated in writing that he accepts the proposed resolution.

Pursuant to By-Law Four, Article 9, sections 3(c) and 4, the Discipline Committee submits herein the facts of the violation of the Code and the proposed resolution to you for ratification in accordance with the By-Laws.

Sincerely,

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Trudy Kraker, FCGA Chair Discipline Committee



February 7, 1996

Mr. Dennis E. Donovan 44 Main Street South Brampton, Ontario L6W 2C4

Dear Mr. Donovan:

The proposed resolution to the discipline complaint filed with CGA Ontario for your alleged failure to comply with Rule 201 of the Code of Ethics and Rules of Professional Conduct has been ratified by me in accordance with the Association's By-Law Four, Article 9, section 3(c).

Part of the agreed upon disciplinary action was a written reprimand and I am hereby issuing you the reprimand.

Please be mindful of your duties and responsibilities to your clients and the profession, and conduct yourself in accordance with the spirit and the letter of the Code of Ethics and Rules of Professional Conduct.

Sincerely,

Frederick Whitley, FCGA Professional Conduct Tribunal