

NOTICE OF CONDUCT & DISCIPLINE OUTCOME – DARRELL MATHISON

SUMMARY OF THE COURT OF APPEAL OF ALBERTA DECISION

Darrell Mathison appealed the decision of the Appeal Tribunal dated May 27, 2021.

On September 8, 2022, the Court of Appeal of Alberta heard the appeal of Darrell Mathison. On January 29, 2024, the Court allowed the appeal in part (Justice Wakeling dissenting). Specifically, (1) the Court upheld the Discipline Tribunal's merits decision dated December 19, 2018, and (2) the Court restored the Discipline Tribunal's Sanctions and Publication decision dated March 28, 2019.

The Court's written decision – cited as *Chartered Professional Accountants of Alberta (Complaints Inquiry Committee) v Mathison*, 2024 ABCA 33 – can be found at the following link:

<https://www.canlii.org/en/ab/abca/doc/2024/2024abca33/2024abca33.html>

ORDERS

As a result of the Court's decision, the following sanctions imposed by the Discipline Tribunal are reinstated:

- a) Suspension of Mr. Mathison's registration for a period of two years commencing on March 28, 2019;
- b) Mr. Mathison shall receive a written reprimand from the Tribunal Chair;
- c) Within one year, Mr. Mathison must successfully complete the following course in ethics: Athabasca University course Philosophy (PHIL) 333 on Professional Ethics
- d) Mr. Mathison shall pay a total fine of \$15,000.00 being:
 - i. \$10,000.00 for Allegation 1; and
 - ii. \$5,000.00 for Allegation 2payable in full within ninety (90) days of being served the Decision;
- e) Mr. Mathison shall pay 100% of the costs of the investigation, hearing, and compliance with each and every Order, payable in full within ninety (180) days of Mr. Mathison being served with a statement of costs;
- f) As soon as practical the Discipline Tribunal Secretary is directed:
 - i. To provide notice of the Tribunal Decision in accordance with Section 98 of the *CPA Act* and Section 1550 of the *Bylaws*; and
 - ii. To place a notice of suspension in the *Edmonton Journal* on a named basis indicating that more information be obtained at CPA Alberta;

and

- g) If Mr. Mathison fails to comply with each and every Order as specified above or fails to comply with any of the requirements of a suspended member or any of the restrictions on a suspended member, the registration of Mr. Mathison shall immediately be cancelled.

Appeal Tribunal Secretary
February 2024

Below is the summary of the Appeal Tribunal proceedings that gave rise to the above noted Court of Appeal of Alberta hearing.

SUMMARY OF THE APPEAL TRIBUNAL HEARING

Darrell Mathison appealed the decisions of the Discipline Tribunal dated December 19, 2018 and March 28, 2019. The Complaints Inquiry Committee appealed the decision of the Discipline Tribunal dated March 28, 2019.

On December 17, 2020 and December 18, 2020 an Appeal Tribunal of the Chartered Professional Accountants of Alberta, under the *Chartered Professional Accountants Act (CPA Act)*, convened virtually to hear the appeal of Darrell Mathison and the appeal of the Complaints Inquiry Committee. The Appeal Tribunal upheld the Discipline Tribunal's merits decision dated December 19, 2018. The Appeal Tribunal varied the Discipline Tribunal's Sanctions and Publication decision dated March 28, 2019.

ORDERS

The Appeal Tribunal varied the Discipline Tribunal's Sanctions and Publication decision dated March 28, 2019 and ordered the following:

- a) Mr. Mathison's CPA registration is cancelled;
- b) Mr. Mathison shall pay fines of \$10,000 for allegation 1 and \$5,000 for allegation 2 within 90 days;
- c) Mr. Mathison shall pay 100% of the costs of the investigation and hearing and of compliance with the Tribunal's orders, within 180 days of being served with the Statement of Costs; AND
- d) Publication in accordance with section 98 and 117 of the *CPA Act* and Sections 1550 to 1552 of the Bylaws, and place a notice of cancellation in the *Edmonton Journal* on a named basis indicating that more information can be obtained at CPA Alberta.

Appeal Tribunal Secretary
May 2021

Below is the summary of the Discipline Tribunal proceedings that gave rise to the above noted Appeal Tribunal hearing.

SUMMARY OF THE DISCIPLINE TRIBUNAL HEARING

The discipline hearing of Darrell Mathison was held in Edmonton, AB on September 25, 26, 27, 2018 and October 10, 2018. In the written decision of the discipline tribunal dated, December 19, 2018, after all of the verbal and written evidence and the submissions placed before it, a discipline tribunal found Darrell Mathison's conduct constituted unprofessional conduct in that he:

1. For the months April to September 2015, received \$8,000 per month from CP while Chief Financial Officer (CFO) of CP, when he knew or ought to have known that he was not authorized to receive it;
2. Did not perform his duties as CFO of CP with integrity and due care, in that he:
 - a. paid, or authorized the payment of, funds that were payable to a supplier/third party to one or more companies in which he was a shareholder when he was specifically instructed by the Chief Executive Officer (CEO) of CP, not to do so;
 - and
 - b. paid a bonus to himself, or authorized the payment of a bonus to himself, from CP that he knew or ought to have known was to be used to offset a loan owed by him to CP.

All of which is contrary to the provisions of the *Chartered Professional Accountants Act*, SA 2014, c. C-10.2, the *Regulated Accounting Profession Act*, RSA 2000, c. R-12, or the regulations, bylaws, Rules of Professional Conduct enacted pursuant thereto or standards of practice, constituting unprofessional conduct.

ORDERS

The Discipline Tribunal carefully considered both of the parties' submissions on sanctions, the discipline tribunal made the following orders in its written decision dated March 28, 2019:

- a) Suspension of Mr. Mathison's registration for a period of two years commencing on March 28, 2019;
- b) Mr. Mathison shall receive a written reprimand from the Tribunal Chair;
- c) Within one year of the Decision, successfully complete the following course in ethics: Athabasca University course Philosophy (PHIL) 333 on Professional Ethics
- d) Mr. Mathison shall pay a total fine of \$15,000.00 being:
 - i. \$10,000.00 for Allegation 1; and
 - ii. \$5,000.00 for Allegation 2payable in full within ninety (90) days of being served the Decision;
- e) Mr. Mathison shall pay 100% of the costs of the investigation, hearing, and compliance with each and every Order, payable in full within ninety (180) days of Mr. Mathison being served with a statement of costs;
- f) As soon as practical the Discipline Tribunal Secretary is directed:
 - i. To provide notice of the Tribunal Decision in accordance with Section 98 of the *CPA Act* and Section 1550 of the *Bylaws*; and
 - ii. To place a notice of suspension in the *Edmonton Journal* on a named basis indicating that more information be obtained at CPA Alberta.
- g) If Mr. Mathison fails to comply with each and every Order as specified above or fails to comply with any of the requirements of a suspended member or any of the restrictions on a suspended member, the registration of Mr. Mathison shall immediately be cancelled.

Discipline Tribunal Secretary
March 2019