

NEW ZEALAND INSTITUTE OF CHARTERED ACCOUNTANTS ACT 1996

IN THE MATTER of the New Zealand Institute of Chartered Accountants Act 1996 and the Rules made thereunder

AND

IN THE MATTER of **Brian Mawson Copsey**, Chartered Accountant, of the United Kingdom

**DETERMINATION OF THE DISCIPLINARY TRIBUNAL OF THE NEW ZEALAND
INSTITUTE OF CHARTERED ACCOUNTANTS
22 October 2014**

Hearing: 22 October 2014

Location: The offices of Chartered Accountants Australia and New Zealand, Level 7, Chartered Accountants House, 50 Customhouse Quay, Wellington, New Zealand

Tribunal: Mr MJ Whale FCA (Acting Chairman)
Prof DJD Macdonald FCA
Mr DP Scott FCA (retired)
Ms A Hauk-Willis (Lay member)

Legal Assessor: Mr Paul Radich QC

Counsel: Mr Richard Moon for the prosecution



At a hearing of the Disciplinary Tribunal held in public at which the Member was not in attendance and not represented by counsel the Member entered no plea.

The charge and particular as laid were as follows:

CHARGE

THAT

In terms of the New Zealand Institute of Chartered Accountants Act 1996 and the Rules made thereunder, and in particular Rule 21.30(a):

- (1) The Member has been convicted of offences punishable by imprisonment and those convictions reflect on his fitness to practise accountancy and/or tend to bring the profession into disrepute.

PARTICULARS

IN THAT

On 15 April 2014 the Member was convicted in the United Kingdom in the Southwark Crown Court of:

- (a) Dishonestly making a false representation to make gain for self or another or cause loss to another or expose other to risk of loss (pursuant to section 1 Fraud Act 2006) and/or
- (b) Conceal; disguise; convert; transfer; remove criminal property (pursuant to section 327 Proceeds of Crime Act 2002)

DECISION

In a letter to the Institute dated 14 July 2014 the Member acknowledged that he had been convicted of fraud by abuse of position. The amounts involved were approximately 1.1 million pounds. The evidence before the Tribunal included a Certificate Of Conviction from the Crown Court at Southwark relating to the offences referred to in the particulars, and the Court's sentencing notes.

The Court referred to the Member's offending as a gross breach of trust, using his professional skills to steal money from a company whose finances he controlled.

The Tribunal finds the charge proved and the particulars established. The Member's conduct reflects adversely on his fitness to practice accountancy and tends to bring the profession into disrepute.

PENALTY

The Professional Conduct Committee ("the PCC") seeks the removal of the Member's name from the Institute's register of members.

Misappropriation of funds in a position of trust is incompatible with membership of the Institute.

Pursuant to Rule 21.31(a) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that the name of **Brian Mawson Copsey** be removed from the Institute's register of members.

COSTS

The Professional Conduct Committee seeks full costs of \$5,270.

The Disciplinary Tribunal's general approach is that the starting point is 100% of costs, noting that the Institute already bears the cost of abandoned investigations and costs up to the Professional Conduct Committee's decision to hold a Final Determination.

In this case the Tribunal have not had brought to their attention any mitigating circumstances such as excessive or unnecessary expenses incurred or demonstrated evidence of hardship (inability to pay).

Pursuant to Rule 21.33 of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that **Brian Mawson Copsey** pay to the Institute the sum of \$5,270 in respect of the costs and expenses of the hearing before the Disciplinary Tribunal and the investigation by the Professional Conduct Committee. No GST is payable.

PUBLICATION

In accordance with Rule 21.35 of the Rules of the New Zealand Institute of Chartered Accountants the decision of the Disciplinary Tribunal shall be published on the Institute's website and in the Institute's official publication *Acuity* with mention of the Member's name and locality.

RIGHT OF APPEAL

Pursuant to Rule 21.41 of the Rules of the New Zealand Institute of Chartered Accountants which were in force at the time of the original notice of complaint, the parties may, not later than 14 days after the notification to the parties of this Tribunal's exercise of its powers, appeal in writing to the Appeals Council of the Institute against the decision.

No decision other than the direction as to publicity shall take effect while the parties remain entitled to appeal, or while any such appeal by the parties awaits determination by the Appeals Council.

MJ Whale FCA
Acting Chairman
Disciplinary Tribunal