

Earlier this year, the SAICA website carried an article by Lindie Engelbrecht that referred to the state of the profession. In the article, Engelbrecht refers to the fundamental pillars of the SAICA Code of Professional Conduct. According to the article, such pillars include :-

- **Integrity** – to be straightforward and honest in all professional and business relationships;
- **Objectivity** – to not allow bias, conflict of interest or undue influence of others to override professional or business judgements;
- **Professional competence and due care** – to maintain professional knowledge and skill at the level required to ensure that a client receives competent professional services based on current developments in practice, legislations and techniques and act diligently and in accordance with applicable technical and professional standards;
- **Confidentiality** – to respect the confidentiality of information acquired as a result of professional and business relationships and, therefore, not disclose any such information to third parties without proper and specific authority, unless there is a legal or professional right or duty to disclose, nor use the information for the personal advantage of the chartered accountant or third parties; and
- **Professional behaviour** – to comply with relevant laws and regulations and avoid any conduct that discredits the accountancy profession.

The moment I saw such statements on the SAICA website I was absolutely horrified. Because the fact that a Senior Executive at SAICA is aware of such principles means that – the public profile of the profession these days notwithstanding – there are still people out there who actually believe that such values still apply to the profession and its members. Naturally I then sought to reconcile the statement on the website with the conduct of SAICA's senior members, in particular the Senior Executive for Nation Building – Chantyl Cynthia Mulder. If the profession is to be held up to the value of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour; then there is something perversely flawed in the character of the individual called Chantyl Mulder.

Miss Mulder is a long-standing staff member of the Institute and is well known throughout the profession and beyond. As a consequence, her private and public pronouncements carry gravitas within the industry and beyond that is unparalleled. The nature of her position also leaves her with unbridled access to a plethora of information relating to members and prospective members, that ought to be safeguarded by all persons within the profession. The abuse of access to such information is something that should not be tolerated and is antithetical to the values that SAICA claims or seeks to uphold. Core to the values that SAICA and by extension its most senior members should observe and uphold, are the values of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour. It is in light of these values that I have undertaken the decision to lodge a complaint against Miss Mulder on the following grounds –

- Bribery
- Breach of confidentiality
- Dishonesty
- Lack of integrity
- Lack of objectivity
- Unprofessional behaviour
- Violation of my constitutional rights to practice a profession/trade as envisaged in section 22 of the Constitution of the Republic of South Africa.

Each of the grounds is expanded on below.

Firstly, my name is Khayelihle Sibusiso Sithole and I have been a member of SAICA since 2011 (\*09105040). During that time, I have encountered Miss Mulder in various platforms relating to her position as an executive of SAICA and my capacity as a member. At some point in time, I worked as an academic at higher education institutions in which SAICA had a professional interest due to its funding of pipeline students. This period included my employment at the Universities of Kwa-Zulu Natal and Witwatersrand. It would be during this time where I would have had regular formal interactions with Miss Mulder. I have not during that point in time enjoyed employment with SAICA save for the participation in the adjudication/marking process of the SAICA exams.

### **Bribery of SAICA members**

During 2015, I found myself in the presence of Miss Mulder and Mr Mark Graham (then the Head of School for UCTT) in the foyer of the SAICA offices in Bruma in Johannesburg. I had been in the building to deliver some documents to another SAICA employee in the building. Coincidentally, the meeting of the trustees of the Thuthuka Bursary Fund and/or the Thuthuka Education Upliftment Fund was being held in the building on the same day. During a break in the meetings, Mr Graham and I were approached by Miss Mulder who then mentioned to us that her 'trustees' (meaning the Thuthuka trustees) were now saying that they have backed the Thuthuka Programme for a long time now and it still has not produced a Top 10 candidate in the ITC.

As a consequence of that, she said that trustees were now putting pressure on her to deliver such a candidate. Miss Mulder then said our universities – being UCT and Wits – represented of her achieving such a goal of a black African Top 10 ITC candidate. She then declared that we needed to help her in this regard and that no expense would be spared in identifying and nurturing such a candidate. In her words, we would be able to tap into whatever financial resources were deemed necessary in order to engineer this desired result. I personally found such an overture absurd at best. The reality of course is that Miss Mulder's KPI's are linked to the perceived success of the transformation programmes run by SAICA. As a consequence, it appeared to me that she had a material personal financial interest in producing such a candidate.

However, the funds to be utilised for such an endeavour would be out of the SAICA coffers. In other words, members would be funding Miss Mulder's quest for recognition. This sat unwell with me as I felt we were being bribed into manufacturing a candidate. Otherwise how does one explain that an offer for unlimited cash resources is made when it appears that the primary beneficiary of whatever result emanates from that transaction is Miss Mulder herself. Later on at a date I cannot reconcile right now, Miss Mulder reiterated this issue to me regarding the need for a black Top 10 ITC candidate and the fact that I needed to identify and groom someone from the Wits student group who would be such a candidate. Again the offer of unlimited and unspecified funds to facilitate such an exercise was repeated by Miss Mulder. In May 2016 I left Wits University without having ever followed up on this offer or quantified the value of the financial kitty that was being proposed. I do not know if Miss Mulder approached any other institution besides UCT and Wits on this matter but as fate would have it; the 2016 ITC results – for the first and only time in history – had a Thuthuka candidate in the Top 10.

The candidate was from the University of Pretoria. Since then, no Thuthuka candidate has made the ITC Top 10. Such a turn of events has always remained curious to me as I retain a sense of discomfort regarding the conduct of Miss Mulder.

Whilst I am not concerned about the identity of the candidate who eventually made to ITC Top 10 I have always remained curious whether SAICA members would be comfortable knowing that the Executive Director of Nation Building makes such offers to individuals from universities who also serve on the marking panel of the ITC? More importantly, given the direct financial reward to Miss Mulder emanating from the improvement in the 'transformation' statistics that would be significantly enhanced by the presence of a Thuthuka candidate in the Top 10 of the ITC, I remain curious as to how members of SAICA would characterise the monetary offer made by Miss Mulder to Mr Graham and myself. I would therefore be asking the Professional Conduct Committee to provide me – in my capacity as a member – with an assessment of how such a transaction/offer should be characterised. Beyond that, I am also looking at elevating the matter to the AGM which forms the most representative annual consultative forum of the institute. Such a forum may well regard this offer as a bribe meant to engineer improved KPI scores for Miss Mulder and consequently enhance her rewards from SAICA.

### **Breach of confidentiality**

According to the SAICA Code of Professional Conduct (and indeed the article currently on the SAICA website); members are expected to “respect the confidentiality of information acquired as a result of professional and business relationships and, therefore, not disclose any such information to third parties without proper and specific authority, unless there is a legal or professional right or duty to disclose, nor use the information for the personal advantage of the chartered accountant or third parties”.

During May 2016, I terminated my employment relationship with Wits University due to a series of events that started when I took the Head of School at Wits University to task for being an unrepentant racist – which I still maintain. Nevertheless, such information came into the ambit of SAICA through an e-mail I sent through to Nthato Selebi on the 5<sup>th</sup> of May 2016. It is my understanding that such an e-mail then came to the attention of Miss Mulder through that channel. In other words, Miss Mulder came into possession of such information on the basis of her position as the Senior/Executive Director of Nation Building. What then transpired over the remainder of 2016 is something that is at odds with the confidentiality clause in the SAICA Code of Conduct. Unbeknownst to myself, Miss Mulder then went on a national campaign to inform various individuals within and outside the profession that I was a fraudster who was about to be prosecuted. As it stands today, I have never been accused of any charge of fraud by any structure in my life. Naturally, I have never been convicted of such.

However, this did not seem to deter the exuberance of Miss Mulder in launching a sustained attack on my character and integrity. Furthermore, Miss Mulder then sought to ensure that I would be systematically and consistently denied the ability to earn an income as she approached various structures and individuals and repeated her unfounded and untested allegations against me. Since 2016, there have been multiple instances on various platforms where Miss Mulder has unilaterally approached members of the profession and members of the public and intimated to them that I am a fraudster and discouraged these individuals from associating with me. Fortunately, some of the individuals approached by Miss Mulder had the presence of mind and the ethical gravitas to inform me about the campaign that Miss Mulder had launched against my person and character. What is perhaps most concerning is that as a result of Miss Mulder's campaign, I was not only denied the ability to earn an income on multiple fronts, she essentially leveraged her access to information on a member of SAICA to pursue her vilification campaign.

It is also crucial to note at this stage that in 2015, Miss Mulder interfered with the process of the running of the Thuthuka Bursary Fund by forcing me to add students to the programme

who were selected by herself and her daughter – Veryl Mulder. The details of these exchanges are contained in Annexure 21.

Such an interference was illegal and violated the rules of the Thuthuka Bursary Fund. Ironically, it is the violation of such rules that has led to disciplinary action being preferred against me by a SAICA employee who reports to Miss Mulder.

I will never know how many individuals within and outside the profession Miss Mulder reached out to so all I can use as a reference are the few brave and noble souls who undertook to inform me about what was going on.

Firstly, an association of which I am a long-standing member, engaged in talks about whether I could consider assuming the role of its Chief Executive Officer after leaving Wits University in May 2016. Having intimately worked with the organisation over a number of years until then, I was regarded as a natural fit for the post. Its President at the time Ms Gugulethu Sigasa, then set up a meeting with me where the offer of the post was due to be advanced formally. However, at the meeting I held with her in the Morningside area, she mentioned that she had intimated during a SAICA/ABASA meeting at which Miss Mulder was present that the offer should not be made to me as I was a fraudster with whom SAICA could not work. Consequently, that offer was no longer tabled on the basis of Miss Mulder's utterances. The cost to me of that action amounted to over R800 000 per annum. When Miss Mulder made such defamatory statements no charge of fraud had been presented and even if it had, nothing about Miss Mulder's position would have entitled her to spread such fabrications to individuals who engaged her in her capacity as the Executive of SAICA.

Secondly, during 2016, I had also been appointed to participate in the accreditation visit of the University of Fort Hare as a member of SAICA working in academia. However, in May 2016 Miss Mulder – in cahoots with Miss Mandi Olivier – withdrew this appointment without explanation. The functionary that was used to communicate this withdrawal – a Miss Liezl Scheun – simply said that I would no longer be allowed to join the accreditation team. What was curious about this is that all I had mentioned to Miss Scheun was that I wanted my primary e-mail address changed from a university e-mail address to a generic email address. The actions of Miss Mulder in cahoots with Miss Oliver led to me losing income that I would have generated from participating in the accreditation visit. Yet again in this instance, no charges existed that would have formed the basis for Miss Mulder's despicable behaviour. In simple terms, she abused her position to spread defamatory and unsubstantiated against a member of the institute.

Thirdly, during the winter of 2016, I was asked by the SAICA Johannesburg District Association to be a facilitator at a Transformation Workshop they intended to host in Johannesburg. I initially declined this request as I was based in Durban during that time. However, the members of the JDA insisted that I should make a plan to join in. I then agreed and then booked flights and accommodation to Johannesburg. The SAICA functionary in charge of planning the event – a Monique Doulgeris – then sent a confirmation in July 2016 that I would indeed be a facilitator at the event. Unsurprisingly, Miss Mulder yet again intervened and I was dropped from the panel. The issue was not that I was dropped but rather the fact that 2 weeks prior to the event, the event flyer went out to the public and my name had been dropped. The members of the JDA who had initially approached me then asked me why I had ditched them at the last moment. I mentioned that I had no idea that I had been dropped. Upon enquiry with Miss Doulgeris, she simply said that:

“All amendments were done and a reminder sent out yesterday. The Facilitators were changed, the non-member fee was added.”

I was to later discover that yet again the great Miss Mulder had intervened in this matter and had my name dropped from the line-up with no one bothering to inform me about the change until the public flyer was distributed. This caused financial loss to me as I could not recover the costs of the flights I had already booked.

Over time, various other individuals within and outside the profession informed me that they had been approached by Miss Mulder who kept repeating the statement that I am to be avoided. Amongst the individuals who bothered to inform me were staff members from the University of Kwa-Zulu Natal who stated that Miss Mulder had indicated to that institution that I had stolen money when I was employed there. In addition, I was also approached by Mr Mbusiswa Ngcobo who informed me at a meeting I had with him in Musgrave, Durban, that Miss Mulder had also approached him. Later on, Mr Andile Khumalo informed me that he was approached by Miss Mulder at the SAICA Under 35 awards dinner in 2016 with the same spurious allegations being articulated by Miss Mulder to Mr Khumalo. Quite interestingly, the 3 individuals who were approached by Miss Mulder were all at one time or the other, presidents of ABASA, the same organisation that Miss Mulder had advised to deny me an employment opportunity.

Over time, I have been made aware of the wider audience to which Miss Mulder made her utterances. Bizarrely enough, even as it stands today I have never been tried or even convicted of the charges that form the basis of Miss Mulder's sustained campaign.

But perhaps it was in interfering with 3 particular aspects of my life that Miss Mulder's decline in to the ethical abyss was completed. From 2012, I had been part of the marking panel of the SAICA ITC focusing primarily on Financial Accounting. During that time, I had risen to become one of the core markers of the ITC and always got an invitation to mark which was approved for every marking phase for which I indicated availability from 2012 to 2016. Predictably, from May 2016, Miss Mulder – in cahoots with Miss Olivier and using 2 SAICA employees, Isaac Mgidi and Janine Claassens – unilaterally removed my name from the database of markers based on Miss Mulder's instruction/advice. As an academic who had worked hard to form core of the marking panel for the ITC, this resulted in a significant loss of income from 2016 up to date. Given the fact that Miss Mulder's phantom allegations of fraud against me remain unrepresented and untested even to this day, it horrifies me how such senior member of SAICA can be allowed to breach confidentiality in such a manner to advance her own personal obsession with destroying my character. The question I would like the board to ponder is whether other members of SAICA would be comfortable with the fact that Miss Mulder is clearly not averse to breaking confidentiality rules to advance her own hysterical obsession with destroying the character of a member? Would members be comfortable with knowing that by being part of SAICA, they run the risk that should they fall out of favour with Miss Mulder, they run the risk of being defamed and systematically excluded from economic participation simply because Miss Mulder abused her powers of access to member information?

During 2015, the #FeesMustFall protests took centre stage in the country. As someone fully invested in social activism in South Africa, I took the lead in the movement in my capacity as the lead researcher for the movement at Wits University. As a result of this, I designed a funding model that was adopted by all the vice-chancellors of the various universities in the country. However, at that stage, SAICA had decided to initiate an alternative funding model called ISFAP which was eventually rejected by the students, the university and the president of the Republic in favour of the model I had designed. During these developments, the judge appointed by President Zuma to lead the Commission of Inquiry into Higher Education funding

realised that the ISFAP model being presented was in fact a misrepresentation of what was really going on. Aggrieved by the actions of SAICA and the ISFAP team, the judge then asked me to lead an interrogation through cross-examination of the ISFAP team. During that presentation, the ISFAP team was represented by Sizwe Nxasana, S'onqoba Maseko and a gentleman called Simon Trupp. After the interrogation was completed, the team of Sizwe Nxasana and Simon Trupp indicated that we should start collaborating and create one singular model to be presented to the nation at large. Pursuant to this, Simon Trupp then set up a meeting with me for the week after the Commission's interrogation to discuss the collaboration roadmap. Such a meeting duly took place on 29 March 2017 at a restaurant outside the SAICA offices on Fricker Road. At this stage, I had become aware that Mr Trupp was not a member of the profession. However, when our meeting started, he then confessed that he had 'spoken out of turn' the previous week when he had said we can and should work together. Mr Trupp mentioned that he had since been advised – by Miss Mulder of course – that it would be impossible to work with me as I was a fraudster facing charges from SAICA. It was at this stage that I realised that of all the values of SAICA that Miss Mulder could possibly subscribe to, confidentiality, objectivity and professional behaviour were far removed from her ethical compass. To inform an individual who did not know me that I was being tried for charges that still to this day have not been presented; amounted to as egregious a breach of confidentiality as one can imagine. Additionally, Mr Trupp was working as part of the bigger group of ISFAP developers who were all informed that they should avoid working with me as I was a fraudster with looming charges. I would at this state like the board to again consider whether such behaviour by Miss Mulder is commensurate with the values that SAICA professes to stand for?

Additionally, during 2016, Miss Mulder repeated her spurious allegations to two members of the International Accounting Standards Board – Darrel Scott and Matt Tilling – who then withdrew my employment contract with the International Accounting Standards Board. Again this was based on nothing more than Miss Mulder's paranoid obsession with my character. On the basis of Miss Mulder's conduct, I am left with no choice but to approach the Professional Conduct Committee and the Advisory Board of SAICA to request for immediate steps to be taken against Miss Mulder on the basis of her despicable conduct.

It should also be noted that Miss Mulder's hostility towards me has a genesis emanating from the fact that I once rejected a student that she wanted on the Thuthuka programme who simply wasn't meeting the academic requirements. Unfortunately, that student happened to know Miss Mulder's friends who were quite famous.

On the basis of Miss Mulder's conduct, I think it is necessary for her to answer such charges in a formal hearing. I will therefore – at the conclusion of my hearings on 22 June 2018 – submit a formal complaint against Miss Mulder's conduct.