

## **SUMMARY OF DISCIPLINE LYNDA ARIAL**

A discipline hearing was held on June 9, 2016 regarding the conduct of Lynda Arial. After due consideration of the evidence and the submissions placed before it, the discipline tribunal found that Lynda Arial:

- (1) between on or about December 11, 2008 and April 19, 2012, withdrew approximately \$77,000 from the funds she administered as personal representative of a person's estate for her personal benefit without the knowledge and/or consent of the other beneficiaries and/or without reporting those withdrawals to the other beneficiaries;
- (2) prepared a false and misleading financial reporting of a person's estate on or about February 20, 2010 for another beneficiary of the estate;
- (3) failed to file a report on the administration of trust funds to the then Institute of Chartered Accountants of Alberta ("ICAA") as required under Rule 612.15 of the ICAA Rules of Professional Conduct; and
- (4) between on or about June 2005 and October 2007, borrowed money from a client, where the loan agreement did not meet any of the exceptions described in Rule 209.1 or 209.2.

All of which is contrary to the provisions of *the Regulated Accounting Profession Act*, R.S.A. 2000, C R-12 ("*RAPA*"), as amended, or the regulations, by-laws, Rules of Professional Conduct enacted pursuant thereto or standards of practice, constituting unprofessional conduct

Ms. Arial failed to file the report required by Rule 612.15 of the then ICAA not only once, but on at least three separate occasions given that the Rule 612.15 report is an annual requirement. The breach of Rule 209, Borrowing from Clients, falls within the definition of unprofessional conduct set out in s. 91(1)(c) of *RAPA* which defines unprofessional conduct as "conduct that contravenes the rules of professional conduct or practice standards"

## **ORDERS**

In accordance with Section 93 of *RAPA*, the Tribunal ordered that

1. Ms. Arial's registration will be cancelled.
2. There shall be publication in accordance with the minimum requirements under the ICAA Publication Bylaws, including publication in the business section of a newspaper in Alberta.

In accordance with Section 94(1) of *RAPA* the tribunal orders:

3. Ms. Arial will pay of a fine of \$2,500 per finding of unprofessional conduct (\$10,000 in total) within 90 days of being served with the written reasons for decision of the Tribunal;
4. Ms. Arial will pay 80% of costs of the investigation and hearing within 90 days of the statement of costs being served and;

## **PUBLICATION**

The Tribunal orders the mandatory minimum publication requirements under the Bylaws as follows:

1. a summary of the Tribunal's findings and any orders made shall be provided to all provincial Institutes or their successor CPA bodies, CPA Bermuda, and any other professional organization Ms. Arial belongs to and CPA Alberta is aware of, as of the date of this order.

2. a notice of the Tribunal's findings and orders to be provided to all provincial Institutes or their successor CPA bodies to which Ms. Arial applies for membership at any time following this order.
3. a summary of the Tribunal's findings and any orders made shall be provided to any member of the public who directs a written request to CPA Alberta about the discipline history of Ms. Arial.
4. a summary of the Tribunal's findings, the nature of the conduct, any orders made as a result of the findings shall be published on the CPA Alberta website on a named basis.
5. the Tribunal's written decision, with the names of third parties replaced by pseudonyms, shall:
  - (a) be published on a named basis on the CPA Alberta Website
  - (b) be provided to Quicklaw.
6. a notice of cancellation shall be placed in the business section of the Edmonton Journal with an indication that more information can be obtained on Ms. Arial's status from CPAA.

Discipline Tribunal Secretary  
October 2016