

SUMMARY OF DISCIPLINE BRIAN MAURICE GIBBS

A discipline hearing was held on October 29, 2015 regarding the conduct of Brian Maurice Gibbs. After due consideration of the verbal and written evidence a discipline tribunal, in its written decision dated November 26, 2015 found Brian Gibbs, CPA, CA contravened the rules of professional conduct in that he:

1. failed to cooperate with the investigation by:
 - a. failing to provide testimonials and references as promised in a Letter of July 19, 2014 provided to the Institute of Chartered Accountants of Alberta wherein he stated “under separate cover, I will be filing with the Institute Testimonials and References by a number of Trust’s Unitholders to witness the stellar work that Person A and I have been performing on behalf of the Trust over the last three years for no compensation”;
 - b. failing to return calls made by the Investigator on October 23, 27, November 6, 2014;
 - c. failing to respond to the Investigator’s e-mails of October 27, 29, November 12, 2014;
 - d. failing to return the Investigator’s call on November 10th as promised in your e-mail of November 9, 2014 at 8:17am wherein you stated, “I will give you a call tomorrow morning as I have meetings all day long tomorrow after 10:30am...”;
 - e. failing to respond to requests from the Investigator to explain the nature and relationship of ABC Capital Management Corporation and ABC Trustee Corporation and their being struck from the Corporate Registry in 2013 due to a failure to file annual returns for the 2011, 2012, and 2013 year ends and to explain how this related to the trust and investments; and
 - f. failing to meet with the Investigator.
2. failed to produce documents to the Investigator by not producing the following as requested by the Investigator on October 29, 2014, November 24, 2014 and again on December 22, 2014:
 - i. ABC Trust Offering Memorandum;
 - ii. financial reporting documentation; and
 - iii. proof of delivery of the Offering Memorandum and Subscription Agreement to Mr. and Ms. BCD.

CONDUCT

From the outset of the hearing it was clear that the allegations to be dealt with in this hearing were specific and dealt with a defined period of time. The focus of this hearing was to deal with the failure of Mr. Gibbs to cooperate in the investigation and his failure to produce documents in the investigation as related to the complaint lodged by Ms. ADC but not the substance of the complaint itself.

Section 91(1) defines what constitutes unprofessional conduct. Section 91(1)(a) states conduct that is detrimental to the best interests of public or harms the integrity of the accounting profession constitutes unbecoming conduct. The evidence submitted clearly shows that because of the failure of Mr. Gibbs to cooperate in the investigation of a legitimate complaint filed by a member of the public that this conduct is detrimental to the best interests of the public interest and further it is harmful to the integrity of the profession.

ORDERS

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

1. Pay 100% of the costs of the investigation and hearing within 60 days of the date of service of the



statement of costs.

2. Pay a fine in the amount of \$5,000 (\$2,500 for each finding) payable within 60 days of the date of service of the statement of costs.

If these are not paid within the time stipulated, the Registration of Brian Maurice Gibbs shall immediately be cancelled.

PUBLICATION

The Tribunal orders that after the expiry of the appeal period, publication is as follows:

1. a summary of the Tribunal's findings, any orders made shall be provided to all provincial Institutes or their successor bodies, CPA Bermuda, and any other professional organization Brian Maurice Gibbs belongs to and CPA Alberta is aware of, as of the date of the 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 Brian Maurice Gibbs applies for membership at any time following the 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 Brian Maurice Gibbs.
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.

Discipline Tribunal Secretary