



# **Register of Findings and Orders**

## **Institute of Certified Public Accountants in Ireland**

(Updated 04/10/2023)

[INDEX](#)

Ref.	Date of Entry		Expiry Date from Register
Invest/11/08	11/05/2008	Mr. Patrick Clarke, Clarke & Company, ACC House, 112 West Street, Drogheda, Co. Louth.001450	<b>*Permanent Record*</b>

### FORMAL COMPLAINT

Member has failed to conduct his work in accordance with approved Financial Reporting, Accounting, Auditing and Ethical Standards

### FINDINGS

That Clarke & Co., failed to carry out their work in accordance with Financial Reporting, Auditing and Ethical Standards in breach of Bye Law 7.3

### ORDER

The Tribunal ordered that the firm: -

- Auditing Certificate be withdrawn forthwith;

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/14/11	12/08/2011	Mr. Tim Brennan, Lodge, Freshford, Co. Kilkenny	<b>*Permanent Record*</b>

Member resigned from Membership following commencement of Disciplinary process.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/18/15	27/06/2016	Mr. Seán O'Neill. O'Neill & Co., St. Kilians, Blacklion, Greystones, Co. Wicklow.	<b>*Permanent Record*</b>

### FORMAL COMPLAINT

In breach of sections 110 and 270 of the Code of Ethics and the Statement of Insolvency Practice S11B, Mr. Seán O'Neill in his administration of the liquidation of a Company, failed to pay over the full amount due to a former employee of the Company which had been awarded by the Rights Commissioner.

### FINDINGS

Mr. O'Neill resigned his membership before conclusion of these disciplinary proceedings.

### ORDER

Disciplinary Tribunal ordered publication of the fact that Member resigned before the conclusion of the Disciplinary Process.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/04/16	21/07/2016	Mr. Frank Gorman. 3 Island View, Harbour Road, Howth, Dublin 13.	<b>*Permanent Record*</b>

**FORMAL COMPLAINT**

Member is engaging in public practice without holding a Practising Certificate in breach of Bye Law 13.

**FINDINGS**

Prima facie evidence established.

**ORDER**

Disciplinary Tribunal ordered publication of the fact that Member resigned before the conclusion of the Disciplinary process.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/13/15	24/10/2016	Mara Young & Co., Moneycooley, Maynooth, Co. Kildare.	Order No.:  (i) <b>*Permanent Record*</b>

### FORMAL COMPLAINT

In breach of Bye Law 7.3, Mara Young & Co. has failed to carry its work according to accounting standards issued by the Accounting Standards Board (ASB) or the International Accounting Standards Board (IASB) as relevant, all auditing and ethical standards issued by the Auditing Practices Board (APB) and all quality control standards issued by the Auditing Practices Board (APB) and the Institute's Code of Ethics, by the scoring of a Grade D in accordance with Bye Law 7 on a Quality Assurance Review conducted on 9 July 2015.

### FINDINGS

That the complaint above was proven

### ORDER

The Disciplinary Tribunal ordered that:-

- (i) The Auditing Certificate of Mara Young & Co. be withdrawn

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/06/16	14/02/2017	Thomas Clare; Thomas Clare & Co. Main Street, Dunleer, Co. Louth	<b>*Permanent Record*</b>

### FORMAL COMPLAINT

1. That in breach of Bye Law 7 and the Institute's Code of Ethics the Member: -

- a) Misrepresented their audit activity to the Institute by failing to disclose all their audit clients;
- b) Failed to make available a number of audit files for review on the day of the Quality Assurance Review;
- c) Failed to carry out their work in accordance with approved accounting, auditing, ethical and quality control standards and scored a Grade D on the Quality Assurance Review;
- d) Did not comply with their obligations as a designated person in accordance with Criminal Justice (Money Laundering & Terrorist Financing) Act 2010 and 2013
- e) Failed to co-operate fully with Quality Assurance Process.

2. That the Member potentially breached Company Law by:

- a) Acting as auditor for two companies from which they were prohibited by SI 220 of 2010 and
- b) Failed to report an indictable offence to ODCE in accordance with Section 194 (5) of Companies Act 1990.

3. That the Member failed to comply with their obligations under Bye Law 13 by: -

- a) Failure to complete an annual compliance review and
- b) Failure to assess the fit and proper status of their firm.

### FINDINGS

Prima facie evidence of misconduct established.

### ORDER

None – Member resigned his membership before the conclusion of these disciplinary proceedings.

Disciplinary Tribunal ordered publication of the fact that Member resigned before the conclusion of the Disciplinary process.

[INDEX](#)

## [INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/11/16	25/07/2017	1. Seán O'Reilly (Member) 2. Seán B. O'Reilly & Co. (Firm) Carrowcrin, Dromahair, Co. Leitrim	1. *Permanent Record*

### FORMAL COMPLAINT

#### Seán B. O'Reilly (Member): -

1. Breach of Bye Law 7.3 – failure to co-operate fully with Quality Assurance Executive by failing to respond to a Quality Assurance Report issued
2. Failure to respond to correspondence from the Secretary – Bye Law 6.5.2 (i)

#### Seán B. O'Reilly & Co. (Member Firm) of Carrowcrin, Dromahair, Co. Leitrim: -

1. Breach of Bye Law 7.4 – Failure to carry out work in accordance with accounting, auditing, and ethical standards by the scoring of a Grade D on a Quality Assurance Review and
2. Acting in breach of authorisation by completing an audit report for a UK registered company

### FINDINGS

Complaint proven.

### ORDERS

Disciplinary Tribunal ordered that: -

1. The Auditing Certificate issued to Seán B. O'Reilly & Co. be withdrawn with effect from 31 July 2017;

[INDEX](#)



Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/16/16	06/12/2017	Nigel O'Driscoll. Barrack Bridge, Old Yellow Road, Malahide, Co. Dublin.	<b>*Permanent Record*</b>

### FORMAL COMPLAINT

1. Mr. O'Driscoll acted in breach of the Institute's Code of Ethics by the inappropriate treatment of his own VAT which lead to a significant underpayment of VAT and resulted in a judgement debt being registered by the Collector General and
2. Mr. O'Driscoll failed to satisfy a judgment debt in the amount of €259,496 to the Collector General.

### FINDINGS

Prima facie evidence of misconduct

### ORDER

None – Member resigned his membership before the conclusion of these disciplinary proceedings. Disciplinary Tribunal ordered publication of the formal complaint and resignation from membership.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/07/18	30/10/2018	Mr. Donal Ring. Donegan & Associates. Brighton House, 115-119 Lower Rathmines Road, Dublin 6	<b>*Permanent Record*</b>

Member resigned from membership on 31 August 2018 following the commencement of a complaints process in accordance with bye laws on discipline.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/10/18	27/03/2019	Mr. Seán O'Reilly of Seán B. O'Reilly & Co., Carrowcrin, Dromahair, Co. Leitrim.	<b>Member: -</b> 1. 31/03/2025 2. 31/03/2026 3-5 26/03/2024 <b>Firm: -</b> 1. 26/03/2024 2&3. 31/03/2026
<b>FORMAL COMPLAINT</b>			

- Continuing to sign Statutory Auditor Reports following the withdrawal of his Auditing Certificate by a Disciplinary Tribunal on 31 July 2017 – (Sec 39 of SI 312 of 2016);
- Failure to provide files or evidence of audit work for 13 clients where Statutory Audited Accounts have been filed with CRO – (Bye Law 7.4);
- Failure to complete adequate testing to support an accountant's report submitted to the Law Society on behalf of a Solicitor Client – (Bye Law 7.4);
- Failure to comply with anti-money laundering regulations – (Bye Law 7.4 and Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 and 2013);
- Failure to comply with accounting and ethical standards and the Institute's Code of Ethics;
- Continuing to hold himself out as a Statutory Auditor after the withdrawal of his Statutory Audit Licence – (Section 41 of SI 312);
- Failure to provide an accurate Client Listing to the Institute.

### FINDINGS

Complaints proven.

### ORDER

The Tribunal ordered that Seán O'Reilly: -

1. Be suspended from membership of the Institute for period of 12 months;
2. Be ineligible to hold a Practising Certificate for 2 years.
3. Be severely reprimanded;
4. Be fined €12,000, payable within 60 days;
5. Contribute €7,500 towards the Institute's costs in this case.

And that the Firm, Seán B. O'Reilly & Co.: -

1. Be severely reprimanded;
2. Have all registrations and authorisations withdrawn;
3. Be prohibited from describing itself as "Certified Public Accountants" until such time as Mr. O'Reilly's Practising Certificate has been restored.

The Tribunal also ordered that the findings and orders in this case be published in Accountancy Plus with reference to both Mr. O'Reilly and Seán B. O'Reilly & Co. by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/06/18	17/12/2019	Member in Practice	16/12/2024

### FORMAL COMPLAINTS

In accordance with bye law 6.5.1.(d) the service provided to a client was inadequate and not of the quality that could reasonably be expected of a Member in respect of the following complaints: -

1. Capital allowances were erroneously claimed for 2012 and 2013 and
2. Case 1 capital allowances were available but were overlooked and not claimed in 2013

### FINDINGS

Complaints proven.

### ORDER

Disciplinary Tribunal ordered that the Member: -

1. Be reprimanded in respect of each charge
2. Be fined €1,500 in respect of each charge
3. Pay €3,000 contribution towards the Institute's costs in this matter.

And that these findings and orders be published without reference to the Member by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/14/18	19/12/2019	Seán O’Riordan (John G. O’Riordan) O’Riordan & Associates. 10 Douglas West, Douglas, Cork	18/12/2024

### FORMAL COMPLAINTS

1. Member failed to conduct the liquidation of a Company, which he had been appointed liquidator in 2014, in a timely fashion (bye law 6.5.1.(d)).
2. Member failed to engage with the Complainant and other interested parties in relation to the conduct of this liquidation (bye law 6.5.1.(d)).

### FINDINGS

Complaints proven.

### ORDER

Disciplinary Tribunal ordered that the Mr. O’Riordan: -

1. Be severely reprimanded in respect of both charges
2. Be fined €1,000 in respect of both charges
3. Contribute €10,000 towards the Institute’s costs in this case (payable by 30 June 2020).

The Tribunal imposed the following conditions on the Member: -

1. That he undertake a minimum of 10 additional hours of CPD, over and above his normal CPD requirements in 2020, and that this additional CPD relate to the conduct of liquidation work.
2. That, in relation to all incomplete liquidation cases held by him as a Liquidator on 1 February 2020, the files of these cases be handed over to the Institute between 1 February and 29 February 2020 for the purpose of inspecting them to ensure the liquidations are being conducted appropriately.
3. That the liquidation of the Company which is the subject of this complaint be completed and all documents filed in the Companies Registration Office before 31 December 2019.

and the details of these findings, orders and conditions be published in Accountancy Plus and on the Institute’s website, with reference to Mr. O’Riordan by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/12/19	14/10/2020	Mr. Richard O'Brien; K.J. O'Brien & Co, 'St Josephs', Wilton, Bishopstown Road, Cork:	13/10/2025

### FORMAL COMPLAINT

1. That Richard O'Brien and K.J. O'Brien & Co, acted as Statutory Auditor to a company, while prohibited by Sections 70 and 71 of S.I.220 of 2010, for the years 31 March 2011; 31 March 2012; 31 March 2013 and 31 March 2014 and
2. That Mr. O'Brien acted in breach of bye law 7.3 and Section 110 and Section 150 of the Institute's Code of Ethics by signing and filing an audit report and financial statements for a company for the year ended 31 March 2014 without having conducted an audit.

### FINDINGS

Complaints proven.

### ORDERS

- Severe Reprimand
- Fine €10,000
- Contribution of €5,000 towards Institutes costs be made.
- 

The Tribunal also ordered that these findings, orders be published in Accountancy Plus with reference to the Member by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/02/19	14/10/2020	Anne Cunningham Alexander Manor, Clane, Co. Kildare	13/10/2025

### FORMAL COMPLAINT

- That by appearing on the Revenue List of Defaulters in quarter four of 2018 in respect of two charges of failure to file income tax returns, Member acted or defaulted in a manner which discredits herself, the Institute and the profession of accountancy and
- Failure to co-operate fully with the enquiry being conducted by the Institute by failing to respond to correspondence from the Secretary.

### FINDINGS

Complaints proven.

### ORDERS

- Severe Reprimand
- Fine €5,000
- Contribution of €3,000 towards Institutes costs be made.

The Tribunal ordered that the fine and costs be payable by monthly standing order over a period of 36 months.

The Tribunal also ordered that these findings, orders, and conditions be published in Accountancy Plus with reference to the Member by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/12/18	27/11/2020	Michael Rowsome, Hourigan Rowsome Ltd 3rd Floor, Riverfront, Howley's Quay, Limerick	26/11/2025

### FORMAL COMPLAINT

That by failing to conclude the liquidation of a client company:

1. Member provided financial services in connection with a matter in which he has been engaged and these services were inadequate and not of the quality that could reasonably be expected of him (bye law 6.5.1.(d))
2. Member has performed his professional duties inefficiently or incompetently to such an extent as to bring discredit to himself, the Institute, and the profession of accountancy. (bye law 6.5.1.(e))

### FINDINGS

Complaints proven.

### ORDERS

- Severe Reprimand
- Fine €5,000 (payable over 12 months)
- Contribution of €10,000 towards Institutes costs be made (payable over 12 months)

The Tribunal imposed the following Orders in accordance with bye law 6.32.1 (f): -

1. That Mr. Rowsome be prohibited from taking on any new appointments as a liquidator, receiver, or examiner for a period of at least three years from the date of this order and thereafter only after completion of at least 12 hours continuing professional development in corporate restructuring/ insolvency.
2. In relation to the liquidation of the client in question :
  - a. That a joint liquidator or replacement liquidator be appointed to complete the liquidation of the client company as soon as possible at no incremental cost to the liquidation;

[INDEX](#)



Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/12/18	27/11/2020	Michael Rowsome, Hourigan Rowsome Ltd 3rd Floor, Riverfront, Howley's Quay, Limerick	26/11/2025

- b. That all of the outstanding liquidator's statutory filings be completed in relation to the client company and any necessary meetings held, before the 31 January 2021, at no cost to the liquidation in respect of late filing fees or time spent conducting this work;
  - c. That a progress report be sent to the Secretary of the Institute every 30 days in relation to the conduct of the liquidation.
3. That a practice review by the Institute be facilitated at Members cost, in respect of all other liquidation, receiver or examinership cases ongoing the Members practice.

The Tribunal also ordered that details of these findings and orders be published in Accountancy Plus with reference to the Member by name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/01/20	15/12/2020	Member: Glen White Firm: Glen White Accounting and Taxation Services, Suite 3, 148 Phibsboro Road, Phibsboro, Dublin 7	1. Permanent record 2., 3., and 4. - 14/12/2025

### FORMAL COMPLAINT

1. That in breach of bye law 7.4, the Firm failed to carry out their work according to accounting standards issued by the Financial Reporting Council (FRC) or the International Accounting Standards Board (IASB) as relevant, the auditing and ethical standards issued by the FRC or the Irish Auditing and Accounting Supervisory Authority (IAASA) as relevant, quality control standards issued by the FRC or IAASA as relevant and the applicable Code of Ethics and relevant legislation.
2. That in breach of bye law 13.33.1 the Member failed to maintain competence by failing to make arrangements so that all principals and employees conducting audit work are, and continue to be, competent to carry out the audits for which they are responsible or employed and in breach of bye law 13.33.2, Member failed to maintain an appropriate level of competence in the conduct of audits.

### FINDINGS

Complaints proven.

### ORDERS

1. That the Auditing Certificate issued to Glen White Accountancy & Taxation Services be withdrawn;
- 2.. Severe reprimand imposed on the Member;
3. That a contribution of €5,800 towards the Institute's costs in this case be paid within 6 months from the date of this order
4. The Tribunal imposed the following Orders in accordance with bye law 6.32.1 (f): -
  1. That all legal obligations including Companies Registration Office filings etc in respect of auditor resignations should be addressed no later than 30 November 2020,
  2. That the Member submit a sample selection of anti-money laundering files to the Institute for review in advance of the renewal of his Practising Certificate for 2021.

The Tribunal also ordered that details of these findings and orders be published in Accountancy Plus with reference to the Member and Firm by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/08/20	29/01/2021	John G. O’Riordan; O’Riordan of O’Riordan & Associates, 3 <sup>rd</sup> Floor, Centre Park House, Centre Park Road, Cork	28/01/2026

### FORMAL COMPLAINT

In accordance with bye law 6.5.1(c) the Member failed, refused, or neglected to comply with orders duly made pursuant to bye law 6 in respect of the following disciplinary cases:

**Ref.: Invest/09/14.**

- Failure to discharge three judgement debts totalling €86,972 before 15 November 2018.
- Failure to discharge costs imposed of €12,000 before 31 December 2019.

**Ref.: Invest/10/17\***

- Failure to comply with a review by the Institute in January 2020 of compliance with all the Orders of Disciplinary Tribunals.

**Ref.: Invest/21/17\***

- Failure to comply with a review by the Institute in January 2020 of compliance with all the Orders of Disciplinary Tribunals.

**Ref.: Invest/23/17\***

- Failure to comply with a review by the Institute in January 2020 of compliance with all the Orders of Disciplinary Tribunals.

**Ref.: Invest/14/18**

- Failure to complete the liquidation of a client company and file all documents in the Companies Registration Office before 31 December 2019.
- Failure to provide all incomplete liquidation files for inspecting to the Institute between 1-29 February 2020.

**Ref.: Invest/11/15**

- Failure to pay fine and cost imposed before 31 December 2019.

**Ref.: Invest/08/16/**

- Failure to pay Costs imposed before 31 December 2019.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/08/20	29/01/2021	John G. O’Riordan; O’Riordan of O’Riordan & Associates, 3 <sup>rd</sup> Floor, Centre Park House, Centre Park Road, Cork	28/01/2026

## FINDINGS

**Complaints proven.**

## ORDERS

- Severe Reprimand
- That a contribution of €6,831 be paid towards the Institute’s costs in this case (payable by 30 June 2022).

**The Tribunal imposed the following condition in accordance with bye law 6.32.1 (f): -**

- That Member be ineligible for receipt of a Practising Certificate from 1 April 2021 unless the following conditions are satisfied.
  1. That all incomplete liquidation case files as per the order in Invest/14/18 are provided to the Institute in accordance with the terms of that order.
  2. That evidence is provided to the satisfaction of the Institute Secretary of the existence of an agreement and Members compliance with same agreement from either Solicitors for the Revenue Commissioners or the Revenue Commissioners in relation to the order of Invest/09/14 that three judgements debts totalling €86,972 have been discharged or are being discharged.

The Tribunal also ordered that details of these findings and orders be published in Accountancy Plus with reference to the Member by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/16/20	20/5/2021	Ms. Anne Cunningham; Count on Us, Osprey Complex, Devoy Quarter, Naas, Co. Kildare	19/5/2026

### FORMAL COMPLAINT

That the terms of a Hot File Review condition imposed on the statutory audit firm, Count on Us, by the Registration Committee in accordance with bye law 13, was breached by the filing of 13 sets of financial statements in the Companies Registration Office in the period November 2020 to January 2021 which had not been the subject of a hot file review.

### FINDINGS

Complaint proven.

### ORDERS

- Severe Reprimand;
- Contribution of €20,000 towards the Institute's costs in this case – (to be paid in equal instalments between July 2021 and 31 December 2023)

The Tribunal imposed the following Orders in accordance with bye law 6.32.1 (f): -

1. That for a period of three years, any audit signed by the Member or Firm must be co-signed and co-audited by an independent statutory auditor operating in another firm.
  2. That the Member undertake a minimum of 10 hours CPD in company law and 10 hours CPD in auditing, vouched to the Institute in the current calendar year;
  3. That a Quality Assurance Review of the practice be undertaken at the Members/Firms expense within 18 months;
  4. That the steps necessary be taken to rectify the Companies Registration Office record in respect of the 13 cases which were the subject matter of this complaint, at Member/Firms expense within 60 days of the Tribunal hearing. This condition is to be monitored by the Institute
- Publication of findings and orders in Accountancy Plus with reference to the Member and Firm by name.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/16/20	20/5/2021	Ms. Anne Cunningham; Count on Us, Osprey Complex, Devoy Quarter, Naas, Co. Kildare	19/5/2026

**ORDERS**

**Consent Order:**

- Reprimand;
- Fine €1,000
- Contribution towards costs €2,500
- Publication in Accountancy Plus with reference to name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/01/21	3/12/2021	Stratton Partners; Stratton House; Bishopstown, Cork	2/12/2023

### COMPLAINT

In its role as reporting accountant to a solicitors practice, Stratton Partners submitted reporting accountants reports for the years 31 May 2017 and 31 May 2018 to the Law Society of Ireland which contained a number of errors and non-disclosures and accordingly were not of the quality that could reasonably be expected of it.

### FINDINGS

Prima facie evidence of misconduct

### ORDER

#### Consent Order:

- Reprimand;
- Fine €1,000
- Contribution towards costs €2,500
- Publication in Accountancy Plus with reference to name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/09/21	18/08/2022	<b>Member: Michael Joseph Cronin. 1 Terenure Place, Terenure, Dublin 6w</b> <b>Firm: Cronin &amp; Company. 1 Terenure Place, Terenure, Dublin 6w</b>	17/08/2027

### FORMAL COMPLAINT

- Bye law 6.5.1(e) in that in the course of carrying out his professional duties, Member provided or purported to provide financial services in connection with a matter in which he had been engaged by a client and those services were inadequate and were not of the quality that could reasonably be expected of him; and
- Bye Law 6.5.1 (f) in that Member performed his professional duties inefficiently or incompetently to such an extent, or on such a number of occasions, as to bring discredit to himself, the Institute and the Profession of accountancy.
- Bye law 6.6.1(e) in that in the course of carrying out its professional duties, Firm provided or purported to provide financial services in connection with a matter in which it has been engaged by a client and those services were inadequate and were not of the quality that could reasonably be expected of it.
- Bye Law 6.6.1 (f) in that Firm performed its professional duties inefficiently or incompetently to such an extent, or on such a number of occasions, as to bring discredit to itself, the Institute and the Profession of accountancy

### FINDINGS

Misconduct is established in that a client of the Firm, invested through the Firm in a tax efficient holiday home scheme in or about 1992 and the Member and Firm failed to adequately explain and/or account to the client for the rental income from the investment, its location, the tax status of the income generated, its structure, the partnership agreement, authority to expend funds on behalf of the partnership, to account for any distributions made to other partners, including the sums, dates of distribution, and failed to make distributions to the client as a partner.

[INDEX](#)



Ref	Date of Entry	Member Details	Expiry Date from Register
Invest/09/21	18/08/2022	<b>Member: Michael Joseph Cronin. 1 Terenure Place, Terenure, Dublin 6w</b> <b>Firm: Cronin &amp; Company. 1 Terenure Place, Terenure, Dublin 6w</b>	17/08/2027

## ORDERS

In relation to Michael J. Cronin:

- Severe Reprimand
- Fine €10,000

In relation to Cronin & Company:

- Reprimand
- Fine €10,000
- And a contribution towards the Institute's costs of €7,188.

In accordance with bye law 6.32.1 (f) the Tribunal imposed the following conditions:

1. That the Member and Firm be prohibited from holding a Client Account and any funds remaining in the client account be transferred to a duly authorised law firm to manage.
2. That the Member and Firm facilitate and co-operate with a practice review to be conducted by the Institute with a focus on the movements in the Client Account.
3. That the Member and Firm prepare full annual statements of rental income and expenditure for all the properties held in the holiday home scheme for each year from 2000 to June 2022.
4. That the annual statements of rental income and expenditure be sent by the Member or the Firm to each of the Investors in the holiday home scheme and each one be advised in writing of the basis on which the fund has been managed to date and the basis on which it is intended to manage the fund in the future and include relevant material in relation to the tax treatment of the fund.
5. That none of the financial implications of any of the sanctions imposed in this case be imposed on the client account or on the investors concerned.

The Tribunal also ordered publication in Accountancy Plus with reference to Michael Cronin and Cronin & Company by name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/09/20	13/10/2022	Ms. Anne Cunningham, Clane Co. Kildare	12/10/2027

### FORMAL COMPLAINT

In accordance with bye law 6.5.1(e) in the course of carrying out her professional duties, Member provided or purported to provide financial services in connection with a matter in which she had been engaged by a client and it is alleged that those services were inadequate and were not of the quality that could reasonably be expected of her.

### FINDINGS

Misconduct is established that the member was engaged by a client to complete the financial statements for her company and to file these with Companies Registration Office and Revenue Commissioners along with the associated returns and personal tax returns. The returns were not filed by the Member which resulted in the client incurring late filing fees with Companies Registration Office and loss of audit exemption.

### ORDERS

- Reprimand
- Fine €3,500
- Contribution of €2,500 towards the Institute's costs (payable over 36 months)
- Publication by name in Accountancy Plus

## INDEX

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/17/21	16/12/2022	Ms. Anne Cunningham, Clane Co. Kildare	1. <b>Permanent Record</b> 2,3,4,5,6. 15/12/2027

### FORMAL COMPLAINTS

#### 1. BREACH OF DISCIPLINARY ORDERS

The following orders of two previous Disciplinary Tribunals have not been complied with, which render Ms. Cunningham liable to disciplinary action in accordance with Bye Law 6.5.1(c) and is a breach of the fundamental principle of the Code of Ethics – Section 115 Professional Behaviour:

**Case Ref: Invest/02/19**

On 15 September 2020, a Disciplinary Tribunal ordered that Ms. Cunningham pay a fine of €5,000 and contribute €3,000 towards the Institute's costs. The Tribunal ordered that this fine and costs be payable by monthly standing order over a period of 36 months commencing as soon as the orders come into effect. This standing order was never put in place and the fines and costs remain outstanding.

**Case Ref: Invest/16/20**

On 12 April 2021 a Disciplinary Tribunal ordered that:

- the necessary steps be taken to rectify the Companies Registration Office record in respect of the 13 cases which were the subject matter of this complaint, at Ms. Cunningham and her firm's expense, within 60 days of the Tribunal hearing and this condition to be monitored by the Institute. No evidence has been provided and evidence is not available on the public register to indicate that this condition has been complied with.
- a Quality Assurance Review of Ms. Cunningham's practice be undertaken at her expense within 18 months of the Disciplinary Tribunal. A Quality Assurance Review was scheduled and notified to Ms. Cunningham, and she failed to engage with this review or in any way acknowledge that this review had been scheduled.
- costs totalling €20,000 be paid to the Institute in equal instalments between July 2021 and 31 December 2023. A monthly instalment arrangement was agreed but only 4 payments were made.

#### 2. FAILURE TO FACILITATE A QUALITY ASSURANCE REVIEW

A Quality Assurance Review was scheduled to take place on 3 November 2021. Notice of this review was issued on 27 September 2021, with a number of follow up reminders issued in October 2021. Ms. Cunningham failed to acknowledge receipt of the notifications or to engage in any way with this review and accordingly the review could not take place. (Bye Law 7.3.refers).

[INDEX](#)

Cont'd from previous page

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/17/21	16/12/2022	Ms. Anne Cunningham, Clane Co. Kildare	1. <b>Permanent Record</b> 2,3,4,5,6. 15/12/2027

<b>FINDINGS</b>
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Complaints proven

<b>ORDERS</b>
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1. Exclusion from membership;
2. Contribute €4,000 towards the Institute's costs in this case (payable within 30 days of this order becoming effective);
3. That all existing fines and costs owed by discharged within 30 days.

The Tribunal also ordered that:

4. These findings and orders be published in Accountancy Plus with reference to Anne Cunningham by name.
5. That Ms. Cunningham be advised of the implications of exclusion from membership, to include prohibition on the use of the CPA designation personally and on any business publications such as websites, premises, letterhead etc.
6. That the Companies Registration Office be advised by the Institute of the matters pertaining to Invest/16/20 and the 13 cases in respect of which the Companies Registration Office record was determined by the then Disciplinary Tribunal to be incorrect and requiring correction. The Companies Registration Office are to be advised that the Institute sought to have the matter rectified but Ms. Cunningham failed to do so, and Ms. Cunningham has been excluded from membership.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/13/21	23/12/2022	1. <b>Jim McCarthy (Member)</b> 2. <b>Mc2 Accountants (Member Firm)</b> <b>Penrose Wharf; Penrose Quay, Cork</b>	22/12/2024

## COMPLAINT

### 1. Jim McCarthy:

Failure to issue a letter of engagement to a client upon commencement or at any time during the engagement prior to the issue of an invoice in August 2018. {Section 240 of Code of Ethics (2016) refers}.

### 2. Mc2 Accountants:

Failure to issue a letter of engagement to a client upon commencement or at any time during the engagement prior to the issue of an invoice in August 2018. {Section 240 of Code of Ethics (2016) refers}.

Failure to issue an adequate breakdown of fees charged on an invoice issued to a client August 2018 in accordance with Section 240 of Code of Ethics (June 2016).

## FINDINGS

Prima facie evidence of misconduct

## ORDERS

### Consent Order:

- Jim McCarthy - Reprimand; Fine €5,000
- Mc2 Accountants - Severe Reprimand; Fine €15,000
- Contribution towards costs €3,000
- Publication in Accountancy Plus with reference to Member and Firm by name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/08/21	22/02/2023	John G. O’Riordan (otherwise known as Sean O’Riordan) of O’Riordan & Associates, 3 <sup>rd</sup> Floor, Centre Park House, Centre Park Road, Cork	21/02/2028

**FORMAL COMPLAINT**

1. Bye law 6.5.1(e) in that in the course of carrying out his professional duties, Member provided or purported to provide financial services in connection with a matter in which the Member had been engaged by a client and it is alleged that those services were inadequate and were not of the quality that could reasonably be expected of him.
2. Bye Law 6.5.1 (f) in that Member performed his professional duties inefficiently or incompetently to such an extent, or on such a number of occasions, as to bring discredit to himself, the Institute and the Profession of accountancy.

**FINDINGS**

These charges of misconduct are proven in relation to the following complaints:

That in the course of conducting a liquidation:

1. Member failed to conduct the liquidation process in a proper and professional manner.
2. Member failed to submit the forms E3 to the CRO in a timely fashion at the appropriate.
3. Member failed to supply the complainant, as director and elected member of the Committee of Inspection with information on progress or details as required to be submitted on form E3 returns to CRO.
4. That the Copy of the Form E5 on the completion of the liquidation was not correctly supplied to the complainant. Computer printout of figures provided to the complainant did not contain a complete breakdown on what monies were collected or paid out by the liquidator and contained serious discrepancies.

**Cont'd on next page**

**[INDEX](#)**

Cont'd from previous page

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/08/21	22/02/2023	John G. O’Riordan (otherwise known as Sean O’Riordan) of O’Riordan & Associates, 3 <sup>rd</sup> Floor, Centre Park House, Centre Park Road, Cork	21/02/2028

### ORDER

Following an appeal against the Orders of the Disciplinary Tribunal, an Appeal Tribunal varied some of the Orders of the Disciplinary Tribunal and ordered the following to take effect from 22 February 2023:

- Severe reprimand
- Fine of €20,000 (the first €5,000 to be paid within 6 months and the balance to be paid within 3 years thereafter)
- Contribution towards costs of €9,900 – payable within 12 months
- Publication by name in Accountancy Plus

In addition, Member is required to fully co-operate with facilitating a quality assurance review conducted by or on behalf of the Institute within 12 months.

The Tribunal noted an undertaking given by the Member not to partake in insolvency work and it is a Condition of this Order that he comply with this undertaking for the remainder of his career.

Member agreed to give the Institute the file in respect of the only outstanding liquidation which he is acting qua liquidator in within two weeks of the date of this decision.

Failure to comply with the Orders above within the time periods specified shall result in a default Order being activated forthwith such that the Member’s practicing certificate will be withdrawn.

[INDEX](#)

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/14/21 Invest/02/23	7/7/2023	1. Michael P. McGarry (Member) 2. Michael P. McGarry & Co (Member Firm) Colman, Fethard, Co. Tipperary	1. Permanent Record 2, 3, 4, 5 and 6 – 6/7/2028

**FORMAL COMPLAINT**

**Case Ref: Invest/14/21:**

**1. Quality Assurance Complaint**

Member Firm failed to carry out its work in accordance with approved accounting standards, relevant auditing and ethical standards, quality control standards and the Code of Ethics – bye law 7.4, bye law 6.5.1 (a) and Section 113 of the Code of Ethics refers.

This followed the scoring of unsatisfactory grades on three successive quality assurance reviews conducted in accordance with bye law 7 and the Companies Act 2014.

**2. Breach of Hot File Review condition**

Member and Member Firm breached the terms of a hot file review condition imposed in April 2021 - Bye Law 7.17.3, bye law 6.5.1 (a) and Section 115 of the Code of Ethics refer.

**3. Member failed to respond to Correspondence from Secretary of the Institute – bye law 6.8 refers.**

**Case Ref: Invest/02/23:**

1. Breach of Hot File Review Condition - Hot file review not conducted and monthly confirmations not submitted in respect of four clients - Bye Law 7.17.3; bye law 6.5.1 (a); Code of Ethics – Section 111 Integrity refer.

2. Breach of Hot file review Condition - Two Audit reports signed in advance of the conclusion of a Hot file review and failure to submit one monthly confirmation - Bye Law 7.17.3; bye law 6.5.1 (a); Code of Ethics – Section 111 Integrity refer.

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Cont'd from previous page

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/14/21 Invest/02/23	7/7/2023	1. Michael P. McGarry (Member) 2. Michael P. McGarry & Co (Member Firm) Colman, Fethard, Co. Tipperary	1. <b>Permanent Record</b> 2, 3, 4, 5 and 6 – 6/7/2028

**FINDINGS**

Charges of misconduct proven

**ORDERS**

The Tribunal ordered the following:

1. That the Firms Auditing Certificate be withdrawn with immediate effect, in advance of any appeal in accordance with the provisions of bye law 6.36;
2. That Member contribute €9,384 towards the Institute's costs in this case – (with an option to pay this over 12 months by equal monthly instalments).
3. That Member be fined €2,500 (with an option to pay this over 12 months by equal monthly instalments).
4. That a Severe Reprimand be imposed on the Member and the Firm.

The Tribunal imposed the following Orders in accordance with bye law 6.32.1 (f): -

5. That all audit clients be advised by the Member immediately of the withdrawal of his Auditing Certificate and all resignations be filed in accordance with legal obligations, with copies to be sent to the Institute.
6. That a Quality Assurance Review of the Firm's non-audit practice be undertaken within 90 days.

And that details of these findings and orders be published in Accountancy Plus with reference to both Member and Firm by name.

Ref.	Date of Entry	Member Details	Expiry Date from Register
Invest/09/22	20/09/2023	Eddie Kelly – Member Eddie Kelly & Co – Member Firm No. 2, Dair Ard, Bohreen Hill, Enniscorthy, Co. Wexford	19/9/2025

## FINDINGS

Prima facie evidence of misconduct in relation to the following complaints:

### 1. Quality Assurance Complaint

Failure to carry out work in accordance with approved auditing, accounting and quality management standards - Bye law 7.4 , bye law 6.6.1 (a) and Section 113 - Professional Competence and Due Care of Code of Ethics refer.

Failure to implement recommendations following quality assurance review conducted in 2019 – Section 1496 of Companies Act 2014 refers.

### 2. Breach of Hot File Review condition

Breach of a hot file review condition imposed in accordance with bye law 7.17.3 - Bye Law 7.17.3, bye law 6.5.1 (a) and Section 115 – Professional Behaviour of the Code of Ethics refer.

### 3. CPD

Failure to take part in appropriate programmes of continuing education in order to maintain theoretical knowledge, professional skills and values, particularly in relation to auditing at a sufficiently high level – Bye Law 13.33.3 and Section 1489 of Companies Act 2014 refer.

## ORDERS

- (i) Reprimand;
- (ii) Fine €2,000
- (iii) Contribution of €3,000 towards the Institute's costs in this case and
- (iv) Publication in Accountancy Plus with reference to the Member and Firm by name.

[INDEX](#)

INDEX	INDEX	INDEX	INDEX	INDEX	INDEX
<a href="#">Invest/11/08</a>	<a href="#">Invest/01/20</a>				
<a href="#">Invest/14/11</a>	<a href="#">Invest/08/20</a>				
<a href="#">Invest/18/15</a>	<a href="#">Invest/16/20</a>				
<a href="#">Invest/04/16</a>	<a href="#">Invest/01/21</a>				
<a href="#">Invest/13/15</a>	<a href="#">Invest/09/21</a>				
<a href="#">Invest/06/16</a>	<a href="#">Invest/09/20</a>				
<a href="#">Invest/11/16</a>	<a href="#">Invest/17/21</a>				
<a href="#">Invest/16/16</a>	<a href="#">Invest/13/21</a>				
<a href="#">Invest/07/18</a>	<a href="#">Invest/08/21</a>				
<a href="#">Invest/10/18</a>	<a href="#">Invest/14/21</a> <a href="#">&amp; Invest/02/23</a>				
<a href="#">Invest/06/18</a>	<a href="#">Invest09/22</a>				
<a href="#">Invest/14/18</a>					
<a href="#">Invest/12/19</a>					
<a href="#">Invest/02/19</a>					
<a href="#">Invest/12/18</a>					

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