

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Abdul Wahab

Heard on: Thursday, 25 April 2019

Location: ACCA, The Adelphi, 1-11 John Adam Street, London, WC2N
6AU

Committee: Mr Ian Ridd (Chairman)
Mrs Andrea White (Accountant)
Mr John Walsh (Lay)

Legal Adviser: Mr Richard Ferry-Swainson (Legal Adviser)

Persons present

and capacity: Mrs Emily Healy-Howell (ACCA Case Presenter)
Miss Rachael Davis (Hearings Officer)

Summary: **Facts and misconduct found proved, removal from
register and costs ordered.**

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

PRELIMINARY APPLICATIONS/SERVICE OF PAPERS

1. The Disciplinary Committee (“the Committee”) convened to consider an Allegation against Mr Wahab, who was not present or represented.
2. The papers before the Committee were in a bundle, lettered A to H, and numbered 1 to 46, and a costs schedule, numbered 47 to 50. The Committee was also provided with a Service Bundle, numbered 1 to 23.
3. Mrs Healy-Howell made an application to proceed in the absence of Mr Wahab.

PROCEEDING IN ABSENCE

4. The Committee first considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations (“the Regulations”). The Committee took into account the submissions made by Mrs Healy-Howell on behalf of ACCA, and also took into account the advice of the Legal Adviser.
5. Included within the service bundle was the Notice of Hearing, dated 21 March 2019, thereby satisfying the 28 day notice requirement, which had been sent to Mr Wahab’s email address, as it appears in the ACCA register. The notice included details about the time, date and venue for the hearing, and also Mr Wahab’s right to attend the hearing, in person or by telephone, and to be represented, if he so wished. In addition the notice provided details about applying for an adjournment, and the Committee’s power to proceed in Mr Wahab’s absence, if considered appropriate.
6. The Committee was satisfied that the notice had been served in accordance with the Regulations, which require ACCA to prove that the documents were sent, not that they were received. Having so determined, the Committee then considered whether to proceed in Mr Wahab’s absence. The Committee bore in mind that, although it had a discretion to proceed in the absence of Mr Wahab, it should exercise that discretion with the utmost care and caution, particularly as Mr Wahab was unrepresented.

7. In a number of emails sent to Mr Wahab, the Hearings Officer asked him if he would be attending the hearing, and if not whether he was content for the matter to proceed in his absence. In an email dated 16 April 2019, Mr Wahab said, *“Yes, I don't wana attend any hearing. you can proceed it without me. I left ACCA so you can do whatever u want to do.”*
8. The Committee noted that Mr Wahab faced serious allegations of dishonesty, and that there was a clear public interest in the matter being dealt with expeditiously. The Committee considered an adjournment would serve no useful purpose, because it seemed unlikely that Mr Wahab would attend on any other occasion. In light of his email on 16 April 2019, the Committee concluded that Mr Wahab had voluntarily absented himself from the hearing, and thereby waived his right to be present and to be represented at this hearing.
9. In all the circumstances, the Committee decided that it was in the interests of justice that the matter should proceed, notwithstanding the absence of Mr Wahab.

ALLEGATION/BRIEF BACKGROUND

10. Mr Wahab faced the following Allegation:

Allegation

- 1) Mr Abdul Wahab who is registered with ACCA (Association of Chartered Certified Accountants) as a student:
 - a. In September 2014, Abdul Wahab caused or permitted the submission to ACCA of one or more of the documents listed in Schedule A, which purported to have been issued by the University of Lahore when, in fact, they had not been.
 - b. Abdul Wahab's conduct as set out in paragraph 1a) above was:

- (i) Dishonest in that he knew that one or more of the documents set out in Schedule A were false;
- (ii) Contrary to the Fundamental Principle of Integrity.

c. By reason of his conduct as set out in any or all of the matters at 1a) and/or 1b) i and 1b) ii, Abdul Wahab is:

- (i) Guilty of misconduct pursuant to Bye-law 8(a)(i);
and
- (ii) Liable to disciplinary action pursuant to bye-law 8(a)(iii).

11. Mr Wahab is currently an ACCA student. He was admitted onto ACCA's student register on 15 March 2011.
12. On or around 6 July 2018, ACCA Investigations received a referral from ACCA Exemptions regarding Abdul Wahab. They had received information that the documents Mr Wahab submitted to ACCA, purporting to be from The University of Lahore, were not in fact issued by the University.
13. An ACCA's Exemptions Specialist said that ACCA received a request for F7, F8 and F9 exemptions from Mr Wahab, or someone on his behalf, in September 2014. Documents purportedly from the University of Lahore were supplied to support the F7, F8 and F9 exemptions request. The F7, F8 and F9 exemptions were subsequently awarded on 28 September 2014. On 8 June 2018, ACCA received a request from Mr Wahab who was seeking to have his F1 to F9 exemptions waived. The exemptions were waived, but the certificate and transcript, purportedly to be from the University of Lahore, were reviewed and sent to the University of Lahore for authentication. The University of Lahore responded and confirmed that the documents were false. It is axiomatic that, had this information been available in September 2014, Mr Wahab would not have been awarded the F7, F8 and F9 exemptions.
14. A member of the teaching team at The University of Lahore provided a completed and signed ACCA "Confirmation of False Document Form", which stated that the documents submitted to ACCA by Abdul Wahab,

purporting to be from The University of Lahore, had been examined. The form stated that Mr Wahab has never been a registered student at The University of Lahore, and the documents submitted by Mr Wahab purporting to be from the University of Lahore were not issued by them.

15. A review of Mr Wahab's ACCA examination history revealed that, in 2013, he sat and failed the F7 and F9 exams and, in 2015, he sat and failed the P2 exam.
16. On 20 July 2018, ACCA wrote to Mr Wahab asking him for his comments and observations.
17. In an email dated 4 September 2018, Mr Wahab responded. He said he had never seen the University of Lahore documents until ACCA supplied them to him. He said he studied for an HDA at Level 7 Acute Business College, with the understanding that he would get nine ACCA exemptions upon completion of the courses. However, Acute Business College went out of business, and Mr Wahab suspects it was due to stealing money from students and not paying staff. Mr Wahab said he was subsequently contacted by the founder of Acute Business College, Mr A, who offered to process his exemptions. Mr Wahab said he authorised Mr A to apply for exemptions on his behalf, and provided his ACCA registration number and passwords. Mr Wahab said he would not be so foolish as to send these documents, and maintained that many students had been victims of Mr A. As to why he later applied to have the exemptions waived, Mr Wahab said, *"I waive my exemptions because I want to avail OBU that's why I waive these."*
18. On 30 November 2018, ACCA wrote to Mr Wahab to inform him that a case report had been submitted for an internal review, with a view to referring the case to an Independent Assessor. Mr Wahab was asked to provide details of how, and when, Mr A contacted him and offered to process his exemptions, and also the mechanism by which he supplied Mr A with his ACCA registration and password details. Mr Wahab was also asked to provide evidence that he attended Acute Business College to study Level 7.

19. In an email dated 5 December 2018, Mr Wahab responded. He said he did not remember the exact date that Mr A had contacted him, but he remembered it was at the end of 2014, and it was by telephone. He said that Mr A already had his ACCA registration number and password “because I paid my all dues to ACCA through institute.” He said that he was never provided with a student card, but he had some “fee receipts” which he attached.
20. On 12 December 2018, ACCA wrote to Mr Wahab to inform him that a report had been referred to the Independent Assessor.
21. On 1 January 2019, Mr Wahab sent an email to ACCA in which he said he was shocked to see ACCA’s letter and findings, which, he said, were all based on assumptions. He maintained that he had been telling the truth about the way in which the Acute College had dealt with him. He accused ACCA of carrying out a one-sided investigation, and suggested ACCA hire a professional investigator who could better understand the case.
22. Apart from the email dated 16 April 2019, in which Mr Wahab said he would not be attending this hearing, there has been no subsequent correspondence from him.

DECISION ON FACTS/ALLEGATION AND REASONS

23. The Committee considered with care all the evidence presented, and the submissions made Mrs Healy-Howell. The Committee accepted the advice of the Legal Adviser and bore in mind that it was for ACCA to prove its case and to do so on the balance of probabilities.
24. The Committee accepted the unchallenged and cogent evidence that the “Transcript for Bachelor of Science in Accounting and Finance from the University of Lahore dated 19 November 2013”, and the “Letter from the University of Lahore dated 26 November 2013” were forgeries, and had not been issued by the University off Lahore.
25. The Committee was satisfied that either Mr Wahab himself, or someone on his behalf, submitted these documents to ACCA and that he was aware of

the fact that they were forgeries, which were being submitted to ACCA for the purpose of gaining exemptions from ACCA's examinations. On his own account, which the Committee considered entirely lacked credibility, Mr Wahab asserted that he had authorised a third person, Mr A, the founder of the Acute Business College, to apply for exemptions in his name, even though he knew at that stage that the Acute Business College had ceased operations due to suspected fraudulent practices at the College. On his own account, therefore, he would have known he was not entitled to the exemptions that he subsequently gained, as he had not gained a degree from the University of Lahore. He would also have been able to see the exemptions, and the documents relied on to gain the exemptions, on his ACCA online account and yet he did not, at any stage, contact ACCA, and say that the documents were false, and he was not entitled to the exemptions. Furthermore, it was difficult for the Committee to see how anyone other than Mr Wahab would benefit from the submission of these false documents. The Committee considered it to be a reasonable inference that Mr Wahab must have either created these documents himself, or paid someone else to do so. In all the circumstances the Committee found Allegation 1(a) proved.

26. The Committee then considered whether such behaviour was dishonest. The Committee considered what it was that Mr Wahab had done, what his intentions were, and whether the ordinary decent person would find that conduct dishonest. Mr Wahab, whether himself directly, or through a third person, whether that was Mr A or someone else, had provided false documentation to ACCA, as a result of which he gained exemptions from some of ACCA's examinations. The only possible intention for submitting such documentation must have been to deceive ACCA into believing he had a BSc in Accounting and Finance from the University of Lahore, and was thereby eligible to be awarded exemptions by ACCA. Mr Wahab must have known this to be the case, and he would have known he had not completed a BSc in Accounting and Finance, and equally would have known he was not entitled to the exemptions he subsequently received from ACCA. Had he been honest, he would have declared immediately to ACCA that he was not entitled to the exemptions, and asked how it was that he had been awarded them. The Committee was in no doubt that an ordinary decent member of

the public, in full possession of the facts of the case, would find that conduct to be dishonest. The Committee therefore found Allegation 1(b)(i) proved.

27. Having found Mr Wahab's conduct to have been dishonest, the Committee also found that he had breached the Fundamental Principle of Integrity, because providing forged documents to deceive the Regulator in order to gain examination exemptions, is neither straightforward nor honest. The Committee thus found Allegation 1(b)(ii) proved.
28. Having found the facts proved in Allegations 1(a) and 1(b), the Committee then considered whether they amounted to misconduct. The Committee was in no doubt that providing false documents to ACCA in the dishonest way described, would clearly be considered deplorable by fellow members of the profession and the public. It was behaviour which brought discredit upon Mr Wahab, the profession and ACCA. It therefore decided that Mr Wahab's behavior, in dishonestly submitting false documents, amounted to misconduct, and that Allegation 1(c) was proved in respect of 1(a) and 1(b).
29. Having found Allegation 1(c)(i) proved, it was not necessary for the Committee to consider Allegation 1(c)(ii), which was in the alternative.

SANCTION AND REASONS

30. In reaching its decision on sanction, the Committee took into account the submissions made by Mrs Healy-Howell. Mr Wahab had not attended, nor had he provided any personal mitigation for the Committee to take into account. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA, and had in mind the fact that the purpose of sanctions was not to punish Mr Wahab, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate. The Committee accepted the advice of the Legal Adviser.
31. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features in this case.

32. The Committee considered the following aggravating features: the degree of planning and sophistication in forging or obtaining the relevant forged documents; undermining of the integrity of ACCA's membership process; conduct motivated by personal gain; potential for harm to the public by his obtaining examination exemptions, which meant he would have not been properly qualified had he evaded detection; a complete absence of insight and remorse.
33. The Committee did not consider there to be any mitigating factors, and Mr Wahab had not suggested any. The Committee noted that he had no previous disciplinary record with ACCA, but this carried little weight because he had acted dishonestly early in his association with ACCA.
34. The Committee considered all the options available from the least serious upwards, and concluded that the only appropriate and proportionate sanction was removal from the student register. Providing false documents in order to gain examination exemptions is very serious, fundamentally incompatible with being a student of ACCA, and undermines the integrity of ACCA's membership process. ACCA's self-certification process relies on the honesty and integrity of the individuals applying. This blatant and deceptive, dishonest conduct was such a serious breach of bye-law 8, that no other sanction would adequately reflect the gravity of his offending behaviour.
35. The Association provides specific guidance on the approach to be taken in cases of dishonesty. In Part E2 of the guidance it states that dishonesty is said to be regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, or is related to matters outside the professional sphere, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions, where there has been a lack of probity and honesty, and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than striking off. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in

difficult circumstances. *“It is a cornerstone of the public value which an accountant brings.”*

36. The Committee bore in mind these factors when considering whether there was anything remarkable or exceptional in Mr Wahab’s case that warranted anything other than removal from the student register. The Committee was of the view that there were no exceptional circumstances that would allow it to consider a lesser sanction.
37. The Committee also considered that a failure to remove a student from the register who had gained examination exemptions by submitting false documents, would seriously undermine public confidence in the profession and in ACCA as its regulator. The public need to know it can rely on the integrity, ability and professionalism of those who are members of ACCA. In order to maintain public confidence and uphold proper standards in the profession, it was necessary to send out a clear message that this sort of behaviour would not be tolerated.
38. The Committee therefore ordered that Mr Wahab be removed from the student register.

COSTS AND REASONS

39. ACCA applied for costs in the sum of £7,218.94. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable, except for the estimates for the Case Presenter and Hearings Officer for today’s hearing which, in the event, took less than a full day. Mr Wahab did not provide any details of his means or provide any representations about the costs requested by ACCA; there was, therefore, no evidential basis upon which the Committee could make any reduction on that ground.
40. In light of its observations above, the Committee reduced the amount requested to reflect the actual costs more likely to have been incurred, and made an order in the sum of £6,618.

EFFECTIVE DATE OF ORDER

41. This order will have effect at the expiry of the appeal period, or at the conclusion of any appeal if one is made.

**Mr Ian Ridd
Chairman
25 April 2019**