

**INSTITUTE OF CHARTERED ACCOUNTANTS OF NEW ZEALAND
NOTICE OF DECISION OF THE DISCIPLINARY TRIBUNAL**

(Member guilty of an offence punishable by imprisonment and failing to respond to the Institute)

At a hearing of the Disciplinary Tribunal of the Institute of Chartered Accountants of New Zealand held in public on 7 February 2006, at which the member was not in attendance and was not represented by counsel, **VIJAY SEN SETHI** (suspended member) of Auckland was found guilty of the following charges (1) and (2) and the following particulars (a) and (b) were proven.

Charges:

THAT in terms of the Institute of Chartered Accountants of New Zealand Act 1996 and the Rules made thereunder, and in particular Rule 21.30 the member:

- (1) Has been convicted of an offence punishable by imprisonment and the conviction reflects on his fitness to practise accountancy and/or tends to bring the profession into disrepute; and/or
- (2) Has failed to respond promptly to communications from the Institute.

Particulars:

IN THAT

- (a) On or about 24 June 2005, at the Auckland District Court, he was found guilty of an offence under Section 229A(b) of the Crimes Act 1961 in that he used a document with intent to defraud and was sentenced to a term of imprisonment; and/or
- (b) He failed to within a reasonable and proper time to respond to the Professional Conduct Committee's requests and/or requirements in a letter dated 18 August 2005 and/or a letter dated 5 October 2005 and/or a letter dated 19 October 2005 and/or an email dated 21 October 2005.

Reasons

Fraud is a very serious offence and is unacceptable behaviour for a member of the Institute. The conviction reflects on his fitness to practise as an accountant and it tends to bring the profession and the Institute into disrepute.

ORDERS OF THE TRIBUNAL

- (a) Pursuant to Rule 21.31 (a) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that the name of **VIJAY SEN SETHI** be removed from the Institute's Register of members.
- (b) Pursuant to Rule 21.33 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **VIJAY SEN SETHI** pay to the Institute the sum of \$6,604.91 (inclusive of GST) in respect of the costs and expenses

of the hearing before the Disciplinary Tribunal and the investigation by the Professional Conduct Committee.

In accordance with Rule 21.35 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal directed that the decision of the Tribunal be published in the Chartered Accountants Journal, the New Zealand Gazette and the New Zealand Herald with mention of the member's name and locality.

RIGHT OF APPEAL

Pursuant to Rule 21.41 of the Rules of the Institute of Chartered Accountants of New Zealand which were in force at the time of the original notice of complaint, the member may, not later than 14 days after the notification of this Tribunal to the member of the 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 member remains entitled to appeal or while any such appeal by the member awaits determination by the Appeals Council.

R J O Hoare
Tribunal Chairman

10 February 2006

Important Notice – *New Zealand Institute of Chartered Accountants is the operating name of the Institute of Chartered Accountants of New Zealand.*