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ETHICAL PENALTIES: A STUDY ON POSSIBLE SITUATIONAL AND INDIVIDUAL FACTORS TO EXPLAIN LESS SEVERE PUNISHMENTS FOR ACCOUNTANTS

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Abstract: The objective of this study was to verify whether the factors of age and professional experience of counselors who propose punishments explain the application of less severe ethical penalties to accountants. To this purpose, 390 cases opened against accounting professionals with active registrations at the Regional Accounting Council of the State of Mato Grosso were analyzed, which became final in the period from 2014 to 2018. The study had a probabilistic approach and thus, for the econometric examination, logistic regression was used. The results show that on average, reporting counselors are 58 years old and have 27 years of professional experience on average. The results showed that the older the counselors are, the less likely they are to issue warnings for ethical infractions and that more experienced counselors are more likely to punish offending accountants with a warning, that is, a less severe penalty. Descriptive statistics showed that the reserved warning, which is considered a less severe ethical punishment, represents 66.67% of the penalties applied to accountants.

Keywords: Ethic, accounting, counselors, penalties.

INTRODUCTION

Accounting professionals are encouraged to observe and practice a normative and legal framework, which aims to guide them in decision-making and dissemination of information that serves the public interest. (IESBA, 2018). The veracity of this information is of fundamental importance in the context between professionals and other interested parties, given that they are necessary in social and economic relations. (SHEFRIN; STATMAN, 1993). However, non-compliance by professionals with this set of rules and laws may result in the opening of lawsuits and punishments, causing possible

harm to themselves and/or the class to which they are associated. (LOEB, 1972; ADAMS; TASHCHIAN; SHORE, 2001; FIRTH et al., 2016).

Accounting practices have been increasingly recognized as a capable and exclusive tool for homogeneously interpreting the economic phenomena involved in business relationships. (MEIRELLES JUNIOR, 2009). In this sense, the advice of accounting professionals, aligned with the standards established by the International Federation of Accountants (IFAC), establishes guiding principles for the professional's behavior in the exercise of the profession. Integrity, honesty, professional competence and due care, as well as confidentiality and professional behavior, are among the fundamental principles to be observed by accountants. (IFAC, 2018).

However, when deciding to act contrary to what these principles establish, professionals become susceptible to ethical and/or disciplinary punishments provided for in normative and legal regulations, among which we can mention the Decree-Law (DL) number: 9.295/1946 and the Brazilian Accounting Standard for General Professionals (NBC PG) number: 01/2019, among others. The behavior of non-compliance with established principles may occur due to several situational and/or individual factors that may be directly related to the way these professionals behave in the face of these requirements. (FORD; RICHARDSON, 1994). From the perspective of Alves (2005), situational factors are those that are related to the environment in which the professional is located, while individual factors are related to the individual himself.

The responsibility to register, monitor, assess, process, judge and punish such misconduct lies with the Regional Accounting Councils (CRCs), according to DL number: 9.295/46 (BRAZIL, 1946) and Resolution of the Federal Accounting Council (CFC)

number: 1,370/2011. (CFC, 2011). The offender must be granted the right to full defense and, only after the rapporteur (elected and effective counselor) analyzes and submits to the vote of the Regional Court of Ethics and Discipline (TRED), ethical and/or disciplinary punishment or acquittal may be applied, according to Resolutions number: 1,523/17 and number: 1,603/20 of the Federal Accounting Council. (CFC, 2017; 2020).

Among the ethical punishments described by Resolution CFC 2019/NBCPG 01 of February 7, 2019, imposed on violating accountants prosecuted, judged and found guilty by TRED, the reserved warning has been the most applied. (DE LIMA et al, 2022). It is up to the reporting counselors, in accordance with CFC Resolutions 1,523/17 and 1,603/20, to propose to TRED the punishments provided for in the regulations and law.

By knowing the issues above, the problem question that guided this study was the following: are the age and professional experience of counselors for the application of less severe ethical penalties to accountants? Therefore, the objective of the study was to verify whether the age and professional experience of counselors are explanatory factors for the application of less severe ethical penalties to accountants.

Broadly speaking, Parker (1994), Jiang, Zhu and Huang (2013) and Zhang (2018) discussed, among other topics, whether situational and/or individual factors such as age and professional experience can influence the decision-making of CEOs in different situations. However, in Brazil, studies with a similar approach are still incipient, specifically in the context of Mato Grosso.

From this perspective, the present study is relevant and justified when it proposes to discuss whether the factors of age and professional experience of counselors who analyze cases against accountants explain the

levels of the reserved warning ethical penalty (less severe punishment) applied to offending professionals.

THEORETICAL REFERENCE

CONCEPTIONS OF ETHICS AND MORALS

The infraction and, consequently, the respective punishment, as a legitimate instrument to show disapproval of the infraction, are actions resulting from non-observance of morals and ethics. Understandings regarding the definition of ethics and morals are sometimes discussed from an equality perspective. Although the two have many similarities in etymology, their meanings are, in fact, different.

For Foucault (1984, p. 26), morality is “a set of values and rules of action proposed to individuals and groups through various prescriptive devices, which come from the family, educational institutions, churches, etc...” Therefore, it varies with time and place, considering the changes that have occurred in organizations, in the effective ways of working. (DIEHL; FREITAS; MACAGNAN, 2011). From the Kantian perspective, moral practice is not only constituted by the individual’s pure experience, even though this is an inherent characteristic of his condition, but also based on a set of prescribed rules. However, this set of legal rules imposed as a moral duty, according to Kant (2007), will only be accepted as mandatory if they are established based on absolute necessity.

In this sense, the duty to comply with this set of legal rules established by man for himself, from the Kantian perspective, is considered ethics, therefore, an imperative action. Thus, ethics starts from the fact of the existence of the history of morals, that is, it takes as its starting point the diversity of morals over time, with their respective values

and knowledge. (CORTÍNA; MARTÍNEZ, 1996; VÁZQUEZ, 2017).

Ethics verifies whether the options established based on this practical reason are in line with established moral standards. (SROUR, 2005). According to Aranha and Martins (1993), ethics is the part of philosophy that deals with reflection on the notions and principles that underlie moral life. Ethics is, then, the science of human conduct. From this perspective, it is the science of the end to which man's conduct must be directed and the means to achieve that purpose. (KESKE, 2017).

In this sense, morals and ethics differ in etymology, as well as in approach. The first refers to a set of norms, values, principles of behavior and customs specific to a specific society or culture. It is the representation of the law in itself and is realized only in the rational being. (KANT, 1980). The second, in turn, deals with the theory of customs, the freedom of individuals, having as its object of analysis and investigation the nature of the principles that are subject to these norms. (KANT, 1980; PEDRO, 2014).

This way, morals and ethics are not static elements, and, according to Kant (1980), ethics is related to the daily practices of individuals, therefore, they change over time. In this sense, Vásquez (2017) says that ethics is a science that studies human behavior in society, while Foucault (1984) understands that it is the way in which the individual must constitute that part of themselves as the main subject of their conduct. moral, thus making it possible to take care of oneself and others.

Thus, when this individual fails to take care of himself and others, the set of rules imposed imposes the corresponding punishment on him. Punishment is calculated according to prescribed norms, considering the seriousness of the crime committed. (FOUCAULT, 1987). The pain of the imputed punishment can be felt in the body, however, according to

Foucault (1987), this body can also be directly immersed in a political field, in which power relations can have immediate impact on it.

PROFESSIONAL ACCOUNTING ETHICS

According to Kelemen and Peltonen (2001), discussions related to the field of business ethics grew in response to the apparent decline of ethical standards in business relationships. In this sense, the role of accounting in producing reliable information for its users has become of fundamental importance. Thus, Sá (2002) defines accounting as the science that studies patrimonial phenomena, but which is also concerned with realities, evidence and behavior of individuals.

Therefore, accounting contains a representation of a specific social and political context, which may place its objectives in clear contradiction. (COOPER; SHERER, 1984). This way, accounting can be considered an instrument, an object in the process of globalization of information for the production of goods and services for groups interested in their information. (HOPPER; LASSOU; SOOBAROYEN, 2017). That said, its users, through various factors including cultural and religious, articulate themselves in order to influence the decisions of their peers. (HOPPER et al., 2009; ALAWATTAGE; WICKRAMASINGHE; UDDIN, 2016).

By knowing this, a regulation and inspection system seem necessary to monitor the moral and ethical behavior of professionals in this process. According to Lisboa (1997), in a society, a person's private interests do not always converge with the interests of other participants in that social context. Thus, there is a need for rules to establish the boundaries of individual interests, considering the collective.

However, the rules, sometimes made explicit through Codes of Ethics and Conduct, occur

as a result of the reflection of the duty imposed on each of these individuals. This attribution of duty, compliance with codes, norms and resolutions established by professional categories refers to the term deontology, used by Bentham (2000).

If compliance with the rule is mandatory, failure to comply makes the individual a potential debtor, therefore, they must be charged.

Deontology, according to Souza (2002), is the list of objective determinations, operational and technical instructions that members of a professional group must follow in the exercise of their activities. According to DL number: 9.295/46, if the list of determinations is violated, ethical or disciplinary punishment(s) may be applied to the transgressor, considering the seriousness of the infraction committed. (BRAZIL, 1946). In view of this, the set of rules imposed by Resolution CFC number: 2019/NBCPG01 of February 7, 2019, constitutes a categorical, deontological imperative, due to its characteristic of mandatory compliance. (KANT, 2007).

ETHICAL AND DISCIPLINARY PENALTIES

Penalties in the context of the accounting profession are provided for in accordance with DL 9.295/46 and NBC PG 01/19, for non-compliance with the list of determinations (duties) imposed by the Class Councils. (BRAZIL, 1946; CFC, 2019). For failing to comply with these determinations, violating the established rules, professionals may be penalized. Penalties are understood as the result of non-observance of the rules, of morally pre-established norms, which can result in exclusion, going through various forms of confinement to a system of fines or minor restrictions. (GOMES, 2004). Penalties are classified as ethical and disciplinary, being applied to the extent that the principles set out

in the Code of Ethics and other regulations are violated.

These penalties are organized into two categories: in the first, there are ethical punishments, that is, imposed for non-compliance with the CEPC, while in the second, the punishments are disciplinary, related to the breach of the rules and legislation that regulate the professional practice of the accountant. According to DL 9.295/46 and NBC PG 01/19, ethical punishments are: Reserved Warning (AR), Reserved Censorship (CR) and Public Censorship (CP). (BRAZIL, 1946; CFC, 2019). According to Resolution, CFC number: 1.603/20, the punishments of Warning and Reserved Censure are of a reserved nature, that is, the punishment must be made official to the convict in a reserved manner and cannot be disclosed. (CFC, 2020b).

If the offender is punished with a Reserved Warning, the communication must be carried out by means of an official letter, alerting him of his offense and may be forwarded in any of the ways provided for in Resolution CFC number: 1.603/20. If the communication of the previously mentioned penalty remains frustrated, a certificate of what happened will be drawn up in the case, and the CRC must issue a summons through a call notice published in the Official Gazette or a newspaper with large circulation. If the offender does not respond to the call in a timely manner, it will be certified in the records and will result in the automatic execution of the sentence, with the punishment recorded in the prisoner's record. When applying the AR penalty, the rapporteur must consider as a basis whether the offender is a first-time offender, that is, has no prior record and is not a repeat offender.

If the punishment applied is Reserved Censure, communication of the penalty will be delivered by hand by a competent authority or CRC employee designated for that purpose.

This communication may, exceptionally, be delivered by post via Acknowledgment of Receipt; Own Hands (CFC, 2020). Said communication must be filed in the professional's folder under the custody of the CRCs. In the case of the Reserved Censorship punishment, antecedents and repeat offenses are considered.

Among ethical punishments, Public Censorship is considered the most serious. In this case, according to article 72 of Resolution, CFC number: 1.603/20, the convict must be summoned, included in the convict's register and the penalty register. The punishment applied by TRED must be published through a notice in the Official Gazette or in a newspaper with mass circulation. The communication must contain information related to the professional and the breakdown of the offense committed. (CFC, 2020).

Regarding disciplinary punishments, the legislation relevant to professional practice (in the case of accounting professionals, DL 9.295/46, and Resolution, CFC 1.592/2020, among others) will serve as a basis for judges, in this case, counselors, to issue their opinions in favor or against professionals. These punishments are presented in Table 1, below, according to Decree-Law 9,295/46 and Resolution CFC number: 1,603/20.

By knowing this context, punishments, ethical or disciplinary, must be moderate and proportionate to the crimes committed. (FOUCAULT, 2014). The imposition of these punishments due to non-compliance with the rules has the primary objective of enabling the convict to improve their professional behavior. (PEYTCHEVA; WARREN, 2013; FIRTH; MO; WONG, 2014).

REPORTING ADVISORS AND ELECTION

Within the scope of the accounting profession in Brazil, CFC Resolution, number: 1,523, dated April 7, 2017, regulates the function and behavior of advisors in office and with prerogatives to judge processes to the detriment of accountants. The aforementioned resolution established the code of conduct for advisors, collaborators and employees of federal and regional accounting councils in Brazil. Resolution CFC number: 1,603 of October 22, 2020, which came into force in 2021, in articles 24 to 26, highlights the jurisdiction of counselors at both the federal level and those who are elected to exercise the function in the Regional Accounting Councils (CRC).

According to DL number: 9.295/46, the Regional Accounting Councils have the purpose of Registering, Inspecting and promoting the Continuing Education of accounting professionals in the states in which they are located. According to Ghislandi et al (2021), there are a total of twenty-seven CRCs, one for each Brazilian state and one in the Federal District. Besides, according to Ghislandi et al (2021), the CRC's have their basic organization determined by the Federal Accounting Council, to which they are subordinate.

These Councils, with regard to the administration of their services, management of their resources, work regime and employment relations, are autonomous. In relation to their representatives in accordance with DL, number: 1,040/69, of October 21, 1969, article 1st and article 2nd, and DL number: 11,160, of August 2, 2005, article 1st, Ghislandi et al (2021), CFC must be formed by a representative from each CRC plus a respective alternate, being elected for a four-year term, with renewal made every two years alternating in one third and two thirds. These

Disciplinary Penalties	Description	Legal device
Fine	The fine will be charged in the records of the inspection process by means of a summons to the offender, accompanied by the respective guide.	DL 9,295/46; Resolution, CFC number: 1,603/20; Law number: 12.249/10.
Suspension from practicing the profession	Applied to the professional for a period of up to 2 (two) years, who, within the scope of his activity and with regard to the technical part, is responsible for any false documents he signs and for bookkeeping irregularities carried out in order to defraud the public income; or even, for a period of 6 (six) months to 1 (one) year, to professionals with proven technical incapacity to perform their duties, at the discretion of the CRC to which they are subject, however, the interested party is provided with the broadest defense.	DL 9,295/46; Resolution, CFC number: 1,603/20; Law number: 12,249/10; Resolution, CFC number: 1.432/13
Revocation of professional practice	When proven technical incapacity of a serious nature, crime against the economic and tax order, production of false proof of any of the requirements for professional registration and misappropriation of client values entrusted to their custody, provided that it is approved by 2/3 (two thirds) of the Plenary of the Superior Court of Ethics and Discipline (TSED).	DL 9,295/46; Resolution, CFC number: 1,603/20; Law number: 12,249/10; Resolution, CFC number: 1,432/13

Table 1: Disciplinary penalties

Source: prepared by the authors (2024)

will be elected by an electoral college made up of one representative from each Regional Accounting Council.

The article 4th of the same DL, that is, 1,040/69, defines that the members of the Regional Accounting Councils and their respective substitutes will be elected by the direct election system, through a secret and mandatory vote of accountants under the jurisdiction of such council. Law number: 12,932, of December 26, 2013 says that the CRC's will be composed of accountants and, at least, one representative of accounting technicians, who will be elected in the election for the renewal of 2/3 (two thirds) of the Plenary.

It is worth noting that according to Ghislandi et al (2021) the CFC number of advisors is defined by decree-law number: 1,404/69, the CRC's by article 11 of resolution number: 1,370 must have at least 9 (nine) members, with up to an equal number of substitutes and, at most, the number considered by the CFC to be essential for the adequate fulfillment of its functions.

According to CFC Resolution, number: 1,523, of April 7, 2017, in article 3, principles and values must be observed when exercising the role of advisor: legality, impersonality,

morality, publicity and efficiency, transparency, honesty, respect and integrity, ethics, companionship, professional and social responsibility, commitment, trust and persevering work, objectivity, impartiality and professional secrecy, political-partisan, religious and ideological neutrality.

METHODOLOGY

The study was developed based on the analysis of open cases, which became final in the period from 2014 to 2018 to the detriment of accountants with active registrations at the CRC-MT. According to statistical data from the CRC-MT Transparency Portal, during this period, 1,422 cases were judged (CRC-MT, 2019). In this sense, the first sample consisted of 423, that is, 29.75% of the final and unappealable cases made available by the aforementioned Council.

Data collection took place from August 2019 to June 2020 on the CRC-MT premises, specifically, in the Inspection, Ethics and Discipline Chamber (CFED) of the CRC-MT, registration department and board of directors of the aforementioned Council. Still in accordance with the provisions of Law number: 12,527/11 and CFC Resolution number: 1,439/13, regarding confidentiality

and access to information, the processes made available were analyzed at the premises of the aforementioned Council. In this sense, all information was collected under the guidance of the respective department directors.

Considering that all cases could be analyzed as long as they had already become final, the sample was characterized as simple probabilistic, however, it was necessary to exclude 33 cases, as they did not present all the information necessary to prepare the model.

Thus, the final sample consisted of 390 processes, corresponding to 27.43% of the population. The selection took place considering that the processes had already gone through all the stages provided for in CFC Resolution, number: 1,603/20, considering that the processes comply with all the stages in the aforementioned resolution when the terminative decision is unappealable.

It is important to highlight that the present study sought to verify whether the variables age and professional experience of counselors are significant in explaining the level of less severe ethical penalty, that is, reserved warning, applied to offending accountants. To this purpose, a model was created, where the dependent variable is the reserved warning ethical penalty, however, it was not a reason for discussion in this study.

By knowing the characteristics of the variables in question, logistic regression was chosen to verify the probability of the independent variables, in this case, age and professional experience of the counselors, explaining the dependent variable. The following Econometric model was developed.

$$PEAR_i = \beta_0 + \beta_1 \text{CONTFPOLIT}_i + \beta_2 \text{CARGPOLIT}_i + \beta_3 \text{DOAÇOES}_i + \beta_4 \text{CONTREIN}_i + \beta_5 \text{CONTREVEL}_i + \beta_6 \text{CONTFEM}_i + \beta_7 \text{CARGCRC}_i + \beta_8 \text{NECONT}_i + \beta_9 \text{FINE}_i + \beta_{10} \text{ICONS}_i + \beta_{11} \text{TFCONS}_i + \beta_{12} \text{EPCONS}_i + \varepsilon$$

Where, PEAR refers to ethical penalties applied to accountants and β_0 is the constant variable. The equation parameters were estimated through regression: β_1 to β_{12} and i represented analyzed process. The dependent variables are described in table 2 below.

Regarding model adjustment, some tests were applied, including the Receiver Operating Characteristic (ROC) curve, which aims to show the power of the model to discriminate the categories of the dependent variable. (FÁVERO et al., 2014). According to Fávero et al. (2014), if the area under the curve is less than or equal to 0.5, the model cannot discriminate the categories; and above 0.80, the model has excellent discriminatory power. Thus, through figure 1, that is, the ROC curve graph, it can be inferred that the proposed model has excellent discriminatory power, since its area is above 0.80.

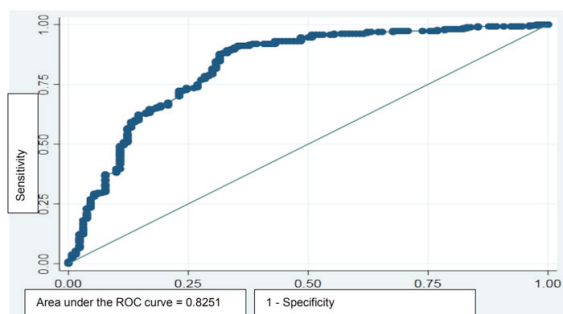


Figure 1: Discriminatory Power of the Model

Source: prepared by the authors (2024).

Considering the problem of the study at hand and its objective, it is noteworthy that the ICONS variable was characterized in the model as continuous. Represents the age of the advisors in numbers of years. The calculation was made by subtracting the counselor's year of birth from the year in which the punishment was applied to the professional. To this purpose, data were collected through a telephone call to each counselor, since the personal information of these employees was not made available by the CRC-MT due

Kinds of variable	Variables	Variable Characteristic	Variable Description
Dependent Variable	PEAR	<i>Dummy</i>	Ethical Penalties Reserved Warning.
Independent variables	CONTFPOLIT	<i>Dummy</i>	Accountants who were affiliated with a political party during the period in which they were charged and punished.
	CARGPOLIT	<i>Dummy</i>	Accountant if you have held elected political positions.
	DOAÇOES	<i>Dummy</i>	Accountant who made donations in amounts to elected politicians
	CONFEM	<i>Dummy</i>	Accountants' gender.
	CARGCRC	<i>Dummy</i>	The accountant took up positions on the Class Council.
	CONTREIN	<i>Dummy</i>	Accountants recidivism.
	CONTREVEL	<i>Dummy</i>	Accountant who did not present a defense was tried in absentia.
	NECONT	<i>Dummy</i>	Accountant's education level.
	ICONS	Quantitative variable	Age of advisors.
	TFCONS	Quantitative variable	Time, in years, working as a counselor
	EPCONS	Quantitative variable	Professional experience of counselors in years of professional registration.
	FINE	<i>dummy</i>	If the fined professional was fined

Table 2: Search Variables

Source: prepared by the authors (2024)

to CFC Resolution, number: 1,439/13. The counselors' contacts were collected through observation of the CRC-MT's institutional WhatsApp groups, and others, based on surveys of the Federal Accounting Council.

In relation to the EPCONS variable, it was characterized as continuous and consisted of the number of years as an accountant, taking as a reference the date of the first CRC registration and the initiation of the process by this professional analyzed. In this case, the data were collected from the files (reports) of the Registration Chamber, provided by the CRC-MT, and from the name of the reporting counselor identified in the process.

DATA PRESENTATION AND ANALYSIS

PROFILE OF REPORTING COUNSELORS AND DESCRIPTIVE ANALYSIS OF VARIABLES

The profiles of the reporting counselors were observed during the analysis of the processes. It is worth highlighting, as previously mentioned, that some information,

including marital status and religion, was not collected due to regulatory restrictions. (Resolution, CFC 1,469/2014). Table 1 below shows the profile of the reporting counselors.

Item		Number of advisor	%
Gender	Male	11	78,57%
	Female	3	21,43%
Level of Education	Accounting technician	2	14,29%
	Bachelor of Accounting	12	85,71%
Operating Time	Up to 5 years	1	7,15%
	From 6 to 10 years	0	00,00%
	From 11 to 20 years	3	21,43%
	From 21 to 30 years	5	35,71%
	Over 31 years	5	35,71%
Geographic location	Countryside	1	7,14%
	Capital/Metropolitan	11	78,57%
	Others*	2	14,29%

Table 4: Profile of CRC-MT Reporting Advisors

Source: Prepared by the authors (2024).

In the data collection process, it was observed that among the final and unappealable cases that made up the aforementioned study sample, two (2) were analyzed by CFC counselors. In relation to this event, it

is worth noting that, if a certain accounting professional, after judging the case in which he is cited, feels wronged, he may appeal to the second instance, in this case, to the CFC. In this sense, the process will be reevaluated by a CFC advisor who may maintain the sentence, apply another one they deem appropriate, or even request archiving. This way, the fact that two counselors among those observed in the processes are working at the CFC is justified.

Table 2, presented below, shows descriptive statistics of the model variables. As can be seen in the model, the dependent variable of the model is PEAR, however, the object of the present study is to observe the independent variables ICONS and EPCONS, that is, the age and professional experience of the counselors, respectively.

Variables	N = 390	Average	Standard deviation	Min.	Max.
PEAR		.6666667	.4720101	0	1
CONTFPOLIT		.2512821	.4343075	0	1
CARGPOLIT		.0333333	.1797361	0	1
DOAÇOES		.0564103	.2310086	0	1
CONTREIN		.2717949	.4454562	0	1
CONTREVEL		.5102564	.5005369	0	1
CONFEM		.2358974	.4251038	0	1
CARGCRC		.0230769	.1503407	0	1
NECONT		.6435897	.4795536	0	1
MULTA		.9307692	.2541722	0	1
ICONS		58.60513	10.85061	36	76
TFCONS		5.528205	5.528205	1	20
EPCONS		27.16923	11.72421	3	47

Table 2: Descriptive Statistics of Model Variables

Source: Prepared by the authors (2024).

According to evidence from descriptive statistics, on average, reporting counselors are 58 years old and have an average of 27 years of professional experience.

With a sample of 390 cases that were judged in the period under analysis, 260 (mode) correspond to the expected event, that is, professionals punished less severely.

On the other hand, there is a Frequency of 130 cases judged with respective punishments, however, not being an event of interest, that is, other penalties. In the Table below, the frequencies for the dependent variable are presented, considering the two categories, event of interest and the opposite.

PEAR	Frequency	Percentage	Accumulated
0	130	33.33	33.33
1	260	66.67	100
Total	390	100	

Table 3: Frequency Ethical Punishment Reserved Warning (less severe)

Source: Prepared by the authors (2024).

According to the evidence in table 3, the least severe number of ethical penalties, called reserved warnings, is the one most applied to offending accountants, prosecuted, tried and punished. This result is consistent with Lima et al (2022), which showed that the ethical penalty is warning reserved for the most applied by the CRC/MT to violating accountants. From the study by Batista et al (2013) it is also possible to infer that, in other areas, in this case, dentistry, that when it comes to ethically punishing their peers, the reserved warning has been the most applied.

ANALYSIS OF RESULTS

From the research data, it was observed that the variable age of counselors (ICONS) was statistically significant for the model with $\alpha = 0.046$ and a negative coefficient at 0429396. The result suggests that, if the counselor's age increases by 1 year, the probability of the offending professional being punished with a warning decrease. According to descriptive statistics, the average age of counselors is 59 years old (rounded number).

It was found that 66% of professionals were punished with warnings, 27.43% were censored and 5.9% of cases were archived. It

is noteworthy that, for all scenarios presented, the ICONS variable proved to be statistically significant <0.05 and with a negative coefficient.

Therefore, it is possible to conclude that the older the counselors are, the less likely they are to issue warnings to accountants for ethical infractions. This result is consistent with the evidence from the study by Serfling (2014), which analyzed the age of CEOs (Chief Executive Officer) and corporatist policies. According to Serfling (2014), the risk behavior of CEOs tends to decrease as they age. Therefore, failing to apply more severe punishments could pose risks when considering the recurrent behavior of offenders.

On the other hand, it is worth highlighting studies, including Forte, Silva and De Abreu (2021), which showed the non-significance of the influence of the average age of board of directors' members on the disclosure of CSR, that is, Corporate Social Reports. For the study sample by Forte, Silva and De Abreu (2021), the age variable did not prove to be significant in explaining the behavior of counselors in relation to CSR disclosure, that is, Corporate Social Reports.

Regarding the counselors' professional experience (EPCONS), the results showed the variable to be statistically significant within the limit of 10% with $\alpha = 0.092$ and $\text{coef} = .0321542$. Therefore, it can be inferred that more experienced advisors are more likely to punish offending accountants with a warning, that is, a less severe penalty.

By having more professional experience, counselors may present some strategic characteristics in the trial process, such as more willingness to understand and less critical behavior towards the offender. If the professional has experience in accounting practices, as well as in the role of advisor, there will therefore be a probability that the opinions issued will be of better quality. They may also

present characteristics of more engagement and advice, and may present better results in favor of the class and professionals. (ADAMS, 2009; JIANG; ZHU; HUANG, 2013; SONZA; KLOECKNER, 2014).

Professional experience can be one of the main pillars for the quality of work, in order to make more appropriate decisions. (BETHKE; KINDWELL; STEVENS, 1987; CHE; LANGLI; SVANSTRÖM, 2018). But what would be the most appropriate decision? In this case, the reflection takes place from the perspective of the studies by Krom (2016) and Armitage and Moriarity (2016), when they infer that, under public scrutiny, CRCs tend to punish more severely, that is, what would be more appropriate seems to be signaling to other bodies that accountants are under control, dominion. (FOUCAULT, 2007).

On the other hand, if the seriousness of the infraction has its mitigating factors, or even if its relationship is directly linked to the private interests of the class, not exposing the offender, and, consequently, the class, seems to be the most appropriate, within this context. (PARKER, 1994). From the perspective of Parker (1994), the exposure of the accountant for ethical infraction could signal to society possible technical and moral deficiencies, which could cause distrust on the part of those interested in accounting information, in the monitoring and discipline capacity of the Councils over their associates.

Thus, punishing with a warning may suggest compliance with the rules because it is punishing the offender, but also protecting private interests. The norms established by the Class Councils, in this specific case, the Code of Ethics for Professional Accountants (CEPEC), tend to show and justify to the public the legitimacy of the exclusivity of punishing the offending accountant, and thus, highlight their concern with zeal and efficiency of the accounting profession.

Therefore, the greater the experience of the reporting counselor, the greater the possibility that this professional will exercise power to judge and prepare more appropriate reports from the perspective of the CRCs, that is, to punish, but protecting, in principle, public interest and, especially, the interest of the accountants themselves. (PARKER, 1994).

FINAL CONSIDERATIONS

As it was initially stated, the issue that guided this question questions whether the age and professional experience of counselors are explanatory factors for the application of less severe ethical penalties to accountants. To answer this question, the objective was to verify whether the age and professional experience of counselors are explanatory factors for the application of less severe ethical penalties to accountants.

The results showed that older reporting counselors tend to punish severely. Thus, it allows us to conclude that, if TRED is made up of older counselors, ethical punishments classified as censorship must be the most applied. However, it is worth highlighting that, according to Lima (2021), the percentage of censures applied to accountants for ethical infractions in a period of five (5) years, namely, 2014 to 2018, corresponded to 27.43% of the penalties applied and that public censure was only 1.1%. The study by Lima (2021) also showed that the age of counselors, on average, was 59 years old.

It can be said, therefore, that the results of the present research are in line with Parker

(1994), by showing that, of the 595 cases concluded against accountants in the United States in the period from 1970 to 1974, only 35% were censored. Thus, according to the research data, it is concluded that there may be a tendency for professional councils to protect their peers from society's distrust in relation to behavior inappropriate to professional ethics. This argument finds support in studies by Parker, (1994), Li et al. (2008), Harrison, (2011) and Amara and Khlif, (2020).

In relation to professional experience, experienced counselors are more likely to punish less severely. From this context and observing the results on the age of the counselors, it is concluded that the experience can be used, by the counselors, to protect their peers. Therefore, it is concluded that experienced reporting counselors tend to present opinions with ethical punishment and reserved warning.

The work constructed sought to provide insight into the penalties suffered by accounting professionals in the period 2014 and 2018, as already mentioned in the methodology, the research observed the sample in cases of a 1st penalty/assessment and not in cases of recurrence, therefore, Future research could observe in the same period or in different periods and even with different CRCs what the vision and judgment of counselors is in cases of recidivism. Another gap to be explored is to analyze periods of Inspection and trials, that is, terms of office, as the positions of counselors are elective, as is the trial by terms of office.

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