

# PROFESSIONAL ACCOUNTABILITY

## Actions and Outcomes



### FPA Disciplinary Rules

The FPA Conduct Review Commission (CRC) has responsibility under the FPA Constitution and the FPA Disciplinary Regulation for determining disciplinary actions brought by the FPA against members. Disciplinary action against a member often follows the FPA's investigation of a consumer complaint. The FPA investigating Officer may report suspected Breaches of FPA Professional Standards to the CRC. The CRC Chair may then cause a Notice of Charge to issue to the member for the alleged Breach. Where necessary, a CRC Disciplinary Panel is formed to hear and determine the disciplinary action against the member. Sanctions from CRC Disciplinary Panel hearings may range from expulsion and suspension of membership to fines and supervision orders and formally reprimanding the member.

### CRC Hearings – Determinations & Sanctions

The following table refers to members who were sanctioned following a disciplinary panel hearing. For any complaints received by the FPA prior to 4 June 2010 amendments to the FPA Disciplinary Regulations, the Member's name was only published in the Determination where the Disciplinary Panel considered there to be a public interest need to do so. For complaints received after 4 June 2010, the FPA shall publish the name of the Member in the Determination in circumstances where the Conduct Review Disciplinary Panel has imposed a sanction.

Case number	Member Details	FPA Member ID	Effective Date	Member Category	Sanction
<a href="#">CRC 2018 1</a>	Sam Henderson	331878	10.09.2018	AFP	Costs of CRC hearing, fined
<a href="#">CRC 2016 2</a> and <a href="#">CRC 2017 1</a>	Darren Tindall	341771	11.01.2017 & 06.03.2017	AFP	Expelled Costs of CRC Hearing Fined
<a href="#">CRC 2016 1</a>	Shylesh Sriranjana	343480	09.01.2017	AFP	Expelled
<a href="#">CRC 2015 1</a>	Robert Tomasello	13100	31.07.2015	CFP	Expelled, costs of CRC hearing
<a href="#">CRC 2014 1</a>	Robert (Bob) Jones	38582	21.10.2014	CFP	Expelled, fined, costs
<a href="#">CRC 2013 1</a>	Blinded	Blinded	04.01.2014	CFP	Expelled, costs (Binding Deed)
<a href="#">CRC 2012 4</a>	Blinded	Blinded	13.07.2012	AFP	Professional education, costs, reprimanded
<a href="#">CRC 2012 3</a>	Yvette Daniel	23185	06.07.2012	CFP	Expelled, costs
<a href="#">CRC 2012 2</a>	John Schluter	32097	06.07.2012	AFP	Expelled, costs
<a href="#">CRC 2012 1</a>	Blinded	Blinded	11.04.2012	CFP	Professional education, costs, undertaking, suspension of designation, identity not published
<a href="#">CRC 2011 3</a>	Paul Florence	17962	23.11.2011	AFP	Expelled, costs
<a href="#">CRC 2011 2</a>	Emmanuel Cassimatis	11649	26.07.2011	General	Appeal dismissed
<a href="#">CRC 2010 1</a>	Emmanuel Cassimatis	11649	20.10.2010	General	Expelled, fined, costs
<a href="#">CRC 2011 1</a>	Gus Dalle Cort	320817	28.01.2011	CFP	Fined, expelled, publication
<a href="#">CRC 2009 3</a>	Blinded	Blinded	12.10.2009	Principal	Supervision, costs

Continued overleaf

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Case number	Member Details	FPA Member ID	Effective Date	Member Category	Sanction
<a href="#">CRC 2009_2</a>	Blinded	Blinded	20.02.2009	CFP	Reprimanded, suspension of designation, supervision, fined, identity not published
<a href="#">CRC 2009_2</a>	Blinded	Blinded	20.02.2009	Principal	Reprimanded, fined, identity not published
<a href="#">CRC 2009_1</a>	Blinded	Blinded	13.03.2009	Principal	Expelled, fined, costs, identity not published

### CRC Summary Disposal – Determinations & Sanctions

Under the FPA's Disciplinary Regulations, the FPA may, after a Breach Notice is issued to a Member, invite the Member to enter into without prejudice discussions with a view to the summary disposal of the disciplinary action against the member by agreement. Significant benefits can flow from the Member's cooperation and acknowledgement of wrong-doing. For example, it may be unnecessary to name the member in publication of the disciplinary outcome where the education of the member, the profession generally, and the public can be achieved by anonymised reporting. Whereas matters proceeding to CRC Hearing and Determination usually have the member's name published.

Agreement for Summary Disposal must be approved by the CRC.

This following table shows matters dealt with by Summary Disposal since its inception in 2010:

Case number	Member Details	FPA Member ID	Effective Date	Member Category	Sanction
<a href="#">SD 2015_1</a>	Blinded	Blinded	15.01.2015	CFP	Fined, professional education, reprimanded
<a href="#">SD 2013_1</a>	Blinded	Blinded	13.09.2013	CFP	Fined, professional education, reprimanded
<a href="#">SD 2012_2</a>	Blinded	Blinded	30.11.2012	AFP	Reprimanded, fined
<a href="#">SD 2012_1</a>	Blinded	Blinded	17.02.2012	AFP	Fined, professional education, supervisory
<a href="#">SD 2011_1</a>	Blinded	Blinded	20.12.2011	AFP	Fined, professional education
<a href="#">SD 2011_1</a>	Blinded	Blinded	20.12.2011	Principal	Fined, supervision
<a href="#">SD 2010_1</a>	Blinded	Blinded	20.09.2010	CFP	Fined
<a href="#">SD 2010_1</a>	Blinded	Blinded	20.09.2010	Principal	Fined

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#### Terminated Members

Under the FPA Constitution members may be automatically terminated upon entering administration or personal bankruptcy, being banned by ASIC, being dismissed or having their authorisation revoked by their authorising AFSL because of a breach of the law, failing to comply with a disciplinary sanction, and for other reasons. This following table shows details of Automatically Terminated Members and the relevant clause of the Constitution detailing the reason:

Member Details	FPA Member ID	Member Category	Effective Date	FPA Constitution reason
Harry Matsoukas	37872	CFP	03.09.2018	Authorisation revoked by AFSL - Breach of law
Brett Gordon	13268	CFP	04.09.2018	Fit and proper person
Pheaktra (Patrick) Sem	356583	AFP	04.09.2018	Authorisation revoked by AFSL - Breach of law
Leanne McDonald	30567	CFP	04.09.2018	Authorisation revoked by AFSL - Breach of law
Neil Evans	15177	CFP	10.07.2018	Fit and proper person
Wayne Lear	299	CFP	21.05.2018	Authorisation revoked by AFSL - Breach of law
Ezzat-Daniel Nesseim	324310	CFP	17.05.2018	Banning order under Corporations Act
Mark Roberts	343310	AFP	16.01.2018	Eligibility for membership ceased - ASIC enforceable undertaking not to provide financial services for 2 years
Robert Pryor Smith	309	CFP	12.01.2018	Banning order under Corporations Act
Michael Davie	328075	CFP	16.10.2017	Authorisation revoked by AFSL - Breach of law
Jason Atkins	38481	AFP	19.07.2017	Banning order under Corporations Act
Adrian Chenh	352387	AFP	04.04.2017	Banning order under Corporations Act
Dahlia Thai	348215	CFP	06.01.2017	Knowingly fail to disclose information on application
Andrew Tambyrajah	335917	CFP	08.12.2016	Banning order under Corporations Act
James Gibbs	12975	CFP	10.11.2016	Failed to show cause why membership should not be terminated.
Sarah Gardner	020924	CFP	17.08.2016	Banning order under Corporations Act
Dean Jeffrey Williams	336309	CFP	15.06.2016	Knowingly fail to disclose information on application
Raghwa Prasad	334810	CFP	19.08.2015	Banning order under Corporations Act
Shane Thompson	26732	CFP	17.02.2015	Failure to pay penalty imposed by CRC

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Member Details	FPA Member ID	Member Category	Effective Date	FPA Constitution reason
Michael Irwin	13235	CFP	18.09.2014	Banning order under Corporations Act
Paul Foster	20533	CFP	21.06.2014	Failure to pay penalty imposed by CRC
Grant P Thompson	32066	AFP	12.06.2014	Banning order under Corporations Act
Alfie Chong	13742	CFP	09.06.2014	Authorisation revoked by AFSL - Breach of law
Alec Khoo	6459	CFP	22.10.2012	Banning order under Corporations Act
Lynette Hughes	35459	AFP	25.08.2012	Failure to pay penalty imposed by CRC
Janeece Giraldo	10845	AFP	16.08.2012	Banning order under Corporations Act
Steven Burge	10938	CFP	31.07.2012	Member insolvent under administration
Joe Chan	336853	AFP	01.06.2012	Banning order under Corporations Act
Alan Kenyon	592	AFP	29.05.2012	Member insolvent under administration
Stuart Jamieson	29884	CFP	17.05.2012	Authorisation revoked by AFSL - Breach of law
Simon Turudia	35680	CFP	13.01.2012	Authorisation revoked by AFSL - Breach of law
Mervyn Ross Tarrant	13872	CFP	29.11.2011	Banning order under Corporations Act
Dennis Cummins	13554	AFP	18.11.11	Member insolvent under administration
Peter Seagrim	4575	CFP	04.07.2011	Banning order under Corporations Act
Anne-Marie Seagrim	11639	CFP	30.06.2011	Banning order under Corporations Act
Robert Wintour	24694	AFP	27.05.2011	Member insolvent under administration
Shaun Fitzgerald	23158	CFP	18.03.2011	Failed to show cause why membership should not be terminated
Don Nguyen	30494	CFP	08.03.2011	Banning order under Corporations Act
Trevor Carll	12779	CFP	21.02.2011	Banning order under Corporations Act
ACN 003 636 968 Pty Ltd (Formerly Total Financial Solutions Australia Pty Ltd)	34440	Principal Member	03.12.2010	Ceased to hold AFSL
Prosperity Advisers Pty Ltd	332449	Principal Member	06.10.2010	Externally administered body corporate
Warwick Ryan	25727	CFP	17.09.2010	Member insolvent under administration
Tarrants Financial Consultants Pty Ltd	33793	Principal Member	09.08.2010	Externally administered body corporate

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Member Details	FPA Member ID	Member Category	Effective Date	FPA Constitution reason
Simon Langton	35109	AFP	23.06.2010	Authorisation revoked by AFSL - Breach of law
Rollo Sherriff	15352	CFP	30.03.2010	Member insolvent under administration
Blinded	Blinded	Principal Member	17.07.2009	Externally administered body corporate
Maurice Terreiro	11866	CFP	29.06.2009	Member insolvent under administration

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### *FPA Disciplinary Rules*

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#### **Suspended Members**

Under the FPA Constitution a Member's membership is automatically suspended (which suspension takes Immediate effect without any act on the part of the FPA) where the Member is a Representative of an Australian financial services licensee and the Member is dismissed or the Member's authorisation as an Authorised Representative is revoked by the Member's authorising Australian financial services licensee and the Australian financial services licensee advises the FPA in writing:

- (a) of the fact of the Member's dismissal or revocation of the Member's authority;
- (b) of the date such dismissal or revocation became effective; and
- (c) that in the licensee's opinion, the facts and circumstances giving rise to the dismissal or revocation amount to a breach of the Code.

A Member who is advised of the automatic suspension of their membership may apply in writing to the FPA within the 21 day period to show cause why the Member's membership should not be automatically terminated. Failure to apply within the period will result in the automatic termination of the Member's membership.

Member Details	FPA Member ID	Member Category	Effective Date	Status/Outcome
James Gibbs	12975	CFP	19.10.2016	Automatic termination of membership
Shaun Fitzgerald	23158	CFP	18.03.2011	Automatic termination of membership
Blinded	Blinded	CFP	23.12.2010	Suspension removed 29.04.2011

Currently there are no members subject of automatic suspension.

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