

Details of the Complaint

An oil industry related firm hired Donn LANG (Lang) to do some contract work testing in the next phase of a compliance project. After working two weeks, the firm determined that they were not pleased with Lang's progress on the project, and took steps to have him replaced. In researching what messages Lang had sent, to whom, and what was scheduled for follow up, the manager determined that certain messages had been sent to Lang's home e-mail address. One of these e-mails was a download of the firm's global Outlook Address Book containing personal information of about 1500 employees across Canada, as well as contact information for other divisions within the firm's conglomerate of companies.

Complaints Inquiry Committee (CIC) and investigation

Lang advised that he was simply trying to make up for time wasted and lost during office hours. The member stated that as far as he was aware, he and the firm had resolved this matter through an exchange of e-mails, and that he thought the firm was satisfied with his apology. Pursuant to the *Regulated Accounting Profession Act* (the Act) section 73(2), the CIC chair may continue proceedings under the Act even if a complaint is settled by agreement of the complainant and the investigated party, or is withdrawn by the complainant. The CIC found there was sufficient evidence to forward one allegation to hearing.

Referred to hearing

The allegation was that the member breached confidentiality by misusing his employer's confidential client information. The member agreed that he had sent the contact information to his home e-mail address, but denied distributing the information any further and stated the information had been deleted from his home computer the first day that he realized there was an issue. Pursuant to section 74 of the Act, Lang elected to proceed by way of Sanction Agreement. A sanction agreement brings with it an admittance of unprofessional conduct, and there is no appeal.

Terms of Sanction Agreement

Lang admitted to the allegation, agreed to pay a fine of \$1,000.00 and the costs of matter (approximately \$1,200.00) and complete a pre-approved ethics course with a mark of 70% or better. A permanent written reprimand is to be placed on his file. Failure by the member to pay the fine and costs as agreed will result in suspension and subsequent cancellation of his membership, and the Association pursuing debt collection by all means available to them.

28 October 2008

Discipline Tribunal Secretary