

**INSTITUTE OF CHARTERED ACCOUNTANTS OF NEW ZEALAND
NOTICE OF DECISION AND ORDER OF
THE PROFESSIONAL CONDUCT COMMITTEE**

At a meeting of the Professional Conduct Committee of the Institute of Chartered Accountants of New Zealand held in private on 7 December 2011, in respect of **Alan John Holmes**, an Accounting Technician of **Palmerston North**, the Committee found that the following matters would otherwise warrant being referred to the Disciplinary Tribunal.

As a member of the New Zealand Institute of Chartered Accountants and in relation to a complaint from Ms X, Mr Holmes:

- (1) Breached the Fundamental Principle of Professional Behaviour and/or Rule 14 of the Code of Ethics by behaving in a manner which was unprofessional and/or inconsistent with the good reputation of the profession, in that he:
 - a. On or about 29 January 2010, without proper authority, removed files from the premises of Company A which belonged to that company and/or its clients; and/or
 - b. Failed to conduct himself in a professional and/or collegial manner towards Ms X, particularly in the manner in which he attended the premises of Company A on or about 29 January 2010; and/or
 - c. Failed to comply with the ethical requirements for superseding another accountant in practice, as required by paragraph 170 of the Code of Ethics; and/or
 - d. Improperly billed and/or accepted payments from former clients of Company A for work completed by that company prior to the clients transferring to his new company Company B and/or Company C; and/or
 - e. Improperly discouraged clients to pay amounts due to Company A and/or urged them to contact Ms X to request a credit note from Company A; and/or
 - f. Brought discredit to the profession by involving his clients and/or staff and/or the police, in his dispute with Ms X and/or Company A.

With the consent of Mr Holmes the Committee made the following orders, which shall be entered on the Member's record:

- (1) He be severely reprimanded in accordance with Rule 21.6(d)(v),
- (2) He pay a sum of \$5,000 to the Institute in accordance with Rule 21.6(d)(vi); and
- (3) He pay costs of \$2,700 to the Institute, in accordance with Rules 21.6(d)(vii).

In reaching its decision the Committee noted that the conduct giving rise to the particulars, while serious, was isolated to the disagreement between the members concerned whose working relationship had deteriorated to an untenable level. It considered that there was no significant risk to any client.

The Committee considered it was in the public interest to direct publication of its decision and the orders made. In accordance with Rule 21.6B, the Committee's orders will be published in the *Chartered Accountants' Journal*, on the Institute's website, with mention of the Member's name and locality.

David Barker
Chairman
Professional Conduct Committee

30 January 2012