



**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 **Paul James Lawrence**, Suspended Chartered Accountant, of Rotorua

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**DETERMINATION OF THE DISCIPLINARY TRIBUNAL OF THE NEW ZEALAND  
INSTITUTE OF CHARTERED ACCOUNTANTS  
21 October 2013**

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**Hearing:** 21 October 2013

**Tribunal:** Mr RJO Hoare FCA (Chairman)  
Mr GR Leech FCA  
Mr MJ Whale FCA  
Ms A Hauk-Willis (Lay member)

**Legal Assessor:** Mr Paul Radich

**Counsel:** Mr Richard Moon 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 pleaded guilty by correspondence.

The charge and particular as laid 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) Misconduct in a professional capacity

### **Particular**

#### **IN THAT**

In the Member's role as a Chartered Accountant and as an employee of a Chartered Accountancy firm, he:

- (a) Altered his employer's "Authority to E-file Tax Return" forms after they had been signed by adding tax credit claim forms (IR526) that he had prepared in the names of his employer's clients which contained false donation details and specified payment of donation rebates to his personal bank accounts and, by doing so, he fraudulently obtained over \$280,000 from the Department of Inland Revenue.

### **DECISION**

Dishonesty of the nature and degree demonstrated by the Member is incompatible with membership of the Institute.

### **PENALTY**

Pursuant to Rule 21.31(a) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that the name of **Paul James Lawrence** be removed from the Institute's register of members.

### **COSTS**

The Professional Conduct Committee seeks full costs of \$9,561.

The Tribunal's general approach is that the starting point is 100% of costs, noting that the Institute already bears the cost of abandoned investigations and costs up to the Professional Conduct Committee's decision to hold a Final Determination.

There are no mitigating factors such as excessive or unnecessary expenses incurred or demonstrated evidence of hardship (inability to pay).

Pursuant to Rule 21.33 of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that **Paul James Lawrence** pay to the Institute the sum of \$9,561 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. No GST is payable.

## **SUPPRESSION ORDERS**

Pursuant to Rule 21.52 (b) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders the suppression of the name of the Member's then employer and its clients.

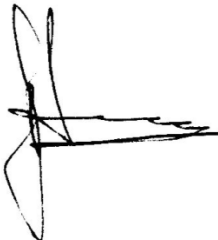
## **PUBLICATION**

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*, *New Zealand Herald* and the *Rotorua Daily Post* 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 to the Member of this Tribunal's 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 and the suppression orders 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 be 'R J O Hoare', written over a horizontal line.

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