



## **ELECTIONS POLICY**

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# ICPAK ELECTIONS POLICY 2016

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ICPAK POLICY GOVERNING ELECTIONS OF CHAIRMAN AND  
MEMBERS OF THE COUNCIL

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## 1.0 BACKGROUND

The elections to ICPAK Council are governed by the Accountants Act No. 15 of 2008, By-laws and various decisions made by the Council from time to time.

This policy document seeks to clarify on the conduct of candidates and govern the process of campaigning by the candidates during the election period.

### 1.1 Mode of Voting

The mode of voting shall be electronic.

## 2.0 NOMINATION

### 2.1 Duly Completed Nomination Form for Election

Persons willing to run for election shall be required to send to the Institute a duly completed nomination form in a sealed envelope in accordance with the requirements not later than 5:00 pm of the required deadline. The nomination shall contain a declaration that the information contained therein is true and correct and will include a declaration as to any convictions in court or declaration of bankruptcy through court or any information the Institute shall deem necessary for the nomination of candidates.

In the event there is information on the nomination form that would lead to disqualification of the aspirant, the Institute shall communicate the same to the aspirant requesting him/her to respond within 2 days failure to which he/she shall be automatically disqualified.

### 2.2 Communication to the Nominees and Candidates

All communication to the nominees and candidates will be made by the Chief Executive Officer of the Institute or his nominee. Any correspondence by other means shall not be construed to be the official communication of the Institute.

### 2.3 Election Panel

The Institute shall form an election panel comprising of four scrutineers one of whom will be the Returning Officer and the Chief Executive Officer who shall be an ex officio member.

The panel shall be responsible for authenticity, validity and integrity of the voters register and shall have oversight over the electoral medium and electoral process.

The Returning Officer and the Chief Executive shall jointly have the super rights to the electoral system and will be in charge and responsible for any changes in the electoral system.

The quorum of the election panel shall be the Returning Officer and any two of the scrutineers.

The Returning Officer and the Scrutineers shall be required to attend the Council meetings at which the nominations are to be opened. The results of the election panel will be communicated to the candidates by the Chief Executive or his nominee.

Candidates will have a period of seven days to appeal against the decision of the election panel.

## 2.4 Appeals Committee

The Council shall form an appeals committee which shall review the appeals from the nominees. The decision of the appeals committee shall be ratified by the Returning Officer who shall communicate to Council of the decision. The decision of appeals committee shall then be officially communicated to members of the Institute by the Chief Executive or his nominee.

Any aggrieved party shall give notice of their intention to appeal within 48 hours after receiving the results of nomination. The notice shall be served to the Returning Officer through the Chief Executive Office.

The Returning Officer upon receiving a notice of appeal shall refer the same to the Appeals committee for determination within 24 hours.

## 2.5 Composition of the Appeals Committee

The Appeals Committee shall constitute:

- a. Chairman of the Institute & Disciplinary Committee
- b. A retired Chairman of the Institute
- c. One Retired Council Member
- d. One member of the Institute of over 20 years in practice
- e. A professional Arbiter

The Appeals Committee decision must be communicated to Council within three days of receipt of the notice of appeal.

The decision of the Appeals committee is final.

## 2.6 Criteria to serve in the Institute's Council

Criteria to serve as Chairman of the Institute shall be limited to section 7 of the Accountants Act.

Any person willing to serve in the Council of the Institute must:-

- a) Be a Member of the Institute for the past five (5) years.

- b) Be a member in good standing for the past three (3) years.
- c) Shows demonstrable service to the Institute or the profession

## 2.7 Personal Information Sheet (PIS)

1. The following requirements will be applicable for this purpose Candidates are required to provide a two-page A4 size PIS which must be lodged with the Institute together with the duly completed Nomination Form as soon as possible but not later than required deadline. Candidates are free to provide in their PIS any information they deem fit and shall be wholly responsible for the information provided.
2. For candidates' guidance, the following information will be considered mandatory:-
  - Name
  - Membership number
  - Standard size passport photo
  - Relevant academic and professional qualification(s)
  - Election category
  - Career history in the last five years including current engagement
  - Participation in various boards including ICPAK Council Committee(s)/ Sub-Committee(s) Task Force(s) / Working Group(s) for past two years shall not be considered mandatory but shall be preferred.

### **The following information may also be availed:**

- Age
  - Designation(s)
  - Gender
  - Candidate's website and / or email address
  - Candidate's personal statement
  - Any other information that the candidate may deem necessary
3. The Institute will vet the PIS for any incorrect or misleading statements, but only in respect of information that can be checked against the Institute's records in recent two years to the election date. The Institute is not obliged to check other information in the PIS and will not be responsible for the contents of the PIS.
  4. Candidates should take note of the following printing specifications when preparing their PIS:
    - i. The PIS will be printed in full colour.
    - ii. On request from the candidate, the Institute shall help the candidate insert his / her hardcopy photograph in the PIS. His / her photo should be trimmed to the right measurement by the candidate. Electronic photo will only be acceptable in JPEG format (300 dpi) or TIF format. The file size should be between 600K ó 1MB. In the case of a hardcopy photo, the name of the candidate should be clearly written at

the back or while for an electronic photo the file name should indicate the name of the candidate.

- iii. If the candidate chooses to prepare the layout artwork of his / her PIS, s/he should provide the layout artwork in PDF format (file size of 1MB or above) or JPEG format (300 dpi and file size of 2MB or above).

## 3.0 VOTERS REGISTER

### 3.1 Closing of Voters Register

The Institute will close the register of members thirty (30) days before the next Annual General Meeting and the names therein shall be eligible to vote on condition that the members have fully paid up their subscriptions and are in good standing. Any member who makes payment after the close of the register shall not be eligible to vote.

The election team shall inspect the register for authenticity, validity and integrity immediately after the close of the register. The Returning Officer shall validate the voters register after which the scrutineers shall approve the nominated candidates and inspect the voters register on closure of the register.

### 3.2 Availability of Voter Register

The Institute shall request for consent of members to avail their details to the candidates prior to the start of the campaign period. On consent by the members, a voters register consisting of the names, telephone number and the email addresses shall be prepared. Candidates shall be given a voters register consisting of only consenting members and will be free to contact the names in the consenting voters register during the election period.

## 4.0 CAMPAIGN MANAGEMENT

### 4.1 Campaign Forum

Two campaign forums will be organized during the campaign period after the close of the nomination process one of which will be held at the annual seminar. The first campaign forum will be held after the approval of nominations by Council. This will provide an opportunity to interact with and get to know the candidates better.

All candidates are required to notify the Institute in writing of their intention to attend or otherwise to facilitate the Institute's logistical arrangements.

## 4.2 Rules of the Campaign Forum

1. All Institute members are eligible to attend the campaign Forums. Pre-enrolment is necessary and will be accepted on a first-come first-served basis.
2. During the forum, each candidate will be assigned space to display their election materials within the venue of the forum.
3. The media will not be invited to the Forum, other than the video crew authorised by the Institute.
4. The Returning Officer shall Chair the Forum.
5. In the absence of the Returning Officer any other scrutinizer
6. The speaking sequence of the candidates will be determined alphabetically using the first name of the Candidates.
7. Each candidate will be given equal time to present their campaign message.
8. Members present may raise questions orally or in writing, the acceptance of a question is at the discretion of the session Chair. Members are encouraged not to give statements or comments.
9. Questions must be addressed to all the candidates and not to individual candidates. The Chair will see to it that all the candidates will be given equal opportunities to respond to the questions.
10. Equal speaking time is allocated to each candidate to respond to the questions from the floor. The candidates will take turn to answer questions in accordance with the direction from the session Chair.
11. Each candidate will be given equal speaking time to make their concluding remarks. A candidate will be requested by the session Chair to round up his / her concluding remarks immediately when the maximum time allocated has passed.
12. The candidates information desk to be positioned away from the seminar entrance
13. Each candidate to be allowed use of a laptop or tablet or both during the annual seminar.
14. Candidates to self-brand and distribute their campaign materials electronically.

The elections scrutineers through the Institute shall organise a uniform campaign desk set up for all candidates.

## 5.0 ELECTION PERIOD

The election period shall consist of a campaign period and a voting period.

### 5.1 Campaign Period

The campaign period will commence upon the confirmation of the nominated candidates. No member of the Institute will be allowed to engage in unsolicited campaigns and campaign

materials before the campaign period. Such acts will constitute breach of the election guidelines, the Institute By-laws and Accountants Act and will be liable to disciplinary action and may lead to disqualification of the member from elections.

## 5.2 Voting Period

Members shall have a total voting period of seven (7) days. Voting shall end four days before the next Annual General Meeting.

## 6.0 ELECTORAL OFFENCES

The following shall constitute election offences subject to disciplinary action by the Council;

- i. Making derogatory statements about other candidates and the Institute
- ii. Distributing gifts and any form of give a way that can be construed as enticement to members to vote for the specific candidate.
- iii. Distribution of offensive campaign materials
- iv. Distribution of campaign materials before the campaign period
- v. Newspaper advertisement
- vi. Holding television and radio shows aimed at promoting the specific candidates campaign.
- vii. Campaigning before the approved campaign period
- viii. Members of the Institute who nominate candidates in contravention with the provision of the Accountants Act and the By-laws commit an offence.
- ix. Plagiarizing the opponent's messages, posters and the removal, disfigurement or destruction of campaign materials of any contestants.
- x. Discrimination based on age, race, gender, tribe or place of origin or residence or other local connection, political opinion, colour, creed or sex in connection with the election activity.

## 7.0 SOCIAL MEDIA ENGAGEMENT

For the purposes of this policy guideline, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum and involves the building of online communities or networks to encourage participation and engagement. This includes e-mail, online social forums, blogs, video- and image-sharing websites and similar facilities.

Candidates wishing to use the social media should do so in a responsible manner and within the confinement of the elections code of conduct and deviate from matters leading to gross misconduct under the Accountants act and under the provision of these guidelines.



## 8.0 DECLARATION BY ELECTORAL CANDIDATES

Candidates shall communicate to their agents, employees, candidates, members and supporters from infringing this code, engaging in activities of commission or omission which amount to offences under the electoral laws or otherwise for not observing this code or contravening or failing to comply with any provision of the electoral laws.

## 9.1 Electoral Candidates Code of Conduct

I í .í .  
Confirm that I am desirous of contesting the elections to be held on  
í í í í í í í í í í .í í .for the position of í í í í í í í í í í í í í í í ..  
Having been validly proposed by í .í í í í í í í í í .Membership Noí í í í í .í í í  
and seconded byí í í í í í í í í í í í í .Membership No í í í í í í ..í í AND  
the following members of the Institute:

- |      |                                     |              |                     |
|------|-------------------------------------|--------------|---------------------|
| i.   | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Member No.   | 1 1 1 1 1 1 1 1 1 1 |
| ii.  | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Member No.   | 1 1 1 1 1 1 1 1 1 1 |
| iii. | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | . Member No. | 1 1 1 1 1 1 1 1 1 1 |
| iv.  | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Member No.   | 1 1 1 1 1 1 1 1 1 1 |
| v.   | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Member No.   | 1 1 1 1 1 1 1 1 1 1 |

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The Election Code of Conduct contains instructions and norms to be followed by candidates and their authorized representatives and members during the entire election process.

The Election Code of Conduct shall be in addition to that prescribed by the Accountants Act No 15 of 2008 and the Institute's By-Laws and shall come into force from the date of issue of the election notification by the Returning Officer.

In conformity with the Accountants Act 2008 and the ICPAK By-Laws I do solemnly declare that I and my Agents will subscribe and observe all provisions of the Election Code of Conduct and in particular to;

1. Promote the ideals of the Institute of Certified Public Accountants of Kenya, in a fair, truthful and transparent manner.
2. Avoid, condemn, prevent violence and intimidation or abusive language or words that will disparage the conduct of my opponents or opposing candidates.
3. Instruct my agents, supporters and campaigning teams and, members of the Institute who have nominated me to respect the Election Code of Conduct by avoiding violence and intimidating or abusive language.
4. Avoid scrupulous activities, which are corrupt practices, such as providing incentives to voters, intimidation of voters, giving enticements to voters.
5. Respect and affirm all the rights of all participants and supporters of opponents in the election ;-
  - i. To express divergent opinions.
  - ii. To debate and contest the policies and programmes of other candidates in a positive manner without causing bad blood or ridiculing them.
  - iii. To canvass freely for support from members of the Institute
  - iv. Respect and be subject to the Public Order Act, when holding meetings and general campaigns.
  - v. To refrain from distributing derogatory and defamatory notices, literature or and other campaign materials in whatever medium.
  - vi. To promote free and fair campaigns by all lawful means.
  - vii. To co-operate with the Secretariat and other relevant institutions and other authorities in the investigation of issues and allegations arising during the election period.
  - viii. To avoid any corrupt tendencies like bribing the voters to boycott the elections and attempting to manipulate the voting system in place.
  - ix. To refrain from impeding the right of any candidate, canvassers and representatives to have access to members for purposes of voter education, canvassing for votes and soliciting support for election.
  - x. To avoid, eliminate and stop plagiarizing the opponents' messages, posters and to discourage and prevent the removal, disfigurement or destruction of campaign materials of any contestants.

- xi. To refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person connected with the election and not to defame the character of contestants.
  - xii. To refrain from any attempt to abuse a position of power, privilege or influence, including any offer of reward or threat to refuse to pay a penalty properly imposed by the Institute for errant behavior by me or my supporters during the campaign period.
  - xiii. To avoid any discrimination based on age, race, gender, tribe or place of origin or residence or other local connection, political opinion, colour, creed or sex in connection with the election activity.
  - xiv. To acknowledge the Institute's authority in the conduct of election, ensure the attendance and participation of representatives at meetings of any Returning Officer and other forums convened by the Institute for dispute resolution, respect and honor fines or any condition imposed on my candidature due to misconduct and unbecoming campaign behaviour by me or my supporters during campaign for votes.
  - xv. To facilitate the Secretariat's right of access through the Returning Officer and scrutineers and other official observers and other representatives to all public meetings or other electoral activities co-operate in the official investigation of issues and allegations arising during any election period.
  - xvi. To take reasonable steps to discipline, stop and control my agents, employees, candidates, members and supporters from infringing this code, engaging in activities of commission or omission which amount to offences under the electoral laws or otherwise for not observing this code or contravening or failing to comply with any provision of the electoral laws.
  - xvii. To refrain and deter my supporters and agents from conducting campaigns and speeches in any Continuing Professional Development forums of the Institute during the election period.
  - xviii. To avoid sponsorship to any Institute forums by a candidate or by the employers of the candidates.
  - xix. Without prejudice to any other rights, to accept the final outcome of the election and the Returning Officer's declaration and certification of the results thereof.
6. Not to give interviews other than those authorized.
7. A manifesto or circular issued shall conform to the following requirements in the interest of maintaining dignity in the election, namely:
- a) A manifesto or circular shall contain information regarding the candidate himself and shall not make any reference, directly or indirectly, to any other candidate;
  - b) The distribution of a manifesto or circular shall be restricted only to the members of the Institute;
  - c) A certified copy of such manifesto or circular shall be sent to the Returning Officer via email within 2 days of its issue ;

8. In the event of having any specific complaint or problems regarding the conduct of the elections, the matter to be first reported to the Returning Officer for determination. In so determining the Returning officer shall have the right to compose a team to consider the matter and the decision of the Returning Officer shall be final.
9. Any candidate who contravenes the Election Code of Conduct during the election period and who shall in the conduct of elections bring the Institute into disrepute shall be subject to the Institutes Disciplinary Process.
10. Notwithstanding clause 9 above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I or my supporters and agents have contravened or the members nominating me has contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral offence and may be liable to the following penalties or may be disqualified from the elections or both.
  - (i) Imposition of Fine as follows :
    - penalty for breach by candidates and agents for Chairperson and vice chairperson is Ksh 100,000
    - Penalty for breach by candidates and agents for Council members is Ksh. 50,000
  - (ii) Be warned from holding any public meetings, campaigns or meeting the voters during election period
  - (iii) Be barred from participating in the current and future elections
  - (iv) The members nominating the candidate may also be cautioned, warned, be fined or barred from participating in any future elections.

I í . have read the Code, and confirm that I have understood the contents of this code of Conduct, declare that I respect and abide by all the conditions of the Code and to that end promise to undertake objective and mature campaigns free from coercion, abusive language and violence.

So help me God.

*Signed by the said*

**Name of Candidate:** í ..í

**Membership No:** í

**Signature:** í í í í í í í í í í í í í í í í .í í í **Date:** í í í í í í í í í í í í ..í

In the presence of Returning Officer

**Name:** í í í í í í í í í í í ..**Signature:** í í í í í í í í í **Date:** í í í í í í í í

## 9.2 Elections Code of Conduct for ICPAK Staff

<b>THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA ELECTION CODE OF CONDUCT FOR THE SECRETARIAT STAFF</b>
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### **A. Introduction**

The following Code is meant to act as a guide to Secretariat in understanding their responsibilities to the Council and to the Institute generally in relation to the elections. It is made in furtherance of good corporate governance within the Council, Secretariat and adherence by candidates, in the administration of respective duties and activities in the electoral process.

The Code of Conduct is binding to the Secretariat. It will be enforced by the Institute, whose working procedure will be regulated by international best practices and Institutes By-Laws.

### **B. Elections code of conduct for the employees of the Institute's**

1. The Secretariat shall be independent, non-partisan, impartial, and transparent and observe democratic election principles.
2. The members of staff are obliged to abide by the following:
  - i) Exercising authority based on By-laws
  - ii) Behaving and acting in a non-partisan and impartial manner
  - iii) Acting in a transparent and accountable manner that is ensuring quality of service to voters and contestants in accordance with the professional standards of the Institute
  - iv) Serving voters in exercising their rights
  - v) Not getting engaged in conflict of interest that is ensure that the secretariat shall not cause or facilitate the sending of emails, unsolicited sms and other forms of communication which is not formally presented and sent through the Institute laid down structure
  - vi) Not influencing, or communicating in a partisan manner with voters who are not sharing out members information/database or contacts to candidates unless through a formal channel from the Secretariat

### **C. Basic Principles in the Electoral Code of Conduct for Secretariat**

The Secretariat are obliged to abide by the following:

- a. Not being involved in personal activities that might generate a sympathetic or antagonistic attitude towards particular candidates, or contestants, or others with particular candidate affinities;
- b. Avoiding acts of omission and/or commission that would have a negative effect on the conduct of the election activities, and avoiding interventions by members;
- c. Not wearing, carrying nor displaying symbols, signs or attributes which clearly identify partisan attitudes to contestants, or voters
- d. Not making open public statements that are personal attacks on candidates or contestants
- e. Not getting involved in any official or unofficial activity, including personal activity (use of Institute's database, unsolicited SMSs, blogs and twitter), which has the potential to raise a conflict of interest.
- f. Abiding by the Institute's by-laws

#### **D. Mandatory Provision**

This Electoral Code of Conduct is stipulated, to be fully obeyed and implemented.

#### **E. Penalties**

Notwithstanding clause B and C above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I have contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral offence and may be liable to the following penalties or disciplinary action.

1. Fine shall consist of Ksh.s 60,000/= as penalty for breach by staff members
2. Disciplinary action for breach of election code for which a warning letter will be issued.  
In the event that more than one warning letter is issued for the electoral offences the staff will be construed to be unfit to hold any office at the secretariat.

#### **Declaration**

I \_\_\_\_\_ have read and understood the provisions in the Electoral Code of Conduct as stipulated, and commit to fully abide by it. I will also take responsibility for non-adherence to the Code of Conduct as stipulated and agree to the resulting consequences as a result of the breach as provided for in the Institute's by-laws and regulations.

Signature\_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX I: PROPOSED CANDIDATES PROFILE FOR CIRCULATION TO MEMBERS**



**THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA**  
**CANDIDATES VALIDLY NOMINATED FOR COUNCIL ELECTIONS, YEAR 2016**

**PHOTO**

**PERSONAL DETAILS**

**Full Name: CPA.....**

**Professional & Education Qualifications:**

- Doctor of Philosophy (PhD) in Business Administration
- Doctor of Philosophy(PhD) in Economics
- MBA in Strategic Management
- MA-Economics
- Bachelors of Education
- CPA(K)
- CPS(K)



- CIPS

ICPAK Registration Number: 5468

Date of Registration: April, 2008

Position Nominated for: **COUNCIL**

## **PROFILE**

I hold a PhD in Business Administration (Finance) from Jomo Kenyatta University of Agriculture and Technology (JKUAT), PhD in Economics from the Open University of Tanzania, a holder of an MA (Economics) from University of Nairobi; an MBA (Strategic Management) from University of Nairobi; B. Ed (Hons) from Moi University and a Postgraduate Certificate in Environmental Impact Assessment and Environmental Audit from Africa Nazarene University.

I am a member of the Institute of Certified Public Accountants of Kenya (ICPAK), Institute of Certified Public Secretaries of Kenya (ICPSK), Kenya Institute of Management (KIM), Institute of Economic Affairs (IEA) and the Kenya Institute of Supplies Management (KISM).

I sit in the Pan African Federation of Accountants (PAFA) Board as a technical advisor, Kenya Accountants and Secretaries National Examinations Board and other regional and national boards. I have extensive experience in leadership, financial management, research and public policy amongst others.

I have previously served as the Director Private Sector, Enablers and Competitiveness at the National Economic and Social Council (NESC) Kenya, a top policy advisory body to the Government of Kenya, as the Finance and Administration Manager at Housing Finance of Kenya, and Finance and Procurement Director at Kenya Post Office Savings Bank.

## **Involvement in Institute Activities**

- I have represented the Institute in several events both locally and internationally.
- I have conducted several trainings for the Institute
- I was co-opted as a Member of the Public Policy and Governance Committee of the Institute from 2009-2011.
- I serve in the Finance and Strategy Committee of the Institute.

## **Suitability for Council Election**

- I am a Member of the Institute in good standing.
- I am committed to more deliverables in the 2016/2018 period.
- I have been a member of the Institute since 2006 I was commended in April 4, 2008 for my outstanding contribution to the Institute and the CPA profession.

