

Disciplinary Tribunal

Member Name: Member Name Withheld – FIPA FFA

Division: New South Wales

Date of Hearing: 10 December 2020

The IPA Disciplinary Tribunal of 10 December 2020 determined that the following case presented against the member was proven:

- a) Breached clause 98(2)(a) of the IPA Constitution as the member breached the IPA By-laws clause 2.1.3 in breaching *APES 310 — Client Monies*, in that the member:
 - Failed to implement appropriate internal controls and procedures to ensure a trust account was properly accounted for;
 - Failed on a number of occasions to forward client monies on to clients in a timely manner, in some instances over 5 years; and
 - Did not, despite adequate opportunity to do so, demonstrate that the member had approval from clients, prior to deducting fees from client tax returns.
- b) Breached clause 98(2)(b) of the IPA Constitution as the member failed to observe a proper standard of professional care, skill and competence, in:
 - Failing to properly account to clients for trust account monies in a timely manner; and
 - Failing to keep records of trust account audits from 2013 to 2020.
- c) Breached clause 98(2)(f) of the IPA Constitution as the member's conduct was not in the interests of the IPA, given the matters found above.

Upon the member's undertaking to the Tribunal that the member would:

- a) Engage a duly qualified auditor to audit the trust account for the financial years 2013 to date; and
- b) Provide the audit reports to the IPA by no later than 31 March 2021,

The Tribunal further resolved that the following penalties are imposed:

- Costs of \$3500.00 plus GST.
- Fine of \$5500.00.

Date of Notice: 1 February 2021