

**NOTICE OF CANCELLATION
SUMMARY OF DISCIPLINE
DANIEL FRANCIS CLARK**

On November 5, 2015, the registration of Daniel Francis Clark was cancelled in accordance with the orders of a discipline tribunal dated August 22, 2012 which were upheld by an appeal tribunal decision dated December 6, 2013, for failure to pay fines.

On January 10, 2014, Daniel Francis Clark launched an appeal with the Alberta Court of Appeal, appealing decisions of an Appeal Tribunal of the Institute of Chartered Accountants of Alberta dated July 12, 2013 and December 6, 2013. On March 18, 2015, the Deputy Registrar of the Alberta Court of Appeal confirmed by letter that the appeal in the matter of Daniel Francis Clark v. Complaints Inquiry Committee was deemed abandoned. On September 1, 2015 the Court of Appeal of Alberta dismissed Mr. Clark's application to restore the appeal.

On July 12, 2013, an Appeal Tribunal of the Institute of Chartered Accountants of Alberta, in its written decision regarding merits, confirmed the findings of a Discipline Tribunal that found Daniel Francis Clark acting alone or as a representative of 13***** Alberta Ltd. and/or as a representative of 14***** Alberta Ltd. and/or as a representative of 10***** Alberta Ltd. and/or as a representative of Clark Adams, Chartered Accountants is guilty of unprofessional conduct in having:

1. solicited and raised funds from clients of his accounting practice, through 13***** Alberta Ltd. and 14***** Alberta Ltd. for investment in a private Canadian corporation although he failed to carry out sufficient due diligence
 - a) with respect to the *bona fides* of the private Canadian corporation or its principal, or
 - b) by reviewing the financial statements or financial records of the private Canadian corporation, or
 - c) by reviewing the investments the private Canadian corporation was making, or
 - d) by reviewing the business plan of the private Canadian corporation, or
 - e) by reviewing past investment returns of the private Canadian corporation, or
 - f) by determining the legality of the investment in the private Canadian corporation, or
 - g) by determining the reasonability of the returns from the private Canadian corporation.
2. issued a promissory note on behalf of 13***** Alberta Ltd. to Mr. & Mrs. ABC in the amount of \$150,000 dated August 1, 2008 bearing interest at 4% per month on the original principal amount and repayable on August 1, 2011 and stating the funds would be used to invest in another private Canadian corporation which may re-invest the funds with various foreign exchange brokerages for the purpose of earning investment income, although he knew or ought to have known 13***** Alberta Ltd. would not be able to meet the terms of the promissory note.
3. failed to protect the investment of his clients by forwarding funds raised from them to the private Canadian corporation, on an unsecured basis.

4. associated himself with statements which he knew or ought to have known were misleading:
 - a) by signing the subscription agreement between 13***** Alberta Ltd. and Mr. & Mrs. ABC which stated, "(b) the sale of Promissory Notes hereunder has not been qualified under the securities legislation of any Province by way of prospectus and the Subscriber is purchasing the securities pursuant to "private issuer" exemptions contained in the *Securities Act* (Alberta) and that since the Corporation is a "private issuer" it is exempt from most of the obligations of the securities legislation"
 - b) *Removed during hearing*
 - c) By emailing the Mr. & Mrs. ABC on January 3, 2009 and providing an update about their investment in 13***** Alberta Ltd.
 - d) By emailing the Mr. & Mrs. ABC on February 4, 2009 and providing an update about their investment in 13***** Alberta Ltd.

ORDERS

The Appeal Tribunal in its written decision dated August 22, 2013, confirmed the orders of the Discipline Tribunal in that Daniel Francis Clark:

1. Clark is to pay \$30,000 in fines within 60 days from the date on which all rights of appeal have been exhausted. Failure to pay the fines within that time shall cause Clark's membership to be suspended and failure to pay within 180 days from the date on which all rights of appeal have been exhausted shall cause Clark's registration to be cancelled;
2. Have a ban placed on Beneficial Interest in Clients' real and personal property;
3. Provide disclosure to entities that are entitled to trust Clark in non-core areas (outside of public practice);
4. Receive a written reprimand;
5. Pay 80% of all of the costs allowed under ICAA Bylaw subsections 1630 (a)(ii),(iii),(v),(b), (c) and(d); save and except for the costs incurred in travel and out-of-town living costs for ICAA and CIC staff and counsel for the ICAA and CIC. 80% of the net of the above costs less the excepted cost shall not exceed \$272,000, payable in 4 equal installments;

The Appeal Tribunal also ordered that \$120,000 of the costs of the Appeal Hearing shall be recovered from Daniel Francis Clark.

PUBLICATION

The Appeal Tribunal in its written decision dated August 22, 2013, varied the publication orders of the Discipline Tribunal to be as follows:

1. A summary of the Tribunal's findings and orders shall be provided to all provincial accounting institutes, the Institute of Chartered Accountants of Bermuda, and any other professional organization to which Daniel Francis Clark belongs that the ICAA is aware of, as of the date of this decision;
2. A summary of the Tribunal's findings and orders shall be provided to all provincial institutes to which Daniel Francis Clark applies for membership at any time following this order;
3. Notice of the Tribunal's findings and orders be provided to any member of the public who directs an enquiry to the ICAA about the discipline history of Daniel Francis Clark;
4. A summary of the Discipline and Appeal Tribunals' findings, the nature of the conduct, and any orders made as a result of the findings shall be published on the ICAA's website on a named basis [Bylaw 1670 (c)]; and
5. The Discipline and Appeal Tribunals' written decisions, with all third parties' names replaced by pseudonyms, shall:
 - be published, on a named basis, on the ICAA's website [Bylaw 1670 (d)];
 - be provided to Quicklaw [Bylaw 1676 (a)]; and
 - be provided to the National Discipline Database [Bylaw 1676 (b)].

Discipline Tribunal Secretary