

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

At a meeting of the Professional Conduct Committee of the New Zealand Institute of Chartered Accountants held in private on 1 November 2010, the Committee considered matters relating to the conduct of Rodney Arthur de Terte of Napier, a Chartered Accountant. The Committee found that the following matters would otherwise warrant being referred to the Disciplinary Tribunal:

In his role as a Chartered Accountant in public practice, Rodney de Terte:

- 1) Breached Section 6 of Appendix IX of the Rules in that he continued and/or continues to practice while in a position where he is unable to meet debts as they fall due; and/or
- 2) Breached the Fundamental Principle of Professional Behaviour in that he has not met his obligations in accordance with relevant tax legislation; and/or
- 3) Breached Section 2.10 of Appendix IX of the Rules in that he does not hold Professional Indemnity Insurance appropriate to the practice; and/or
- 4) Breached Rule 10 of the Code of Ethics, which requires a timely response to correspondence from the Institute, by failing to respond to ten items of correspondence from the Institute; and/or
- 5) Breached Rule 20.5 of the Rules of the Institute in that he failed to cooperate with Practice Review and provide documentation requested, namely two audit files and copies of three sets of financial statements for compilation engagements that he performs, which were requested by Practice Review on at least two occasions; and/or
- 6) Failed to complete mandatory levels of Continuing Professional Development to meet the ongoing membership requirements of the Institute, in breach of Rule 8 *Duty to Maintain Competence* and/or paragraph 2 of Appendix I of the Rules.

With the written consent of Rodney de Terte, the Committee made the following orders, which shall be entered on his record:

- 1) In accordance with Rule 21.6(d)(v) Mr de Terte shall be severely reprimanded; and
- 2) In accordance with Rule 21.6(d)(vii) Mr de Terte shall pay costs to the Institute in the sum of \$3,992 (plus GST).

The Committee also sought and accepted Mr De Terte's undertaking in accordance with Rule 21.54A(b) that he would resign within seven days of being advised that his interim suspension has been lifted;

The Committee considered it was in the public interest to direct publication of its decision and the orders made with mention of Mr de Terte's name and locality and his undertaking to resign from the Institute.

Details of the decision and the Professional Conduct Committee's orders are published in the February 2011 edition of the *Chartered Accountants Journal* and on the Institute's website www.nzica.com/dtaspix.

DJ Barker
Chairman
Professional Conduct Committee
New Zealand Institute of Chartered Accountants
19 January 2011