



**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 **Gary William Soffe**, Suspended Chartered Accountant, of **Hamilton**

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**DETERMINATION OF THE DISCIPLINARY TRIBUNAL OF THE NEW ZEALAND  
INSTITUTE OF CHARTERED ACCOUNTANTS  
7 November 2011**

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**Hearing:** 7 November 2011

**Tribunal:** Mr RJO Hoare FCA (Chairman)  
Prof DJD Macdonald FCA  
Mr MB Robinson FCA  
Mr MJ Whale FCA  
Ms A Hauk-Willis (Lay member)

**Legal Assessor:** Mr B Corkill QC

**Counsel:** Mr T Sissons 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 had, by correspondence admitted the particular and pleaded guilty to the charge.

The charge and particular 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 the member is guilty of:

- (1) Being 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.

### **Particular**

#### **IN THAT**

- (a) On or about 21 July 2011 at the District Court in Hamilton he was convicted of one charge of false accounting (an offence pursuant to section 260 of the Crimes Act 1961), and nine charges of theft by a person in special relationship (an offence pursuant to section 220 of the Crimes Act 1961).

### **DECISION**

The Tribunal has had regard to the Judge's comments and sentencing notes in which the Judge said "*I consider your case to be near the most serious case of its kind*".

Given the publicity that has already occurred including the publication of the member's interim suspension this decision will be published in the Chartered Accountants Journal and on the Institute's website only.

### **PENALTY**

Pursuant to Rule 21.31(a) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal ordered that the name of **Gary William Soffe** be removed from the Institute's register of members.

### **COSTS**

Pursuant to Rule 21.33 of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal ordered that **Gary William Soffe** pay to the Institute the sum of \$3,900 in respect of the costs and expenses of the hearing before the Disciplinary Tribunal and the investigation by the Professional Conduct Committee.

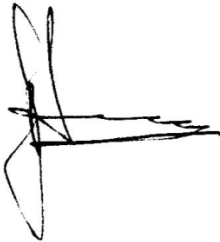
## **PUBLICATION**

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 Chartered Accountants Journal 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 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.

A handwritten signature in black ink, appearing to read 'R J O Hoare', written over a horizontal line.

R J O Hoare  
**Chairman**  
**Disciplinary Tribunal**