

ADMISSIONS AND LICENSING COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Golam Quader Zilani

Heard on: Thursday, 29 October 2020

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

Committee: HH Graham White (Chair)
Ms Wanda Rossiter (Accountant)
Mr Garrett O Reilly (Lay)

Legal Adviser: Mr David Marshall

Persons Present

And Capacity: Mr Benjamin Jowett (ACCA Case Presenter)
Mr Jonathan Lionel (Hearings Officer)

Observers: None

Summary: Application for re-admission to Student Register
granted

1. The Committee heard an application by Mr Zilani for readmission to the student register, he having been removed from the register in 2017 by an order of the Disciplinary Committee. Mr Zilani was present and represented himself. Mr Jowett appeared for ACCA.

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APPLICATION/BRIEF BACKGROUND

2. Mr Zilani first registered as a student of ACCA in February 2011. On 26 July 2017, he appeared before the Disciplinary Committee ('DC'). The Allegation against him was as follows:

Allegation 1

- (a) On various dates between June 2015 and September 2016, Mr Golam Quader Zilani submitted false documentation to the ACCA certifying that he was unwell in order to withdraw from the following ACCA examinations:
 - i. F9 and P1 June 2015 examinations;
 - ii. F9, P2 and P3 December 2015 examinations;
 - iii. F9 and P3 March 2016 examinations;
 - iv. F9, P2 and P3 June 2016 examinations;
 - v. F9 and P2 September 2016 examinations.
 - (b) Mr Golam Quader Zilani's conduct in respect of 1(a) was:
 - i. Dishonest;
 - ii. Contrary to the fundamental Principle of Integrity, as applicable in 2015 to 2016
 - (c) By reason of his conduct in respect of 1(a) and/ or 1(b) above, Mr Golam Quader Zilani is guilty of misconduct pursuant to byelaw 8 (a)(i)
3. At the start of the hearing, Mr Zilani admitted in full the allegation against him and the DC found the allegation proved in its entirety. The DC made an order that Mr Zilani's name be removed from the student register and that no application for readmission might be considered until the expiry of three years from the date of the order.

DECISION ON APPLICATION AND REASONS

4. Mr Zilani's application for readmission dated 06 August 2020 contained detailed accounts of the circumstances that led to his removal, his current employment and his attitude towards his removal, both at the time and now. He stated why, given similar circumstances and events in the future, he would not commit a similar breach of ACCA rules and made detailed submissions as to why he felt he should be re-admitted as a registered student. He had also previously submitted a personal statement dated 14 July 2020. At the hearing he made submissions and answered questions from the Committee expanding on these written statements. Mr Jowett made submissions and answered questions from the Committee. The Committee heard and accepted advice from the Legal Adviser.
5. It became clear to the Committee that the background to the misconduct was that Mr Zilani was in financial and personal difficulties at the relevant time. He wanted to withdraw from various scheduled exams and take them at a later time. He had already paid the fees for those exams out of his own pocket but it was too late for him to withdraw in the normal way so he would lose the fees he had paid. However, there was an exception if the withdrawal was for medical reasons. He took the decision to claim dishonestly that he had a medical reason for withdrawing and produced false medical certificates to support this claim. Mr Jowett confirmed that the financial benefit to Mr Zilani was that the fees he had paid were not forfeit but could be applied to later exams. There was no question of him receiving a payment.
6. In his written and oral statements Mr Zilani explained how devastated he was when he received the decision of the DC, particularly the three-year limit on re-applying. His family was poor. He was (and still is) the sole breadwinner in his family, his father having died young. Because of that he had to leave full-time education for several years. He had finally managed to resume education as an ACCA student but due to his own dishonesty was in danger of throwing away his chances. He described it as '*heart breaking*'.
7. His one chance as he saw it was that the DC had left open the possibility of him

being readmitted. He re-evaluated his life and realised that he *'had to change'*. He approached ACCA who agreed to allow him to pay the costs by instalments. He expressed his gratitude to ACCA and to the DC. In his application form he said: *'I strongly believe the decision of ACCA was fair and really helpful for me.'*

8. He worked strenuously for a year to try to get a job where he could prove himself. In every interview he explained his situation with ACCA. After a year he was appointed by the company he now works for (a multinational), having been completely honest with them about his removal from the ACCA register. (His employers confirmed this in a reference.) He said that there were no guidelines as to how he could rehabilitate himself, so he determined always to be honest and professional in every aspect of his life. It is clear from his employer's references that he worked and studied hard and was a model employee. He rose to a position of trust and, as the employer's reference states: *'As a finance person he is the one who manages all the company's money. We found him very honest in this regard. He never did anything wrong.'*
9. Mr Zilani explained that he remains the sole breadwinner of his family. This consists of his sister and his wife, both of whom are students, and his widowed mother, about 70 years of age. His employers now wish to promote him to a managerial position, but for this he will have to resume his studies with ACCA. They will support him in qualifying for ACCA. (Again, this was confirmed by the references.) If his application for readmission fails, he fears that he would lose everything, including his present job.
10. On behalf of ACCA, Mr Jowett formally opposed the application. He did not criticise any aspect of Mr Zilani's conduct since 2017. He did not suggest that any vital element was missing from the application or the information that Mr Zilani provided. He did not suggest that there was anything more that Mr Zilani could have done. Fundamentally, he submitted, the application was too early. It was clear that the DC regarded the misconduct as serious. He said it was relatively unusual for a DC to impose a minimum period for re-application. The fact that they did so shows how seriously they regarded his conduct. The three-year period was not an indication that Mr Zilani should be readmitted after three years. Rather, it was an indication that he could not possibly be suitable for re-

admission for at least three years. A future application might succeed but he submitted that it was not yet time.

11. The Committee found Mr Zilani to be credible and impressive. It accepted that he had turned his life around after the DC decision. It accepted what he said in his written and oral statements. It accepted that he was completely honest with prospective employers about his past dishonesty. This was important and impressive. The Committee found that Mr Zilani had demonstrated commitment to his profession and its values, insight into his failings, genuine repentance and remorse, and had rehabilitated himself. The Committee felt that he had done everything that could be expected of someone in his position. It noted that the DC could have made an order delaying any application for readmission by up to five years. It chose a period of three years. It would, therefore, not be inconsistent with the DC's decision to allow such an application after three years had passed. It found Mr Zilani's application to be particularly strong and decided to allow it. He had satisfied the Committee as to his general character and suitability to be a student of ACCA once more.

12. The Committee directed that Mr Golam Quader Zilani should be readmitted as a student of ACCA.

HH Graham White
Chair
29 October 2020