



Case Summary: 22-15

Adjudicating Sub-Committee Hearing Date: November 15, 2022

General Summary:

File opened: March 28, 2022

On March 18, 2022, the National Office of the AIC received a faxed message from Legal Counsel for Mr. Joshua Kitsul P. App, AACI (the "Member") that provided a copy of a Conditional Sentence and Probation Order (12 months) from the British Columbia Court dated March 2, 2022. The Conditional Sentence and Probation Order (12 months) relate to the Member's conviction of possession of child pornography. The Conditional Sentence and Probation Order, amongst other things, requires the Member to retain internet use records and does not allow the Member to communicate, or attempt to communicate, online with any person under the age of 18 years.

Given the seriousness of the issue and in the public interest, a complaint file was opened as an issue arising and the AIC Adjudicating Sub-Committee issued an Interim Order for Suspension of the Member on June 6, 2022, for a period of up to one year, pending completion of a Complaint Review and a final decision.

The Member cooperated fully with the AIC complaint investigation. The Member acknowledged that he breached the Ethics Standard Rules listed below and has accepted full responsibility for his actions. The Member is taking steps to ensure that he does not repeat the actions. The Member has provided expert reports on the likelihood of recidivism and the expert opinion is that the Member is not likely to repeat the offences.

A Settlement Agreement dated October 31, 2022 was subsequently provided to the Adjudicating Sub-Committee. The Adjudicating Sub-Committee reviewed and approved the Settlement Agreement entered into by the Member and the Professional Practice Advocate.

Complaint Allegations:

The Member was recently convicted of a serious criminal offense.

Issues Arising from the Complaint Review: None

Adjudicating Decision dated November 16, 2022

Breaches of CUSPAP 2022:

Ethics Standard 4.1 Requirements of Members

4.1.1 Members of the Institute pledge to conduct themselves in a manner that is not detrimental to the public, the Institute, CUSPAP, or the appraisal profession. A Member's relationships with other Members, the Institute, and the public shall portray courtesy, respect, and good faith.

Ethics Standard Rule 4.2.2 It is unethical for a Member to knowingly engage in conduct that would prejudice their professional status, the reputation of the Institute, CUSPAP, or any other Member;

Discipline:

Section 5.36.2: SUSPENSION: A temporary revocation of the Member's privileges of membership in the AIC for a period of time beginning on the date of the Adjudicating Hearing Panel decision and ending on June 6, 2023 and upon such terms as determined by order of a Hearing Panel.

Section 5.18 Adjudicating Powers and Duties

5.18.3 The Adjudicating Hearing panel may attach such terms or conditions to a Decision as it deems appropriate.

In this instance, the Adjudicating Hearing Panel attaches the following condition:

The Member will immediately notify the AIC of any breaches relating to his Conditional Sentence and Probation Order (12 months) dated March 2, 2022.

Section 5.37 Publication

5.37.1 A case summary of facts relating to and the outcome of a Complaint matter shall be published on the Institute's website for a period of twelve (12) months.

5.37.1.2 Case summaries for a Complaint matter resolved by any Sanction listed in section 5.36 shall not be Redacted.

5.37.2 In addition to sub-subsection 5.37.1 and despite sub-subsection 5.37.1.1, at their discretion, a Hearing Panel may order that a publication, not to be Redacted, be placed in a local media source in the interests of public confidence and consumer protection.

It was the decision of the Panel that publication in a local media source would not be ordered.

Costs (Section 5.38): Costs were not levied.

Other Comments:

A conviction for possession of child pornography supports a finding that the Member acted in a manner that is detrimental to the public interest, the Institute, CUSPAP, and the appraisal profession.