

IN THE MATTER OF
**CHARTERED PROFESSIONAL ACCOUNTANTS
OF BRITISH COLUMBIA**

(“CPABC”)

AND

A COMPLAINT AGAINST
LAUREL M. DANDENO

(“Respondent”)

DECISION

Introduction

1. This hearing Panel was appointed under s. 53 of the *Chartered Professional Accountants Act*, SBC 2015, c. 1 (“*CPA Act*”) to conduct a hearing in relation to a Statement of Complaint dated March 26, 2020 concerning the Respondent (“SoC”).
2. A Notice of Hearing dated September 23, 2020 scheduled the hearing of the SoC for October 19 and 20, 2020. The hearing was conducted in accordance with Bylaw 1206 of the CPABC Bylaws.
3. Counsel for CPABC, in his opening statement, described the SoC as raising two areas of concern:
 - (a) the Respondent’s competence and conduct in her dealings with a member of the public; and
 - (b) the manner in which the Respondent has conducted herself in the regulatory process.
4. The first of those two areas arises from a complaint received by CPABC from a member of the public in January 2019. The Complainant had engaged the Respondent in 2018 to complete his personal tax return for 2017. The investigation of that complaint brought about the second area of concern. The Panel agrees with the very fair assessment of CPABC’s counsel that this matter may well have reached a different outcome were it not for the conduct of the Respondent that underlies the second area of concern. As counsel stated, the fundamental issue engaged by that conduct is governability. That goes to the very core of CPABC’s objects, as set out in s. 3 of the *CPA Act*.

5. For the reasons that follow, and based on the findings of fact made by the Panel, the Panel has concluded that CPABC has proven that the Respondent has committed professional misconduct. The Panel has concluded that the appropriate order is to cancel the Respondent's membership pursuant to s. 53(4)(c) of the *CPA Act*.

Respondent's Non-Attendance at Hearing

6. The Respondent did not attend the hearing. The Respondent received numerous communications about the hearing prior to the hearing date. On the day of, the start of the hearing was delayed by more than fifteen minutes beyond the designated start time in order to afford the Respondent additional time to appear. During that time both counsel for CPABC and counsel for the Panel attempted unsuccessfully to reach the Respondent by telephone. When that grace period had elapsed and the Respondent still was not present, CPABC advised the Panel that CPABC wished to proceed with the hearing. The Panel received a submission from CPABC on proceeding in the Respondent's absence and then caucused to deliberate. After careful consideration, the Panel decided that the hearing would proceed and that it would state its reasons for that determination in this Decision.
7. Ultimately, the Panel's decision that the hearing proceed was guided by the public interest. The Panel agrees with the statement made by CPABC's counsel that, by ignoring the regulatory process, the Respondent should not be allowed to avoid the potential consequences of this hearing.
8. The Panel took into account the following additional considerations:
 - a. Bylaw 1206(5) (a) expressly empowers the Panel to proceed with the hearing in the Respondent's absence on proof of delivery of notice of the hearing to the Respondent;
 - b. Proof of delivery of the notice of hearing to the Respondent was provided. The Panel marked as an exhibit an affidavit of service attesting to the fact that the Respondent was served personally with the notice of hearing on October 6, 2020. Counsel for CPABC also noted that the Respondent had received a copy of the notice of hearing by email on September 23, 2020. Thus the requirement in Bylaw 1202(1)(b) of notice of at least ten days was satisfied.
 - c. In addition, the Respondent was advised, both in the notice of hearing itself and by CPABC's counsel, that the hearing could proceed in her absence.
 - d. Finally, CPABC's counsel noted the Respondent's lack of response to various communications pre-hearing. In advance of the hearing, counsel provided the

Respondent by email with a copy of the exhibit book and his opening statement. Counsel also noted that the Respondent had not participated in either of the two telephone pre-hearing conferences conducted by the Panel's counsel.

9. Counsel referred this Panel to a decision of a Law Society hearing panel in *Re Hopkinson*, 2020 LSBC 17 for a discussion of factors which may assist on an application to proceed with a hearing in the absence of a member. Without intending to state any general rule, the Panel considers that the following factors from *Hopkinson* provide helpful guidance in this case (see para. 5 of *Hopkinson*):
 - (a) whether the Respondent has been provided with notice of the hearing date;
 - (b) whether the Respondent has been cautioned that the hearing may proceed in his or her absence;
 - (c) whether the panel adjourned for 15 minutes; and
 - (d) whether the Respondent has provided any explanation for not attending.
10. The Panel considers that all of those factors support the decision to proceed with the hearing. The Respondent was served personally with the notice of hearing. She was told that the hearing could proceed in her absence. She has offered no explanation for not attending. And a grace period was extended such that it was after 10:45 a.m. before counsel for CPABC began his opening statement.
11. Taking all of the above into account, the Panel considered that the public interest required that the hearing proceed in the Respondent's absence. Given that the Respondent was served personally with the notice of hearing, the Panel finds that the Respondent's absence is deliberate. Her failure to attend appears to be the continuation of a pattern. By choosing not to participate, the Respondent cannot thwart the public interest served by the regulatory process and frustrate the regulatory objects of CPABC.

Provisions at Issue

12. The SoC sets out in part III the provisions of the *CPA Act*, the Bylaws and the Rules of the CPABC Code of Professional Conduct ("Rules") engaged by the allegations in the SoC.
13. In brief, the SoC alleges that the Respondent has committed professional misconduct arising from breaches of:
 - a. Rules 101.1(a) and (b), 104.1, 104.2(a), 201.1, 202.1, 205(a), 205(b), 218;

- b. Bylaw 1106(9); and
- c. sections 44(1) and 45(1)(a)(ii) of the *CPA Act*.

14. Those provisions state as follows:

CPABC Rules

101 Compliance with governing legislations, bylaws, regulations and the Code

101. (a) All registrants, regardless of their jurisdiction of residence, shall comply with the CPA Code of Professional Conduct.

(b) All registrants, regardless of their jurisdiction of residence, shall comply with:

- (i) the Chartered Professional Accountants Act of British Columbia, bylaws and regulations of CPABC, as they may be approved and in force from time to time; and
- (ii) any order or resolution of the Board, or any order of any officer, agent, tribunal, committee or other authoritative body acting on behalf of CPABC, made under the Act or bylaws.

...

104 Requirement to co-operate

104.1 A registrant shall co-operate with the regulatory processes of CPABC.

104.2 A registrant shall:

- (a) promptly reply in writing to any communication from CPABC in which a written reply is specifically required;
- (b) promptly produce documents when required to do so by CPABC.

...

201 Maintenance of the good reputation of the profession

201.1 A registrant shall act at all times with courtesy and respect and in a manner which will maintain the good reputation of the profession and serve the public interest.

202 Integrity and due care and Objectivity

202.1 Integrity and due care

A registrant shall perform professional services with integrity and due care.

...

205 False or misleading documents and oral representations

A registrant shall not:

- (a) sign or associate with any letter, report, statement, representation or financial statement which the registrant knows, or should know, is false or misleading, whether or not the signing or association is subject to a disclaimer of responsibility, nor
- (b) make or associate with any oral report, statement or representations which the registrant knows, or should know, is false or misleading.

...

218 Retention of documentation and working papers

A registrant shall take reasonable steps to maintain information for which the registrant is responsible, including retaining for a reasonable period of time such working papers, records or other documentation which reasonably evidence the nature and extent of the work done in respect of any professional services.

...

CPABC Bylaw

1106 Review by Investigation Committee

(9) Subject to subsection (10), within 30 days of delivery of the Investigation Committee's determination and recommendation to the Respondent, the Respondent must notify the committee that the Respondent

- (a) accepts the determination and recommendation, including any request under subsection (7)(a),
- (b) declines to accept the determination and recommendation, or
- (c) requests that the determination and recommendation be referred for binding option under Bylaw 1110.

Chartered Professional Accountants Act**Designations**

- 44** (1) A chartered professional accountant member in good standing may use or display the designation “professional accountant” and the designation “Chartered Professional Accountant” or the initials “CPA” signifying that designation.
- (2) A chartered professional accountant member in good standing who is a fellow may use or display the designation “Fellow of the Chartered Professional Accountants” or the initials “FCPA” signifying that designation.
- (3) A member in good standing described in section 36(b) [classes of members] may use or display the designation “Associate of the Chartered Professional Accountants” or the initials “ACPA” signifying that designation.
- (4) A member in good standing described in section 36(c) may use or display the designation “Associate Accounting Technologist” or the initials “AAT” signifying that designation.
- (5) A person on whom the board has conferred honorary membership under section 37 [honorary members] may use or display the designation “Chartered Professional Accountant, Honorary” or the initials “CPA (Hon.)” signifying that designation.
- (6) A professional accounting corporation and a registered firm may use or display the designation “Chartered Professional Accountant” or the initials “CPA” signifying that designation.
- (7) Subsection (6) only applies to a registered firm that is a partnership, including a limited liability partnership, if
- (a) each partner resident in British Columbia is a chartered professional accountant member in good standing or is a professional accounting corporation, and
 - (b) each partner that is not a resident in British Columbia and not a chartered professional accountant member or a professional accounting corporation is
 - (i) a member of a body of chartered professional accountants, chartered accountants, certified management accountants or certified general accountant incorporated by an enactment that corresponds to this Act in a province or Bermuda, or

(ii) a corporation recognized and approved for the practice of public accounting by a body of chartered professional accountants, chartered accountants, certified management accountants or certified general accountants incorporated by an enactment that corresponds to this Act in a province or Bermuda.

(8) A person authorized under subsection (1), (2), (3), (4), (5) or (6) to use or display a designation or initials signifying that designation in the English language is also authorized to use or display the designation or initials signifying that designation together with their equivalent in a language other than English.

(9) The use or display of a designation or initials signifying that designation under this section must comply with the bylaws.

Use of Designations

45 (1) Except as authorized by this Act, and in the case of legacy designations, as authorized or required by the bylaws, a person must not

(a) use or display

(i) a designation or the initials signifying a designation authorized to be used or displayed under section 44(1), (2), (3), (4), (5) or (6) or

(ii) a legacy designation,

(b) use or display in a language other than English a designation or the initials signifying a designation that is equivalent to the corresponding designation or initials referred to in paragraph (a) or

(c) in any other manner, imply, suggest or hold out that the person is a person entitled to use or display a designation or the initials signifying a designation referred to in paragraph (a), or otherwise is a chartered professional accountant, or possesses accounting qualifications granted or approved under the bylaws.

(2) A person must not, in any manner, imply, suggest or hold out that the person is a certified public accountant or a certified public auditor or use or display the designation “certified public accountant” or “certified public auditor” unless

(a) the person is a chartered professional accountant member in good standing,

(b) the designation or initials are used or displayed together with and follow the designation “Chartered Professional Accountant”,

- (c) the use or display is accompanied by the name of the jurisdiction where the designation “certified public accountant” or “certified public auditor” were granted; and
 - (d) the jurisdiction where the designation “certified public accountant” or “certified public auditor” were granted authorizes the person to use and display it in that jurisdiction.
- (3) A professional accounting corporation or a registered firm must not, in any manner, imply, suggest or hold itself out as a certified public accountant or a certified public auditor or use or display the designation “certified public accountant” or “certified public auditor”.
- (4) Subject to subsection 44(1), a person must not use or display the designation “professional accountant” or the initials “PA” signifying that designation or, in any manner, imply, suggest or hold out that the person is a professional accountant.

The Hearing

- 15. The Panel records that, due to the public health emergency brought about by the Covid-19 pandemic, the hearing took place by videoconference. The Panel was and is satisfied that proceeding with the hearing in that format was in the public interest and was procedurally fair in all respects.
- 16. CPABC’s evidence consisted of the testimony of two witnesses plus exhibits. CPABC’s first witness was Tana Kristjanson. Ms. Kristjanson is an investigator with CPABC with approximately 10 years of experience in that role. As part of Ms. Kristjanson’s investigation she interviewed both the Complainant and the Respondent. She authored the investigation report contained within Exhibit 3. Ms. Kristjanson’s evidence was directed primarily to paragraphs 86 through 90 of the SoC. CPABC also called Nancy Lis, a professional conduct case manager with CPABC. In that position Ms. Lis manages “the comings and goings of the complaints.” She has held that position since June 2011. Ms. Lis’ evidence was directed primarily to paragraphs 91 through 98 of the SoC.
- 17. The Panel found both Ms. Kristjanson and Ms. Lis to be credible and reliable witnesses.
- 18. Neither the Complainant nor the Respondent testified at the hearing. The Panel will say more about the implications of that later in this decision. The Panel notes the provisions of Bylaw 1206(3), which reads as follows:

The Panel is not bound by the legal rules of evidence and may allow the introduction of any information or evidence it considers relevant to a matter before it and appropriate in the circumstances.

19. The Panel records that CPABC has the onus of proof to prove the allegations in the SoC on a balance of probabilities: *F.H. v. McDougall*, 2008 SCC 53. That is the standard applied by the Panel in this Decision. The Panel also is mindful of the consequences to a professional of an adverse disciplinary finding: see *Kane v. Board of Governors of the University of British Columbia*, [1980] 1 S.C.R. 1105, 1113.

Background Facts

20. In this section the Panel sets out its findings of fact concerning the general circumstances giving rise to and surrounding the complaint. These findings derive mainly from information either provided to CPABC by the Respondent or otherwise confirmed by the Respondent during the investigation interview with Ms. Kristjanson. The Panel's findings of fact concerning the specific allegations made in the SoC are set out in the sections which follow, addressed to the two main areas covered by the SoC.
21. Both the Respondent's member profile and a practice information questionnaire dated February 23, 2019 were in evidence before the Panel. Those exhibits established that the Respondent became a member on May 31, 1989 and is paid through to March 31, 2021. The Respondent has provided the following contact information to CPABC:

Address: 3** Jensen Avenue West, Parksville, BC, V9P ***
Emails: sp*****@shaw.ca
Daytime Telephone Number/Work Phone: 250-284-****
22. The Panel notes that the contact information set out above is the contact information that was used in efforts to communicate with the Respondent both during the investigation of the complaint and in connection with this hearing.
23. The Respondent's practice information questionnaire describes her practice as a home-based solo practice comprised mainly of the preparation of T-1's.
24. In 2018 the Complainant engaged the Respondent to prepare his 2017 income tax return. The Respondent had prepared his tax return the previous year. It is not disputed that the return was filed late. The reason for the late filing of the Complainant's 2017 T-1 is a matter of dispute. The Panel will return to that subject below.
25. The Complainant dropped off his tax information at the Respondent's home office on April 1, 2018. That initial package apparently did not contain information concerning real property owned and sold by the Complainant in 2017. In November 2018 the Respondent received details of the property's acquisition and sale price and rental income to the date of sale.

26. The Respondent completed the Complainant's T-1 by December 12, 2018. On that date the Complainant attended at the Respondent's home office and picked up his tax forms. The Complainant also signed the Respondent's engagement letter on that date.
27. The engagement letter is dated December 11, 2018. Initially, when speaking to the investigator, the Complainant did not remember signing the letter of engagement. But when presented with a signed copy he agreed that he had signed it. Initially, when speaking to the investigator, the Respondent said that the Complainant paid her for preparation of his tax return at the time of signing the engagement letter. But she later confirmed that, in the end, she had decided not to charge him because it was such a mess.
28. The form of the December 11, 2018 engagement letter appears to be dated. It refers, for example, to the Code of Ethical Principles and Rules of Conduct ("CEPROC") of Certified General Accountants Association of British Columbia. Of course, effective in 2015, the Certified General Accountants Association of British Columbia was amalgamated with the Certified Management Accountants of British Columbia and the Institute of Chartered Accountants of British Columbia and continued as CPABC.
29. As a result of the late filing of the 2017 tax return, the Complainant was assessed penalties and interest arrears totaling \$11,193.77 for the 2017 taxation year. The evidence before the Panel suggests that the Complainant has sought to recover that amount from the Respondent through the civil courts. But there is no evidence before the Panel to indicate the result of that or if it is concluded.
30. What transpired between the Complainant and the Respondent immediately after the Respondent received notice of the late filing penalty and interest is a matter of dispute on the evidence. The Panel will return to that subject below. What is clear is that on January 9, 2019 CPABC received a signed complaint form from the Complainant concerning the Respondent's handling of his 2017 tax return. By the date that the Complainant signed the complaint form (January 4, 2019), the Complainant had learned of the approximately \$11,000 in penalties and interest for late filing.
31. The receipt of the complaint form launched an investigation by CPABC. In March 2019 Ms. Kristjanson was assigned to investigate. She attempted to contact the Respondent soon after that to schedule an interview. When contacted by Ms. Kristjanson, the Respondent declined the request for an interview in the months of March and April. Ultimately the Respondent agreed to meet with Ms. Kristjanson on May 7, 2019. Upon setting up that meeting with the Respondent, Ms. Kristjanson also arranged to meet with the Complainant on the same date.
32. Those interviews did take place. Below, the Panel further considers the evidence concerning the interviews and how the investigation proceeded thereafter.

Respondent's alleged failure to cooperate with the investigation

Overview

33. The Panel agrees with counsel for CPABC that the conduct associated with CPABC's investigation of the complaint is the more serious aspect of the SoC. It is that conduct which underpins the sanction sought by CPABC of cancellation of the Respondent's membership. Accordingly, the Panel considers it appropriate to begin with this aspect of the SoC.
34. The allegations contained in the SoC arising from CPABC's investigation of the complaint include the following:
- the Respondent failed to accept delivery of correspondence from CPABC, repeatedly gave incomplete responses to CPABC's request for information from her, and failed to respond to correspondence from CPABC that sought information about the complaint against her (SoC, para. 91);
 - the Respondent repeatedly failed to respond to several requests from CPABC that she telephone various CPABC personnel (SoC, para. 95);
 - the Respondent falsely represented to CPABC that she had not received the draft investigation report (SoC, para. 96);
 - the Respondent failed to respond within 30 days of delivery to her of the Bylaw 1106(9) determination and recommendation ("D&R") (SoC, para. 97);
 - the Respondent falsely asserted to the director of professional conduct that she had not received any correspondence from CPABC regarding the complaint against her or CPABC's investigation of the complaint (SoC, para. 98);
 - the Respondent used derogatory language referring to the Complainant when she corresponded with CPABC about his complaint against her (SoC, para. 93b);
 - the Respondent falsely represented to CPABC that she had not done anything wrong, did not know why CPABC was investigating her conduct, did not know why the Complainant had complained about her conduct, and that the Complainant had not provided information that she had requested in order to complete his tax return (SoC, para. 93).
35. The Panel's findings of fact concerning those allegations follow in the next section.

Findings of Fact on this Part of SoC

36. It is convenient to group CPABC's efforts to communicate with the Respondent about the complaint as follows:
- a. January and February 2019 when Ms. Lis initially contacted the Respondent about the complaint;
 - b. June and July 2019 when CPABC sent to the Respondent first a draft and then the final version of the investigation report;
 - c. Late July 2019 around the date of the meeting of CPABC's investigation committee;
 - d. August and September 2019 when CPABC communicated with the Respondent concerning the D & R;
 - e. October and November 2019 when CPABC delivered to the Respondent notice of the intention to issue a statement of complaint; and
 - f. February 2020 when CPABC's director of professional conduct spoke on the telephone with the Respondent.
37. Starting with the first of those, Ms. Lis made repeated attempts, beginning on January 15, 2019, to deliver a copy of the complaint to the Respondent and to solicit the Respondent's response to the complaint.
38. The Panel finds that, despite commendable effort by Ms. Lis, the Respondent never acknowledged actual receipt of the complaint and, beyond the few emails described below, never provided any formal written response to the complaint.
39. A summary of Ms. Lis' efforts starts with her attempting to deliver a copy of the complaint to the Respondent on January 15, 2019. The Respondent failed to accept delivery. On January 23, 2019, Ms. Lis transmitted the complaint to the Respondent by e-courier. That produced a brief email response from the Respondent on January 24, 2019: "no idea what this is all about.....never heard of this epackage stuff and am not expecting anything."
40. Mr. Lis followed up with emails to the Respondent later on January 24, 2019 and again on February 1, 2019. She also tried to reach the Respondent by telephone on February 1, 2019 but the Respondent's telephone system did not allow Ms. Lis to leave a telephone message. Ms. Lis noted in her February 1, 2019 email that the Respondent's reply to the complaint was overdue. Having still not received anything from the Respondent apart from the brief January 24, 2019 email, Ms. Lis sent a further email to the Respondent on February 6, 2019, which stated as follows:

Further to my last email, I tried reaching you by telephone today. Unfortunately, I was unable to leave a voice message as your mailbox. [sic] is full.

It is very important that you call me back. I need to speak to you about a complaint we received from one of your clients, which is what we have been attempting to deliver to you since January 15th.

41. Ms. Lis emailed the Respondent again on February 26, 2019. In that email Ms. Lis noted several further unsuccessful attempts to reach the Respondent by telephone. Ms. Lis also advised that CPABC sent a letter via registered mail to the Respondent on February 11, 2019 but that, according to Canada Post, the Respondent had not yet picked up the letter.
42. Ms. Lis finally received a response from the Respondent by email on February 26, 2019. The Respondent's email described the matter as "silly" and questioned "if this is even the CPA." The Respondent's email concluded:

I have done nothing wrong that I know of and have not had a falling out with any clients or friends or neighbours so what could I be investigated for??????????
this is truly silly!

43. Ms. Lis responded by email the same day and advised the Respondent as follows:

Since January, I have been trying to deliver a copy of a complaint we received from your former client... . I have also been trying to reach you by telephone and email. Thank you for responding to my last email. Are you going to pick up the letter I sent to you via registered mail? It was sent to the only address we have on file for you.

44. There were two emails in response from the Respondent, both sent two days later on February 28, 2019. The first (sent at 10:27 a.m.) begins, "I have no idea what [the Complainant] has a problem with." The email places blame for the late filing on the Complainant and will be referred to further below. The second email from the Respondent on that day (sent about twenty minutes later at 10:46 a.m.) stated the following:

this goof ball is suing me for his penalties with CRA
this is ridiculous – he would not get me the info I needed despite repeated requests and I just had some guy drop off some stuff from a lawyer that was not even in an [sic] envelope
he looked like a newspaper delivery person
this whole thing is absurd

45. As noted above, Ms. Kristjanson conducted an investigation interview with the Respondent on May 7, 2019. The February 28 emails, followed by the May 7

investigation interview, were to be the last communication from the Respondent to CPABC concerning the complaint until the Respondent, in response to a message, telephoned CPABC's director of professional conduct on February 25, 2020. It is significant that, on dates in May 2019 after the investigation interview, the Respondent communicated with another department of CPABC (concerning a practice review) from the same email address used by Ms. Lis. Emails from the Respondent to CPABC's Prianka Grewal on May 14 and 22, 2019 were entered as exhibits. Those emails support the inference – and the Panel finds – that the lack of response by the Respondent to the CPABC communications detailed in this section was deliberate.

46. The next time period concerns Ms. Kristjanson's investigation report. On June 24, 2019 Ms. Lis delivered to the Respondent a draft copy of the investigation report. Ms. Lis testified that CPABC received confirmation of delivery by courier on June 25, 2019. She further testified that CPABC did not hear back from the Respondent with comments on the draft. Ms. Kristjanson testified that the Respondent later emailed to say that she never saw the draft. Then on July 15, 2019 the final version of the investigation report was delivered to the Respondent. An exhibit admitted into evidence at the hearing is a delivery receipt showing that CPABC's communication was signed for on July 17, 2019 at 10:52 a.m.. There was no response from the Respondent with respect to the final version of the investigation report either.
47. CPABC's director of professional conduct unsuccessfully attempted to reach the Respondent by telephone on July 29, 2019, July 30, 2019 and August 1, 2019. The phone report records of those attempted calls were put in evidence at the hearing. The Panel accepts those for the truth of their contents as business records of CPABC kept in the ordinary course. Ms. Lis explained in her evidence how phone records are created and stored in CPABC's electronic file management system. The phone reports reflect that in each instance the caller was unable to leave a message by reason that the Respondent's voicemail memory was full.
48. Ms. Lis testified that the director followed up the telephone messages by email to the Respondent asking her to call him about the investigation committee meeting but received no response. That email is not in evidence and Ms. Lis' knowledge of it, which she testified is based on her review of the file, technically is hearsay. The Panel considers it appropriate to accept Ms. Lis' evidence on that point because (i) it is based on what may qualify as a business record and in any event can be considered reliable, (ii) it does not go to a point that on its own is determinative (this being one among several examples), and (iii) it is not inconsistent with any other evidence.
49. Subsequently, CPABC corresponded with the Respondent regarding the D&R. As set out above, Bylaw 1106(9) requires a response to a D & R within 30 days. A Canada Post

tracking record tendered as an exhibit at the hearing reflects that CPABC's package was accepted at the post office on August 7, 2019 at 4:20 p.m. The Panel finds that the Respondent did receive the D&R but failed to respond at all. Ms. Lis testified that she corresponded further with the Respondent by email on September 13, 2019 to remind the Respondent that the response was overdue. The Respondent did not respond. Then on September 27, 2019 CPABC sent further correspondence to the Respondent. In that correspondence CPABC advised the Respondent that a response to CPABC's correspondence of August 7, 2019 was overdue and that, if she failed to respond to the D&R by October 4, 2019, the matter would be referred to the investigation committee. CPABC's letter was sent by registered mail to the Parksville address that CPABC has on file for the Respondent. Once again, the Respondent failed to respond. The letter was returned unclaimed.

50. Ms. Lis also sent an email to the Respondent on or about October 8, 2019 reminding her that her response to CPABC's correspondence of August 7, 2019 was overdue. The Respondent did not respond.
51. On or about October 29, 2019, Ms. Lis prepared a further letter from CPABC to the Respondent informing the Respondent that the investigation committee had decided to issue a statement of complaint in the matter and requesting that the Respondent telephone the director of professional conduct to discuss next steps. CPABC transmitted that letter to the Respondent twice, on successive days. CPABC tendered as evidence the delivery certificate reflecting delivery of that letter to the Respondent and the Respondent's signing for receipt of it at 7:37 a.m. on October 30, 2019. The Panel finds that the Respondent did receive that letter. The Respondent failed to respond to that correspondence or to telephone CPABC's director of professional conduct.
52. Ms. Lis testified that CPABC's director of professional conduct made a further attempt to reach the Respondent by telephone on November 28, 2019. Ms. Lis said that the director of professional conduct tried to leave a message on the Respondent's answering machine but was unable to do so because the answering machine was either full or required a code in order to leave a voice message. The comments at paragraph 48 apply to this part of Ms. Lis' testimony as well and the Panel accepts it on the basis stated there.
53. A further effort was made to contact the Respondent in February 2020. Ms. Kristjanson, the investigator, was drafted to attempt to reach the Respondent by telephone. Ms. Kristjanson was unable to reach the Respondent by telephone but was able to leave a voicemail message for her. She asked the Respondent to telephone the director of professional conduct. That prompted a telephone call by the Respondent to the director of professional conduct on February 25, 2020. The Respondent left the following voicemail message for the director of professional conduct on that date:

Hi. I got a call this morning. I can't remember the woman's name and she said to call you. My name is Laurel. Something goofy about something that happened last year. I don't know what's going on here because I've never heard anything more from you guys. So, anyway, my number is 250-248-****. I'm in and out today, so I'll connect up with you at some point. Good bye.

54. A CPABC phone report dated February 25, 2020 reflects that the director of professional conduct telephoned the Respondent in response to her voicemail message and spoke to her on that day. The phone record, which the Panel accepts as a true record of the conversation, reflects the following discussion:

- I told Ms. Dandeno that we had asked the Investigator, Tana K, to call her because we had received no answer to our many attempts at contact.
- She said this was really weird, she had never heard from us, nothing. She called the matter last summer "goofy".
- I told her that we had attempted to contact her many times by various forms, such as telephone and letter. I told her that I had never succeeded in leaving her a voice message, she never answered her phone and her voice mailbox was always full.
- Ms. Dandeno said that must be because she is always getting scam calls.
- I told her that we had proof of delivery from Canada Post and Corporate Couriers regarding our attempts to contact her. She said she had NEVER (her emphasis) received anything and "I'd like to see my signature on that".
- Ms. Dandeno said several times that "to be completely honest with you" she never received anything.

55. The Panel finds without hesitation that (1) CPABC made numerous attempts to contact the Respondent, (2) apart from the few instances noted above, the Respondent failed to respond to CPABC's communications, and (3) the Respondent's statements to CPABC that she had never received anything from CPABC were untrue.

Discussion of Respondent's Conduct

56. The Panel concludes, based on the findings set out above, that CPABC has proven that the Respondent breached Rules 101.1(a) and (b), 104.1, 104.2(a), 201.1, 205(a) and 205(b) as well as Bylaw 1106(9).

57. Most seriously, the Panel finds that the Respondent was untruthful in her communications with CPABC on February 25, 2020. The Respondent left a telephone message for CPABC's director of professional conduct in which she stated, "I don't

know what's going on here because I've never heard anything more from you guys." When the Respondent spoke to the director of professional conduct later on the same day, she told him that she had never received anything.

58. Those statements were untrue. Following the Respondent's May 7, 2019 meeting with the investigator, CPABC sent to the Respondent the investigation report, both draft and final, the D & R together with multiple follow-ups, and correspondence advising that a statement of complaint would be issued. The evidence establishes, and the Panel has found, that the Respondent received those materials. Exhibits in evidence show the Respondent receiving the final investigation report, the D & R and the October 2019 letter advising of the determination to issue a statement of complaint. To say to CPABC in February 2020, as the Respondent did, that she never received anything, and never heard anything more, demonstrates a serious lack of regard for the Respondent's obligations in respect of CPABC's role and function.
59. The Respondent's persistent and repeated failure to respond to multiple communications from CPABC, by mail, by email, by telephone, served to frustrate the discharge of CPABC's public interest mandate. It is every member's responsibility to cooperate with CPABC and to respond in a timely way to CPABC's communications in respect of a complaint from a member of the public.
60. No less serious is the fact that, on one of the few occasions when the Respondent did communicate to CPABC, she used derogatory language to refer to the Complainant. The Respondent's email of February 28, 2019 began with the statement, "this goof ball is suing me for his penalties with CRA." That email was a communication by a member to CPABC concerning a complaint by a member of the public. It was not a casual comment or aside. And it was the second email sent by the Respondent to CPABC on the same morning, suggesting that it was not a spontaneous, off the cuff comment. The Respondent has made no attempt to withdraw it and offers no explanation at all. That is not in keeping with conduct expected of a CPABC member.
61. Having regard to the applicable paragraphs of the SoC, the Panel's conclusions are as follows:
 - a. *Para. 77:* The Panel finds that the Respondent committed the conduct stated in paras. 25, 28, 30, 32, 34 and 36 and thereby breached Rules 101.1(a), 104.1, 104.2(a) and 201.1;
 - b. *Para. 78:* CPABC abandoned this allegation at the hearing and it is dismissed;

- c. *Para. 79:* The Panel finds that the Respondent committed the conduct stated in paras. 38, 40 and 41 and thereby breached Rules 101.1(a), 104.1, 201.1 and 205(b);
 - d. *Para. 80:* The Panel finds that the Respondent committed the conduct stated in paras. 42, 48, 49, 50 and 65 and thereby breached Rules 101.1(a) and 201.1;
 - e. *Para. 81:* The Panel finds that the Respondent committed the conduct stated in paras. 43, 52, 62 and 64 and thereby breached Rules 101.1(a), 104.1 and 201.1;
 - f. *Para. 82:* The Panel finds that the Respondent committed the conduct stated in para. 45 and thereby breached Rules 101.1(a), 104.1 and 201.1 and 205(a);
 - g. *Para. 83:* The Panel finds that the Respondent committed the conduct stated in paras. 54, 56, 58 and 60 and thereby breached Rules 101.1(a) and (b), 104.1, 104.2(a), 201.1 and Bylaw 1106(9);
 - h. *Para. 84:* The Panel finds that the Respondent committed the conduct stated in para. 66 and thereby breached Rules 101.1(a), 104.1, 201.1, and 205(b); and
 - i. *Para. 85:* CPABC abandoned this allegation at the hearing and it is dismissed.
62. The Panel concludes without hesitation that the conduct of the Respondent involving multiple Bylaw and Rules breaches constitutes professional misconduct. CPABC did not provide the panel with a definition of professional misconduct. It is a concept that may elude precise definition. But the Panel has no doubt, and decides, that the Respondent's dishonesty with CPABC in the course of an investigation, her repeated failures to respond and, in the circumstances, the Respondent's derogatory description of the Complainant, taken together, establish professional misconduct.

Allegations Regarding Competence in Handling Complainant's Tax Return

Overview

63. As discussed below, the Panel's conclusion that the Respondent committed professional misconduct in relation to CPABC's investigation by itself warrants the order that the Panel ultimately makes in this Decision. But that investigation started by reason of a complaint from a member of the public. Where such complaints reach hearing, it is appropriate that they be addressed.
64. The SoC alleges that the Respondent was incompetent in her handling of the Complainant's engagement. In particular, the SoC alleges that:

- (a) the Respondent's communications with the Complainant were inadequate in the following respects:
 - i. the Respondent failed to inform the Complainant that the tax return had not been filed by April 30, 2018;
 - ii. the Respondent failed to communicate with the Complainant in a timely way that she required information from the Complainant in order to complete the tax return; and
 - iii. the Respondent failed to respond to repeated communications from the Claimant to discuss the status of the tax return, including an email message of August 20, 2018 (SoC, para. 86); and
 - (b) the engagement letter that the Respondent had the Complainant sign was false and misleading in several respects:
 - i. it referred to the Code of Ethical Principles and Rules of Conduct of CGABC, when CGABC had ceased to exist under s.2(1) of the *CPA Act*;
 - ii. it referred to the Code of Ethical Principles and Rules of Conduct of CGABC, when these instruments were no longer in force; and
 - iii. it referred to the Respondent's billing being satisfactory when the Respondent did not issue an invoice for services that she rendered to the Complainant (SoC, para. 88); and
 - (c) the Respondent's record-keeping was inadequate in several respects:
 - i. the Respondent did not create any records of her alleged attempts to contact the Complainant seeking additional information from him that she required in order to complete the tax return or did not maintain copies of such records; and
 - ii. the Respondent did not create any record of the services that she provided to the Claimant or did not maintain copies of such records (SoC, para. 89).
65. These allegations are to be decided based on the evidence relating to them specifically. In making findings of fact for this aspect of the complaint, the Panel does not take into account its determination in respect of the other part of the complaint.

66. This aspect of the SoC presented an additional challenge for the Panel. For some of the allegations, there is a conflict between what the Complainant told the investigator and what the Respondent told the investigator.
67. The Respondent's version of events, as presented in the testimony of Ms. Kristjanson, appears to reflect what the Respondent stated in the first email she sent to CPABC on February 28, 2019. In that email to Ms. Lis the Respondent stated:

I have no idea what [the Complainant] has a problem with

he sold a property in Qualicum and I needed the original purchase info. I asked numerous times and told him I could not file without it. He finally got me info at the end of November and I filed early December as he has to sign things first.

If he had actioned my request in April he would have been filed on time. I have received no calls or emails from him since I filed his return so no idea what is going on.

68. The Complainant gave a different account. For the reasons stated below, the Panel finds it inappropriate in the circumstances of this case to resolve the conflict in the evidence in such a way as to find against the Respondent on the discrete points where there is a conflict between the Complainant's version and the Respondent's. The Panel otherwise accepts CPABC's evidence on this aspect of the complaint.

Findings of Fact on this Part of SoC

69. The evidence concerning the events relevant to this aspect of the SoC derives primarily from the testimony of Ms. Kristjanson. As mentioned, Ms. Kristjanson interviewed the Respondent at the Respondent's home on May 7, 2019.
70. Ms. Kristjanson arrived at the Respondent's home in the morning on May 7, 2019. Earlier that morning the Respondent had contacted Ms. Kristjanson to try to cancel the meeting. But Ms. Kristjanson prevailed and the meeting went ahead. On arrival, the Respondent directed Ms. Kristjanson to sit on a chair set up in an alcove at the entrance to the house. Ms. Kristjanson balked at conducting the interview there and eventually she was allowed into the living room where the meeting took place. Ms. Kristjanson described the living room as tidy. From the living room Ms. Kristjanson could see into the dining room which she said had piles of paper on the floor, on the chairs and on the table. Ms. Kristjanson testified that she wanted to see the office that the Respondent kept in the Respondent's home but that the Respondent did not permit that.

71. The Respondent only was able to provide two documents concerning her work on the Complainant's T-1: the engagement letter and a November 27, 2018 email. The Respondent was unable to provide Ms. Kristjanson with any records to substantiate what the Respondent said about attempts to contact the Complainant. The Respondent told Ms. Kristjanson that she had destroyed her list of telephone calls. The Respondent also said that her email system was having problems and, apart from the November 27, 2018 email, the Respondent could not provide copies of emails between the Complainant and her.
72. The Complainant provided Ms. Kristjanson with a copy of an email dated August 20, 2018 that he sent to the Respondent. It was one of two emails sent by the Complainant to the Respondent in 2018 that the Panel received into evidence. In the August 20, 2018 email the Respondent asked about the status of his 2017 tax return. The email reads:
- Not able to reach you by telephone. Email does not work either, -no response.
You have all my tax information for 2017 but what about my 2017 Return?
Can.Rev. tells me they never received it.
Please contact me about this.
73. There is no evidence that the Respondent ever responded to that email.
74. The second exhibit in this category is the email from the Complainant to the Respondent dated November 27, 2018. That email refers to information for the Complainant's T-1 pertaining to the sale in 2017 of real property. The subject line of the email reads: "re: Statement of Real Estate Rentals (the 2 pages) you gave me copies of to correct:."
75. From the subject line the email appears to be a response from the Complainant to the Respondent. The Respondent produced the November 27, 2018 email but not the original email from her to the Complainant, to which the Complainant's email appears to reply. The Panel notes that the date of the email is shortly before the finalization of the Complainant's T-1 return in early December.
76. As mentioned, other parts of Ms. Kristjanson's testimony reveal conflict between what the Complainant told her and what the Respondent told her.
77. The conflict in the evidence involves three discrete points:
- a. Whether the Respondent asked the Complainant for records about the property sale before the deadline for filing of the T-1 return;
 - b. Whether the Respondent regularly followed up after the deadline had passed and repeated her request of the Complainant for the missing records; and

- c. Whether the Complainant contacted the Respondent after the Complainant received notice of the late filing interest and penalties he incurred.

78. The investigator testified that the Complainant told her when she met with the Complainant in May 2019 that he made repeated attempts through the spring and summer of 2018 to contact the Respondent. The investigator testified that the Respondent, for her part, told the investigator that the Respondent had made repeated attempts during the spring and summer of 2018 to contact the Complainant to ask for the missing information for his tax return. A similar contradiction arose in respect of what transpired between the Complainant and the Respondent after the Complainant learned of the interest and penalties incurred due to late filing of his T-1 return. The Complainant told the investigator that he contacted the Respondent and set up a meeting which she failed to attend. The Respondent told the investigator that no such contact occurred.
79. The Panel has concerns about what the Respondent told Ms. Kristjanson on these subjects. The Panel notes the Respondent's inability to produce records corroborating what she said were repeated attempts to contact the Complainant either by email or telephone. The Panel also finds troubling what appears to have been a cavalier statement to the investigator by the Respondent that the Complainant, a client who had engaged her, must have forgotten her telephone calls and emails due to cognitive decline.
80. In the end, however, and in the specific circumstances of this case, the Panel declines to make any finding in relation to those discrete points of dispute in the evidence. That is for two reasons. First, while not bound by the rules of evidence, the Panel is not persuaded that this is an appropriate instance to receive such hearsay evidence. There is evidence of imperfect recollection on the part of both (in the case of the Complainant around his signing of the engagement letter), which may not be surprising but is a factor to consider. Second, even if the Panel were to receive hearsay evidence on these disputed points, it would have no reliable basis to prefer the hearsay evidence of the Complainant over the hearsay evidence of the Respondent. For both the Complainant's and the Respondent's version of events there is a prior consistent writing (the complaint itself for the Complainant and the February 28, 2019 email referred to above for the Respondent). Of course, if either testified such a prior consistent statement typically could not be used as corroboration, under the strict rules of evidence. The Panel considers it a bridge too far for the Panel, in effect, to delegate to Ms. Kristjanson the Panel's responsibility to determine whom to believe. The inevitable outcome would be a conclusion that CPABC had not discharged its burden of proof on these points.
81. In reaching that conclusion, the Panel does not question CPABC's decision not to call the Complainant as a witness. That was a reasonable decision, and the Panel's ultimate conclusion shows that it did not affect the final outcome. Nevertheless, the Panel must

also consider the overall fairness of the process to the Respondent, even in circumstances where she declined to attend the hearing. The Complainant is elderly, and the hearing took place during the unusual circumstances of the Covid-19 pandemic. But the form of the hearing (videoconference) took that into account. Ms. Kristjanson narrated that the Complainant was adamant about his facility with the telephone and would have responded to the Respondent had she tried to reach him by telephone. There was no application to the Panel to have the Complainant testify by telephone if he could not do so by videoconference (which is unknown). Although CPABC suggested in opening that the Complainant has health issues that potentially limit his ability to participate, there was no evidence of that. Ms. Kristjanson's evidence was that the Complainant was "completely with it."

82. The Panel bases its conclusion on the specific set of factors present in this case; the absence of any one, or the addition of another, might lead to a different result in another case. Here the Panel is asked to accept for its truth the hearsay evidence of the Complainant in circumstances where (i) there is no actual evidence showing an inability to testify and some evidence suggesting the opposite, (ii) the hearsay evidence goes to a central allegation in the SoC, (iii) the hearsay evidence is directly contradicted by the equivalent level of evidence from the Respondent, making it difficult to base a finding on such evidence and (iv) the hearsay evidence, if accepted, would not affect the ultimate outcome, given the Panel's conclusion on other issues. The Panel acknowledges its ability to receive the hearsay evidence for its truth but concludes that it is not appropriate to do so in the circumstances of this case.

Discussion of Respondent's Conduct

83. The Panel concludes, based on the findings set out above, that CPABC has proven that the Respondent breached Rules 101.1(a), 201.1, 202.1 and 218.
84. The Panel finds that the evidence establishes concerns about the Respondent's competence in two respects.
85. First, if there was information missing from the Complainant that the Respondent required in order to complete the Complainant's T-1 on time, then the Respondent ought to have communicated that to the Complainant in writing before the filing deadline. The Respondent was unable to provide the investigator with a record of any such written communication. The Panel finds that no such written communication occurred. That is a failure on the Respondent's part both in terms of communication and recordkeeping.
86. The second aspect concerns the Complainant's email of August 20, 2018. The Panel finds that an email of the nature sent by the Complainant, inquiring about the status of the Complainant's T-1 return several months after it was due, merited a swift and written

response. Once again the Respondent was unable to provide any to the investigator. The Panel finds that there was no such written response. Once again, the Respondent's failure to respond in writing demonstrates a lack of communication and record keeping.

87. The Panel concludes that, in the circumstances of this case, the Respondent's breaches constitute professional misconduct. Rule 218 is an explicit requirement that members retain working papers, records or other documentation "which reasonably evidence the nature and extent of the work done in respect of any professional service." For many members of the public, engagement of a CPABC member to assist with the filing of a tax return may be the only significant professional involvement with a CPABC member. For the Respondent to be unable to produce documentation concerning her engagement by the Complainant less than six months after completing it falls well short of the standard expected of CPABC members. So too, in particular, does the Respondent's failure to have any record of advising the Complainant in writing before the filing deadline that she required additional information to complete the T-1.
88. The Panel also finds that the Respondent's engagement letter contained dated reference to a legacy designation. That is contrary to s. 45(1)(a) of the *CPA Act*. While a breach, the Panel stops short of making a finding of professional misconduct on this point. The evidence establishes only the one instance of improper use of a legacy designation. There is no evidence that the Respondent did so on more than this one occasion, and there is no evidence to rule out that this was a single instance of inadvertence. The allegation in the SoC was that the Respondent's use of the legacy designation was false or misleading. Both concepts imply some level of deliberateness which the evidence does not establish. On this record, the Panel cannot elevate the one instance of a breach of s. 45(1)(a) to a breach of the Rules constituting professional misconduct.
89. Having regard to the applicable paragraphs of the SoC, the Panel's conclusions are as follows:
 - a. *Para. 72:* The Panel finds that the Respondent committed the conduct stated in the first part of para. 11 (failed adequately to initiate contact with the Complainant in a timely way that she required more information from him) and thereby breached Rules 101.1(a), 201.1 and 202.1; however, the Panel finds that CPABC has not proven that the conduct stated in paras. 5, 6, 8, 9, the rest of 11, 12 and 14 amounts to breaches of Rules 101.1(a), 201.1 and 202.1;
 - b. *Para. 73:* The Panel finds that CPABC has not proven that the conduct stated in para. 13 amounts to breaches of Rules 101.1(a), 104.1 and 201.1 and 205(b);
 - c. *Para. 74:* The Panel finds that CPABC has not proven that the conduct stated in paras. 16, 17 and 18 amounts to breaches of Rules 101.1(a), 201.1 and 205(a);

- d. *Para. 75:* The Panel finds that the Respondent committed the conduct stated in para. 19 and thereby breached Rules 101.1(a), 201.1, 202.1 and 218; and
- e. *Para. 76:* The Panel finds that CPABC has not proven that the conduct stated in para. 21 amounts to breaches of Rules 101.1(a), 104.1 and 201.1 and 205(b).

Conclusion

90. In summary, the Panel has reached the following conclusions:

- (a) the following paragraphs in the SoC have been proven in their entirety:
- Para. 89 (did not create or maintain records);
 - Para. 91 (failure to accept delivery and respond to CPABC correspondence);
 - Para. 94 (failure to maintain a workable business telephone line and answering machine);
 - Para. 95 (failed repeatedly to respond to request to telephone CPABC personnel);
 - Para. 96 (falsely represented to CPABC that she had not received the draft investigation report);
 - Para. 97 (fail to respond within 30 days of delivery to her of the D&R); and
 - Para. 98 (falsely asserted to the director professional conduct that she had not received any correspondence regarding the complaint or CPABC's investigation);
- (b) the following paragraphs in the SoC have been proved in part:
- Para. 86 (fail to communicate in a timely way); and
 - Para. 93 (false representations to CPABC (excluding Respondent's statement that Complainant had not provided information requested) and use of derogatory language); and
- (c) the following paragraphs in the SoC have not been proven:

- Para 87 (false statements to the investigator about contact with the Complainant);
- Para. 88 (misleading engagement letter); and
- Para. 90 (false statement to the investigator for the discussion with the Complainant); and

(d) the following paragraphs in the SoC have been abandoned:

- Para. 92; and
- Para. 99.

91. CPABC has proven that the Respondent committed professional misconduct. In closing argument, CPABC also at times described the Respondent's breaches as constituting conduct unbecoming. The SoC alleges professional misconduct. Having determined that CPABC has proven professional misconduct, and there being no allegation in the SoC of conduct unbecoming, it is unnecessary for the Panel to make any determination in that regard and the Panel need not consider it further.

Sanction

92. Section 53(4) of the *CPA Act* sets out the orders that a hearing panel may make after a determination under s. 53(2). The possible sanctions include a reprimand, a suspension, a fine, and cancellation of membership.
93. CPABC seeks cancellation of the Respondent's membership. The Panel is empowered to make such an order under s. 53(4)(c) of the *CPA Act*. The Panel concludes cancellation of the Respondent's membership is the appropriate order to make in this case.
94. As a starting point, it is helpful to refer to the preamble to the *CPA Code*, which states in part:

The CPA Code, comprehensive in its scope, practical in application and addressing high ethical standards, serves not only as a guide to the profession itself but as a source of assurance of the profession's concern to serve the public interest. It is a hallmark of a profession that there is a voluntary assumption, by those who comprise it – the members of the profession – of ethical principles which are aimed, first and foremost, at serving the public interest and, second, at achieving orderly and courteous conduct within the profession.

...

By their commitment to honourable conduct, registrants of CPABC and its predecessors, throughout their history, have given particular meaning and worth to the designation and its predecessors. They have done so by recognizing that a code of professional conduct, which is enforceable by sanctions, does not by its nature state the most that is expected of registrants, but simply the least.

95. Those are important words and guide the Panel's assessment of the appropriate sanction in this case. Counsel for CPABC referred this Panel to the decision of a different CPABC hearing panel in a case called *Petke*. The *Petke* hearing panel referred to Rules 101.1 and 201.1 (among those breached by the Respondent) as being "at the essence of the privilege of membership in the profession, the integrity of the profession, and the professional status reflected by the CPA designation" (para. 12). This Panel agrees.
96. The Respondent, by her conduct in the investigation, has shown herself to be ungovernable. *Petke* involved an element not present in this case (breach of resolution agreement) and in that sense, as counsel for CPABC recognized, arguably is more serious than the present case. Nevertheless, even absent that element, the following comment of the *Petke* hearing panel applies in this case:

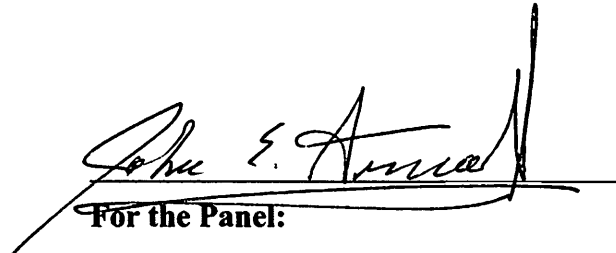
By his chronic disregard of the requirements of the CPA Code of Conduct, and his blatant disregard of his own binding agreements, the Former Member showed he was unwilling to be governed by the profession and its professional standards, and it appears to the Panel that he did not consider the CPA designation to have the value for him which the profession and the public expect it to have.

97. The Panel agrees with CPABC's submission that a lesser sanction than cancellation of membership would be inappropriate in this case. A fine would offer no assurance of a change in the Respondent's behaviour. It would leave the public vulnerable to a member who by her conduct has demonstrated her unwillingness to be governed by professional standards and CPABC. The public is left at risk by someone who uses the CPABC designation without accepting the corresponding responsibilities associated with that use.
98. The Panel considers that the sanction of cancellation of membership is warranted based on the Respondent's conduct in the investigation alone. That is to say, the Panel reaches the conclusion that the Respondent's membership should be cancelled without need to take into account the conduct of the Respondent in her dealings with the Complainant. By itself, the Respondent's conduct in relation to the Complainant would not warrant the cancellation of her membership. By itself, the Respondent's conduct in relation to the investigation does. The Panel adds only that, while not on its own conduct that would warrant cancellation of membership, the Respondent's shortcomings in handling the

Complainant's tax return, when added to her misconduct in response the investigation, provide additional justification for the order made.

99. Pursuant to s. 53(4)(c) of the *CPA Act* the Panel orders that the membership of the Respondent in CPABC be cancelled.
100. In addition, the Panel orders the Respondent to pay costs under s. 53(4)(g) of the *CPA Act*.

Date: December 14, 2020



For the Panel:

John Arnold (Chair), FCPA, FCA
Keith Biddlecombe, CPA, CGA
Rev. Robert Burrows, CPA(Hon)