

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Md. Mehidi Hasan
Heard on:	Thursday, 28 November 2019; Thursday, 22 October 2020 (Committee in camera) Friday, 23 October 2020
Location:	The Adelphi, 1-11 John Adam Street, London WC2N 6AU (28 November 2019) By remote video conference (22 and 23 October 2020)
Committee:	HH Graham White (Chair) Mr Constantinos Lemonides (Accountant) Mr George Tranter (Lay)
Legal Adviser:	Mr Andrew Granville Stafford
Persons present and capacity:	Mr Benjamin Jowett (ACCA Case Presenter) Ms Geraldine Murray (Hearings Officer) Mr Md. Mehidi Hasan (Member) Mr Mohammed Ali Ansar (Interpreter on 28 November 2020) Mr Shakil Rahman (Interpreter on 23 October 2020)

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- (i) Dishonest, in that Md Mehidi Hasan knew or did not care that one or more of the document/documents set out in Schedule A were false;
 - (ii) Contrary to the Fundamental Principle of Integrity (as applicable in 2018) documents were submitted to ACCA
- (c) By reason of his conduct in respect of any or all of the matters set out at 1(a) and/or 1(b) above, Md Mehidi Hasan is guilty of misconduct pursuant to byelaw 8(a)(i).

Schedule A

- Transcript in Md Mehidi Hasan's name purporting to be from UCLAN for BA (Hons) Accounting and Financial Studies; and
- Certificate in Md Mehidi Hasan's name purporting to be from UCLAN for BA (Hons) Accounting and Finance

Allegation 2

- (a) Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014, Md Mehidi Hasan has failed to co-operate fully with the investigation of a complaint in that he failed to respond fully or at all to any or all of ACCA's correspondence dated:
- (i) 07 November 2018;
 - (ii) 03 December 2018; and
 - (iii) 08 January 2019
- (b) By reason of his conduct in respect of any or all of the matters set out at 2(a) above, Md Mehidi Hasan is:
- (i) Guilty of misconduct, pursuant to byelaw 8(a)(i); or
 - (ii) Liable to disciplinary action, pursuant to byelaw 8(a)(iii).

ACCA'S CASE

5. Mr Hasan is a student member of ACCA, having been admitted to the student register on 27 July 2010. He is resident in Bangladesh. He has previously

passed the F4, F6, F7, F9 and P2 examinations. However, he has previously failed the F5 examination on three occasions, the last of which was in July 2017. He has failed the F8 examination on five occasions, the last being in April 2018.

6. On 12 September 2018, Mr Hasan's registered email address was changed to a gmail address (the 'acca50' address). On the same day, ACCA received an e-mail from the 'acca50' address coming or purporting to come from Mr Hasan. The email stated that he had completed '*BA Hon's in Accounting and Financial Studies under the University of Central Lancashire UK*'. He requested F5 and F8 exemptions. ACCA submitted it was of significance as these were examinations which Mr Hasan had previously sat and failed on more than one occasion.
7. Two certificates were submitted in support of this application. One was a certificate purporting to show that Md. Mehidi Hasan had obtained a Bachelor of Arts from University of Central Lancashire ('UCLAN') in Accounting and Financial Studies in April 2015. The other was a certificate headed '*Transcript*' in Mr Hasan's name, purporting again to be from UCLAN, and showing modules undertaken with grades for the BA (Hons) Accounting and Financial Studies course.
8. In addition, the following further documents, which ACCA submitted could only have come from Mr Hasan, were sent with the request for exemption:
 - Mr Hasan's Bangladesh passport;
 - A passport style photo;
 - Two secondary school certificates awarded to Mr Hasan;
 - Two higher secondary certificates awarded to Mr Hasan.
9. The documents purporting to be issued by UCLAN were sent to Mr A, the Leader of Accounting and Finance at UCLAN, to authenticate.
10. Mr A confirmed that the documents in question were not issued by UCLAN and that Mr Hasan's name did not appear on the UCLAN student record system. He completed a Confirmation of False Documents Form on 30 October 2018.
11. ACCA initially wrote to Mr Hasan's postal address in Dhaka on 07 November 2018 for his comments and observations regarding this investigation. Mr Hasan was asked to respond by 30 November 2018. The address matched Mr

Hasan's registered mailing addresses as it appeared in ACCA's member database at that time. The letter was also e-mailed to Mr Hasan on the same day to his registered e-mail address. The correspondence was, therefore, sent in accordance with Regulation 15 of ACCA's Membership Regulations.

12. ACCA did not receive a response from Mr Hasan. A chaser letter was sent to him on 03 December 2018 by letter and email. Mr Hasan was also warned that an additional allegation of failure to co-operate may be brought against him if he did not respond by 04 January 2019. The addresses to which this correspondence was sent again matched Mr Hasan's registered mailing and e-mail address as it appeared in ACCA's member's databases on the relevant date.
13. ACCA did not receive a response and a 'final chaser' letter was sent on 08 January 2019 to his registered postal and email addresses. Mr Hasan was again warned that an additional allegation of failure to cooperate may be brought against him if he did not respond by 22 January 2019.
14. No reply was received. On 11 April 2019, Mr Hasan was notified that the matter had been referred to this Committee.
15. On 22 June 2019, Mr Hasan's registered email address was changed to a new address (the 'mehidiacca' address).
16. On 24 June 2019, an email was sent by Mr Hasan from the 'mehidiacca' address requesting that his exemption application should be processed. ACCA submitted this email was significant. It was sent from the address that is Mr Hasan's currently registered address and one he has been using to communicate with ACCA. It refers to the earlier exemption application and the writer (which ACCA asserted was Mr Hasan) specifically states he has previously sent documents in support of his exemption application.
17. On 28 June and 03 July 2019, emails were received by ACCA from Mr Hasan's 'mehidiacca' address in almost identical terms. Mr Hasan accepted in his evidence at the hearing that he sent these emails. The latter read:

'I am Mehidi Hasan. My ACCA registration number is 2145090. I had sent all documents for exemptions of F5 PM and F8 AA. But i can not get any feedback. If I get that paper exemptions, It will be very easy for go ahead for me to enrol next exam.'

18. ACCA received a further email from Mr Hasan on 03 July 2019, saying:

'Please forgive me for submission of that documents. Actually, it occurred mistakenly. I am so sorry for this. It is all about other person or institutions that provide me false certification. I am really sorry about this. I check the documents. Actually, now I am studying Master of Professional Accounting in university of Dhaka as well as accounting 303: Cost accounting and Accounting 305: audit and assurance. So After completing this course. I will notify you. This is actually i am studying.

Again, I am really sorry about this. I had suffered fraud from other institute.

Please give me a chance for my academic documents which I am actually doing. After completing this. Which is not false

And see me as a forgive person. I am expecting positive response from you.'

19. Mr Hasan was asked to clarify his comments in this email. He replied on 05 July 2019, saying:

'Actually, Sir after completing HSC I had started ACCA. I have passed a lot of paper. I thought that I need Graduation. So, I saw advertisement that there have a chance to do BA Hons in accounting and finance from UK through exemption as well as ACCA provide skill level exemption. I believed that advertisement and that person. So, I had decided to do and I had provided money for doing BA Hons in accounting and finance. But they cheat me. I am clear when see email from ACCA that the certification is false. I have really shocked as well as lost lot of money.

Sir ACCA should accept all documents from ACCA registered office in any country. So, every student may not be suffered any kind of fraud from any other organisations or person.

By the way, Sir I am really sorry about this. I did not know that the certification is false. I am again really sorry. Please forgive me sir, please. I am taking preparation for giving exam rest of the paper of ACCA.

Please forgive me sir. I am really shocked. Please accept me as a forgive person.'

20. On 12 July 2019, Mr Hasan sent ACCA a further email saying:

'Actually, sir I had sent him for admission ACCA documents which I have passed. Now that person number which provided me, I can't reach. Because his number is switch off as well as his address is also wrong.'

21. In relation to Allegation 1, ACCA submitted that it was reasonable to infer from the fact that an application for exemptions was made and false documents were submitted, using Mr Hasan's registered email address, that Mr Hasan submitted them or that Mr Hasan allowed his email address to be used to submit documents. He either he knew or ought to have known, or did not care, that these documents were false. This, ACCA submitted, was dishonest and contrary to the Fundamental Principle of Integrity.
22. In relation to Allegation 2, ACCA contended that in failing to respond to the requests of the Investigating Officer, Mr Hasan has breached Regulation 3(1) of Chartered Certified Accountants' Complaints and Disciplinary Regulations ('CDR').

MEMBER'S CASE

23. Mr Hasan told the Committee that in around March 2018 he saw an advertisement on Facebook about gaining exemptions from ACCA exams by doing online courses. He phoned the number in the advert and was told if he submitted a thesis, he could complete the courses. He paid the equivalent of £400 and was informed that in time he would get a certificate.
24. In answer to questions from the Committee, Mr Hasan said that in return for the payment he thought he would get the thesis papers and the exemptions. He thought that the people he was dealing with, 'R' and 'S', had a foreign connection but he knew they were not from ACCA.
25. Mr Hasan said they took his ACCA registration number and password saying they would have to submit some papers online and after that he would get a response from ACCA. He said that they had changed his registered email and postal address.

26. He accepted that he had never studied at UCLAN and that the two certificates referred to in Schedule A were false. He accepted he was not entitled to exemptions, but he was expecting to be entitled after doing the thesis. He said he trusted the people he was dealing with, but accepted it was a mistake to do so.
27. He had not received the letters and emails from ACCA in late 2018 and early 2019, referred to in Allegation 2, because these had not been sent to his email address or postal address. They had been sent to the addresses that R and S had registered using his login details.
28. After a long time passed without anything happening, he accessed his email account. He changed his email address and contacted ACCA, asking what was happening. He accepted that the 'mehidiacca' address was his email address. He further accepted he had sent the email of 28 June 2019, which said '*I sent all documents for exemptions*'. He said he used this phrase because R and S told him they had applied and sent documents, but he did not know what they had actually sent. He just wanted an update.
29. When ACCA replied he realised what had happened which is why he sent the email of 12 July 2019. He accepted, in response to questions from the Committee, that he knew that as he had not done the thesis he was not entitled to the exemptions. His explanation for these emails is that he was trying to get an update from ACCA.
30. He had tried to contact R and S but the telephone numbers he had previously used were no longer working. He has not received a refund from them.
31. He told the Committee he has now obtained a Bachelor of Business Administration and has now enrolled on a Master of Professional Finance Course at Dhakka University. He told the Committee he would accept any punishment, but he asked to be given the chance to complete his ACCA studies.

DECISIONS ON ALLEGATIONS AND REASONS

32. The Committee considered the documents before it, the submissions of Mr Jowett on behalf of ACCA and Mr Hasan on his own behalf, and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an

allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities.

Allegation 1(a)

33. The Committee was satisfied, on the evidence of Mr A and Mr Hasan's own admissions, that the degree documents purporting to be issued by UCLAN were false.
34. The key issue for the Committee in respect of Allegation 1(a) was whether it could be satisfied that Mr Hasan had caused or permitted those documents to be submitted. The Committee was satisfied that he had for the following reasons.
35. Whilst the Committee accepted that Mr Hasan did not submit the false certificates himself, there was no doubt that R and S had done so on his behalf. Mr Hasan accepted that he had paid R and S money with a view to gaining exemptions.
36. Further, he had provided them with his ACCA registration number and password, knowing that they intended to use it to access his ACCA online account. He had effectively given R and S licence to submit whatever documents were necessary in order to gain the exemptions. The Committee was satisfied he knew what they were doing, namely sending false documents on his behalf to apply for the exemptions he needed.
37. In those circumstances, the Committee was satisfied that Mr Hasan had caused or permitted the false documents to be submitted to ACCA. The submission of these false certificates was done with his knowledge and with his active assistance.
38. The Committee, therefore, found Allegation 1(a) proved.

Allegation 1(b)(i)

39. In considering whether Mr Hasan's conduct was dishonest, the Committee had to consider Mr Hasan's state of knowledge and belief at the time the exemption application was made.

40. As it had found in relation to Allegation 1(a), the Committee was satisfied that Mr Hasan knew R and S were submitting false documents on his behalf in support of the exemption application.
41. Mr Hasan had been undertaking ACCA exams since 2014. The Committee was quite satisfied he knew that he would not be entitled to exemptions without enrolling on a course or undertaking any study. He entered into an arrangement with R and S to obtain these exemptions in return for payment. The Committee accepted Mr Jowett's submission that he really did not care how R and S obtained those exemptions.
42. Mr Hasan had made repeated attempts at the examinations in question. It would clearly be advantageous to him to gain these exemptions. The Committee was satisfied he paid money in order to get exemptions he knew was not entitled to.
43. The Committee was in no doubt that this would be regarded as dishonest by the standards of ordinary decent people. It, therefore, found Allegation 1(b)(i) proved.

Allegation 1(b)(ii)

44. The Committee was satisfied that this conduct was not only dishonest but also amounted to a lack of integrity on Mr Hasan's behalf. Integrity denotes compliance with the standards of ethical behaviour required of a professional person, and there was no doubt in the Committee's view that this behaviour fell well below those standards.
45. The Committee, therefore, found Allegations 1(b)(ii) proved.

Allegation 1(c)

46. The public would not expect a member of a professional body to be party to the submission of forged documents to gain exemptions from examinations which he was not entitled to. Mr Hasan's behaviour amounted to a serious falling short of the conduct that is expected from a professional person.
47. Mr Hasan's actions as set out in Allegation 1(a) and 1(b) clearly amounted to misconduct. The Committee, therefore, found Allegation 1(c) proved.

Allegation 2

48. The Committee had sight of the letters and emails sent to Mr Hasan by ACCA's investigations department on 07 November 2018, 03 December 2018 and 08 January 2019. There had been no response to that correspondence from Mr Hasan.
49. Mr Jowett, on behalf of ACCA, accepted that Mr Hasan would not be in breach of his obligation to co-operate if he were in fact unaware that the enquiries had been made. The issue for the Committee was whether Mr Hasan had either received this correspondence, or at least was aware of it, and had deliberately not replied to it.
50. In his evidence Mr Hasan told the Committee that R and S had changed both his email address and his postal address. It was common ground that the email address was changed to the 'acca50' address in September 2018. Mr Hasan said that, as a result, he had not received any of the three letters and emails in question.
51. The Committee did not accept Mr Hasan's account. In respect of Allegation 1, the Committee had found Mr Hasan played a full part in a dishonest enterprise to gain examination exemptions. In those circumstances, it did not believe Mr Hasan's claim that he was unaware of these letters and emails. It was satisfied that he had chosen not to respond to them.
52. Under CDR 3(1), Mr Hasan had a duty to co-operate with that investigation. His failure to reply to these letters and emails amounted to a breach of this duty. The Committee, therefore, found Allegation 2(a) proved in its entirety.
53. It further considered that failing to co-operate with ACCA's investigation amounted to misconduct. It is clearly important that members co-operate with their regulator when it is making enquiries of them. This is even more important when very serious allegations, such as the ones in this case, are being investigated. In this case, the failure to respond was repeated. It was clear in the Committee's view that this amounted to misconduct. The Committee, therefore, found Allegation 2(b)(i) proved.
54. In light of that finding, there was no need for the Committee to consider the alternative in Allegation 2(b)(ii).

SANCTION AND REASONS

55. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of Mr Jowett and Mr Hasan, and the advice of the Legal Adviser.
56. Having found that Mr Hasan's actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee considered the available sanctions in ascending order of seriousness.
57. The Committee noted that no previous disciplinary findings had been made against Mr Hasan during his years as a student. There was little else it could take into account by way of mitigation. Although he admitted he had done wrong, and thereby demonstrated some acceptance of responsibility, he did so only on the basis that he made a mistake.
58. No actual harm had in fact been caused by Mr Hasan's actions. However, there is a clear risk of harm to the public when a professional obtains a qualification they are not entitled to.
59. The Committee took into account the guidance in Sections E.2 of the GDS, which deals with cases where dishonesty has been found. Dishonesty is a serious offence for any student or member of a professional association. It undermines the trust and confidence the public places in the profession.
60. In this case, Mr Hasan submitted two false documents to try to gain exemptions from two professional examinations. In the Committee's view neither admonishment nor reprimand would sufficiently mark the gravity of this misconduct.
61. The GDS suggests a severe reprimand would be appropriate where the conduct is of a serious nature but there are particular circumstances or mitigation which satisfy the Committee there is no continuing risk to the public and there is evidence of an understanding and appreciation of the conduct found proved. Considering the guidance in the GDS, the Committee determined that a severe reprimand would not be appropriate, given, in

particular, the deliberate nature of the conduct and the risk to the public. Further, the facts found proved in Allegation 2 show that Mr Hasan had failed to co-operate with ACCA's investigation.

62. The Committee was satisfied that Mr Hasan's misconduct was so serious that no order less than removal would be appropriate. The matters found proved amounted to very serious departures from acceptable standards. There was no mitigation which would justify any sanction other than removal from the student register.
63. Therefore, pursuant to CDR 13(4)(c), the Committee ordered that Mr Hasan be removed from the student register.
64. The Committee directed, under CDR 13(9), that any future application for membership be referred to the Admissions and Licensing Committee. In the circumstances, the Committee considered that there was no need to exercise its power to direct that no application for re-admission be made for any period beyond the normal period.

COSTS AND REASONS

65. ACCA applied for costs in the sum of £7,413.50. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the allegations (Costs Schedule bundle, paginated 1 to 5). Mr Hasan provided a Statement of Financial Position and a letter from his employer giving details of his salary (Finance Bundle, paginated 1 to 3).
66. The Committee was satisfied that in principle a costs order should be made in favour of ACCA and that the amounts claimed were reasonable. The Committee noted that although, for various reasons, the hearing had taken place over four days only one day's hearing costs had been claimed.
67. However, the Committee had to consider Mr Hasan's means. Although Mr Hasan is working his means are limited. The Committee determined that, in light of his financial circumstances, the appropriate order was that Mr Hasan pay ACCA's costs in the sum of £2,500.

EFFECTIVE DATE OF ORDER

68. The sanction imposed by this order will come into effect from the date of expiry of the appeal period, namely after 21 days from service of this written statement of the Committee's reasons for its decision, unless Mr Hasan gives notice of appeal in accordance with the Appeal Regulations prior to that.

HH Graham White
Chair
23 October 2020