

NOTICE OF CANCELLATION OF CPA ALBERTA REGISTRATION – UNDER APPEAL VICTOR ZEMBE MEMA

SUMMARY OF DISCIPLINE TRIBUNAL HEARING

The discipline hearing of Victor Zembe Mema commenced on September 18, 2020 and resumed on February 22 to 24, March 7, April 20, 21 and 28, 2023 with oral argument on June 27, 2023.

In its written Merits Decision dated August 1, 2023 and Sanctions Decision dated March 5, 2024, the Discipline Tribunal found Mr. Mema guilty of unprofessional conduct in that he:

1. Failed to act with integrity and due care in carrying out his duties as Chief Financial Officer of CN in that he:
 - a. Used his corporate credit card, issued by CN, towards \$14,148.97 of personal expenses (the “Unauthorized Personal Expenses”); and
 - b. Failed to promptly reimburse CN for the Unauthorized Personal Expenses when CN requested repayment of them;
2. Failed to cooperate with the regulatory processes of CPA Alberta in that he failed to respond on a timely basis to requests of the CPA Alberta contract investigator which required a response; and
3. Failed to carry out his duties as Chief Financial Officer of DS with integrity and due care, in that he:
 - a. Used his corporate credit card, issued by DS, for use towards not less than \$7,743.29 of personal expenses (the “Unauthorized Personal Expenses”);
 - b. Failed to submit on a timely basis his Monthly VISA Logs for expenses he incurred for the months of April 2014, November and December 2014 and January to August 2015; and
 - c. Failed to promptly reimburse DS for the Unauthorized Personal Expenses when his employment ended in August 2015.

All of which is contrary to the provisions of the *Chartered Professional Accountants Act*, SA 2014, c. C-10.2, or the regulations, by-laws, Rules of Professional Conduct enacted pursuant thereto or standards of practice, constituting unprofessional conduct.

ORDERS

The Discipline Tribunal issued the following orders:

- a. Cancellation of the CPA Alberta registration of Mr. Mema;
- b. Payment of a fine of \$30,000 within 12 months of the statement of costs being served;
- c. Mandatory publication pursuant to section 98 of the *CPA Act* and CPA Alberta Bylaws 1550-1557;
- d. Additional publication as follows:
 - i. in relation to the DS Complaint, placement of a Notice of Cancellation in the *Edmonton Journal* and *Coast Reporter*, advising that more information can be obtained at CPA Alberta;
 - ii. in relation to the CN Complaint, placement of a Notice of Cancellation in the *Edmonton Journal*, *Calgary Herald* and on the *News Nanaimo* website, advising that more information can be obtained at CPA Alberta;
- e. Payment of 35% of the complaint review costs and complaint investigation costs and 35% of the costs relating to the hearing, both within 12 months of the statement of costs being served; and
- f. Payment of 100% of compliance costs, if any.

SUMMARY OF PRELIMINARY DECISIONS

On November 25, 2019, CPA Alberta issued a Notice of Discipline Hearing in respect of the conduct of Victor Zembe Mema (the “Notice”).

On September 18, 2020, the Discipline Tribunal hearing in respect of the Notice commenced to consider a preliminary application brought by Mr. Mema, in which he sought an order dismissing the Notice.

On November 23, 2020, the Discipline Tribunal issued its decision on Mr. Mema’s preliminary application, in which it denied Mr. Mema’s preliminary application and directed that the Discipline Tribunal hearing proceed on dates previously scheduled (the “Interim Decision”).

On December 24, 2020, Mr. Mema appealed the Interim Decision.

On February 12, 2021, an Appeal Tribunal convened to consider whether Mr. Mema’s appeal of the Interim Decision could be heard before the Discipline Tribunal hearing proceeded and concluded.

On March 17, 2021, following submissions from the parties, the Appeal Tribunal decided to hear Mr. Mema’s appeal, and that appeal took place on April 20, 2021.

On May 27, 2021, the Appeal Tribunal issued its decision on Mr. Mema’s appeal (the “Appeal Decision”), in which it dismissed Mr. Mema’s appeal and confirmed the Interim Decision. It held that:

- a. CPA Alberta is not statute-barred from hearing the matters outlined in the Notice; and
- b. Alberta is the proper forum for the hearing of the matters outlined in the Notice.

On June 15, 2021, Mr. Mema filed an appeal of the Appeal Decision to the Court of Appeal of Alberta.

In its decision of January 11, 2022, the Court of Appeal of Alberta upheld the Appeal Decision.

Discipline Tribunal Secretary
March 2024