

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

(Members guilty of conduct unbecoming an accountant)

At a hearing of the Disciplinary Tribunal of the Institute of Chartered Accountants of New Zealand held by teleconference on 22 July 2010, at which the members were not in attendance but were represented by counsel, **GARY MALCOLM HOBBS** and **PHILLIP SHANE IKANUI ROSE** Suspended Chartered Accountants of **Te Awamutu** admitted particulars (1), (2) and (3) and pleaded guilty to the charge.

The charge and particulars were as follows:

Charge

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(c) the members are guilty of conduct unbecoming an accountant.

Particulars

IN THAT

- (1) The members have managed the affairs of their practice, Hobbs Rose Limited, in such a manner that they were unable to pay major creditors within a reasonable and proper time;
- (2) The members have failed within a reasonable and proper time to comply with orders of the Disciplinary Tribunal on 10 October 2008 as to payment of fines and costs;
- (3) The members have conducted the affairs of the practice of Hobbs Rose Limited and also in their personal conduct in relation to clients and other business ventures, being Company A and Company B (in liquidation), in such a manner as to cause detriment to their clients and other business interests and to bring the Institute into disrepute, such as to justify their removal from membership of the Institute.

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 names of **GARY MALCOLM HOBBS** and **PHILLIP SHANE IKANUI ROSE** 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 **GARY MALCOLM HOBBS** and **PHILLIP SHANE IKANUI ROSE** each pay to the Institute the sum of \$9,718 (inclusive of GST) in respect of the costs and expenses of the hearing before the Disciplinary Tribunal, the investigation by the Professional Conduct Committee and the cost of publicity.

In accordance with Rule 21.35 of the Rules of the Institute of Chartered Accountants of New Zealand, the decision of the Disciplinary Tribunal will be published in the New Zealand Herald, the National Business Review, the Te Awamutu Courier, the Chartered Accountants Journal and on the Institute's website with mention of the members' 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 members may, not later than 14 days after the notification of this Tribunal to the members 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 members remain entitled to appeal or while any such appeal by the members awaits determination by the Appeals Council.

R J O Hoare
Chairman
Disciplinary Tribunal
Institute of Chartered Accountants of New Zealand

4 August 2010