

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Fazal E Mola
Heard on:	Thursday, 18 February 2021
Location:	Remotely via ACCA Offices, The Adelphi, 1-11 John Adam Street, London WC2N 6AU
Committee:	Mrs Kathryn Douglas (Chair) Mr Trevor Faulkner (Accountant) Mrs Diane Meikle (Lay)
Legal Adviser:	Ms Valerie Charbit (Legal Adviser)
Persons present and capacity:	Ms Michelle Terry (ACCA Case Presenter) Ms Nkechi Onwuachi (Hearings Officer)
Summary	Allegation 1(a), 1(b)(i) and 1(c)(i) found proved. Removal from the student register. Consequential Orders: Any application for readmission to be referred to the Admissions and Licensing Committee
Costs:	The Committee ordered that Mr Fazal Mola pay costs to ACCA in the sum of £7,068.50

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PAPERS SERVED

1. The Committee convened to consider one allegation against Mr Mola related to the submission of a false University document to ACCA (set out in Schedule A) which was used to claim exemptions from ACCA's examinations.
2. The papers for the Committee were contained in a bundle numbering 1-63, with 8 tabled additional bundles numbering 1-12, 1-5, 1-3, 1-3, 1-13, 1-8, 1-7 and 1-3 and two service bundles numbering 1-23 and 1-13 and a previous adjournment decision dated 01 December 2020 and a transcript of the proceedings which had taken place on 01 December 2020.
3. Mr Mola was not present, and he was not represented. He had previously been in attendance for the hearing on 01 December 2020 when he attended not represented.

SERVICE AND PROCEEDING IN ABSENCE

4. Since the adjourned hearing on 01 December 2020, Mr Mola had corresponded with ACCA by an email dated 12 January 2021 about the case after he had received an email from the Hearings Officer on 12 January 2021 reminding him that the Disciplinary Committee had ordered that he should have served a number of documents as directed by the Committee within 14 days of the hearing on 01 December 2020.
5. The Committee noted that the most recent service bundle indicated that Mr Mola had been sent the notice of hearing on 21 January 2021. It further noted that Mr Mola had not provided any further documentation or confirmed his attendance to the Hearings Officer. Furthermore, the Hearings Officer had chased him by email and telephone calls, and he had not replied. He had again been telephoned on the morning of the hearing on 18 February 2021 and he had answered the telephone, but he had disconnected after the Hearings Officer had identified herself.

6. The Committee further noted from the transcript of 01 December 2020 that Mr Mola was warned that the Committee could proceed in his absence if he failed to attend the adjourned hearing date.
7. The Committee referred to the Guidance for Disciplinary Committee Hearings (published on 01 January 2021) regarding 'service' and 'proceeding in absence'. It acknowledged that in deciding whether to proceed in the absence of Mr Mola it should exercise its discretion to do so with the utmost care and caution because Mr Mola was unrepresented.
8. The Committee was satisfied that Mr Mola had been sent the required notice for the hearing within 28 days of the hearing date as set out in the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 (Amended 01 January 2020) (CDR). It further noted that Mr Mola had not asked for an adjournment or provided any request for the hearing date to be changed or any reason for his non-attendance.
9. Having decided that Mr Mola had received the notice of hearing, the Committee noted his apparent response to receiving a telephone call from ACCA on the morning of the hearing and the Committee concluded Mr Mola, knowing the time and date of the hearing, had chosen not to attend.
10. The Committee concluded that Mr Mola's failure to attend the adjourned hearing date meant he had voluntarily absented himself from the hearing. The Committee decided that it was in the public interest for the hearing to proceed in Mr Mola's absence because there was no reason to believe that Mr Mola would attend if the hearing was adjourned. Further, the public interest required an expeditious conclusion to this hearing.
11. The Committee, therefore, decided that it would exercise its discretion to proceed in Mr Mola's absence.

ALLEGATION/BRIEF BACKGROUND

12. The allegation as set out by ACCA was as follows:

Allegation 1

- (a) On or around 26/4/17, Mr Fazal E Mola, caused or permitted the submission to the ACCA of the document listed in Schedule A which purported to have been issued by the University of Sydney when in fact it had not.
- (b) Mr Mola's conduct as set out in paragraph 1(a) above was:
 - (i) Dishonest in that Mr Fazal E Mola knew that the document submitted at 1(a) above was false and was submitted in order to gain student registration and exam exemptions to which he was not entitled; or in the alternative.
 - (ii) Contrary to the Fundamental Principle of Integrity (2017) in that the conduct referred to in allegation 1(a) above is not straight forward or honest.
- (c) By reason of his conduct in relation to any or all of the matters set out at 1a) and/or 1b), Mr Fazal E Mola is:
 - (i) Guilty of misconduct pursuant to Byelaw 8(a)(i); or
 - (ii) Liable to disciplinary action pursuant to byelaw 8(a)(iii) in respect of 1(b) only.

Official Academic record for the Bachelor of Commerce award dated 12 August 2016

BACKGROUND

13. Mr Mola was registered as an ACCA student on 02 May 2017.

14. On 10 December 2019, ACCA's Investigations Department received a referral from ACCA's Exemptions Team stating that the certificates purported to have been issued by the University of Sydney and submitted by Mr Mola to ACCA had not been issued by that University.
15. An Exemptions Specialist at ACCA confirmed that the transcript purporting to have been issued by the University of Sydney was submitted to ACCA on 26 April 2017 as part of the student's initial registration application to become an ACCA student and in support of exemptions.
16. Following enquiries made by ACCA with the University of Sydney for verification of the certificate received, it was confirmed by the University that it was unable to locate any records of a graduate under the names ACCA provided and that the academic transcript supplied to ACCA was not a document issued by the University of Sydney.
17. On the last occasion, Mr Mola had produced educational certificates including one showing that he was a member of the Association of International Certified Public Accountants (CPA pro). The Committee had adjourned proceedings for this to be investigated. Since the adjourned hearing, following a request from ACCA, CPA pro confirmed that it did have registered a person called '*Fazal e Maula*' who is an active member in good standing.
18. Furthermore, since the adjourned hearing, at ACCA's request the organization CPA Pro confirmed that it never informs members or students that it *has 'any Membership Recognition Agreement (MRA) with ACCA regarding exemptions or credits after completing CPA.'*

ACCA'S SUBMISSIONS

19. Ms Terry, on behalf of ACCA submitted that the only person to benefit from the conduct of submitting a false document from the University of Sydney was Mr

Mola.

20. ACCA relied on the email correspondence between ACCA's Professional Qualifications approvals team and the University of Sydney, to demonstrate that false documents, purporting to be from the University of Sydney, were submitted in support of an application for student registration and exemptions by Mr Mola. In the absence of any evidence to the contrary, ACCA submits that these documents were submitted either by Mr Mola or by another on his behalf with his knowledge. Ms Terry reminded the Committee that Mr Mola accepted they were false at the hearing on 01 December 2020.
21. Mr Mola had been unable to give ACCA any information about the exemptions when he attended ACCA's offices in Lahore.
22. Ms Terry stated that Mr Mola gave ACCA some details regarding the location of Mr B; however, ACCA were not able to locate Mr B due to the unspecific address which Mr Mola had supplied. Mr Mola has also not supplied any further details about his connection with Mr B since the adjourned hearing despite specific directions in the adjournment decision for him to do so. Mr Mola had also not supplied any further evidence about how he said he paid Mr B for acting on his behalf to register with ACCA.
23. ACCA did not dispute that Mr Mola was a member of CPA Pro despite the misspelling of his name in the certificate Mr Mola provided.
24. ACCA submits that the conduct set out at Allegation 1(a) clearly amounts to dishonesty in that Mr Mola knew that the documents submitted to ACCA as part of his registration were false and that he submitted them, or allowed them to be submitted on his behalf, in order to obtain exemptions to which he was not entitled, and to which, he knew, he was not entitled. ACCA further submitted that in doing so, Mr Mola has been dishonest by ordinary standards of ordinary

decent people.

25. ACCA further submitted that Mr Mola, in the alternative, had lacked integrity
26. Ms Terry submitted that if any or all of the facts set out at Allegations 1 are found proved, Mr Mola has acted in a manner which brings discredit to him and to the accountancy profession and amounts to misconduct pursuant to byelaw 8(a)(i).

MR MOLA'S DEFENCE TO ALLEGATION 1

27. Mr Mola denied Allegation 1 in its entirety. He specifically denied that he had been dishonest. He told the Committee on 01 December 2020 that he had never been to Australia and that he, therefore, could not have a qualification from the University of Sydney. He accepted that the document supplied to ACCA was, therefore, false. He said that Mr B had supplied this document to obtain exemptions for Mr Mola which Mr Mola had believed he was entitled to after he had given the documents (contained in Committee's Tabled Additional 5 bundle) to Mr B.
28. On 06 April 2020, ACCA called Mr Mola and was able to reach him. He said he denied submitting the University of Sydney transcript. He said he paid a College to register him with ACCA. The Investigations Officer asked him to reply to her emails and provide ACCA with all the details of the College he used to register him, the name of his contact there, proof of payment for this service and any other information he considered would assist ACCA's enquiries. He agreed to do so by the end of that week.
29. In emails dated 21 July 2020, 01 September 2020 and 29 October 2020, Mr Mola informed ACCA that he was enrolled with ACCA by Mr B. He stated he had not travelled abroad and had no visa or stamps in his passport to prove this, therefore '*no sane person*' would submit a '*transcript of an Australian degree*' because he had not been to Australia.

30. Mr Mola said he gave documents (contained in Tabled Additional 5 dated 01 December 2020) to Mr B to register him with ACCA. Those documents were from the '*Association of International Certified Public Accountants*' dated 07 August 2014 and 15 August 2014 and 02 September 2014 and a certificate from CPA Pro.
31. Mr Mola stated he had shown the documents (contained in Tabled Additional 5) to Mr B which included his CPA certification, other educational certificates and '*an experience letter from his company*'. Mr Mola says he was informed by Mr B that those documents would grant him ACCA exemptions and that thereafter he paid registration fees to Mr B. Mr Mola stated that Mr B had stolen the money from him. As a result, Mr Mola said he attended ACCA's offices in Lahore several times (on 25 July 2019 and 19 November 2019 and 25 November 2019) to try to complain about his ACCA account being inactive and about Mr B. He said he was unaware that Mr B had submitted the University of Sydney document until ACCA contacted him. Mr Mola further stated he had provided the address of Mr B to ACCA in Lahore.
32. The ACCA Lahore office provided records showing Mr Mola had visited ACCA's office in Lahore but that it had not been able to locate Mr B with the details supplied by Mr Mola.
33. The Committee referred to a transcript of the hearing on 01 December 2020 in which Mr Mola stated the documents he provided (that were contained in Tabled Additional 5) had been the documents which he understood would give him exemptions. He said that he was told by Mr B that he got the exemptions due to his membership of CPA Pro. He also said he had told the ACCA office in Lahore of the address of Mr B.
34. Mr Mola has provided no further evidence or submissions since the adjourned hearing regarding his defence despite the hearing having been adjourned on 01 December 2020 so that he could do so.

DECISION AND REASONS

35. The Committee noted that Mr Mola had not submitted any documentation in relation to its directions at the adjourned hearing on 01 December 2020 which were to supply:
- i. Any correspondence he had with Mr B at the time he registered with ACCA.
 - ii. Any other further evidence he wished to produce in relation to the authenticity of documents produced in Tabled Additional 5.
 - iii. Any correspondence with Mr B about a memorandum of understanding between the accountancy organisations named in Tabled Additional 5 and ACCA.
 - iv. Any correspondence with the accountancy organisations named in Tabled Additional 5, in particular any CPA organisation.
 - v. The Committee further ordered that Mr Mola should supply ACCA with the full postal address for Mr B and any proof of payment that he made to Mr B.
 - vi. The Committee also asked Mr Mola to explain in writing why the documents at pages 5-8 of the Tabled Additional 5 referred to Mr Maula rather than Mr Mola.
36. The Committee received evidence that the University of Sydney degree document was submitted to ACCA to gain registration and exemptions in Mr Mola's name. The Committee was satisfied that Mr Mola had submitted the University of Sydney Bachelor of Commerce document (as set out in Schedule A) to ACCA for the purpose of obtaining exemptions as a student in his own name. It did not accept that Mr B had done this on Mr Mola's behalf. It did not consider there was any reason why Mr Mola would have needed Mr B to register him with ACCA. The Committee was not persuaded that Mr Mola

believed he had the exemptions he had gained by providing the CPA pro document or other documents as contained in Tabled Additional 5. This is because there was no evidence to suggest any of those documents could have afforded Mr Mola any exemptions with ACCA. The Committee, therefore, decided it was unlikely Mr Mola believed he could gain exemptions via the CPA Pro document when there was no evidence to support that belief.

37. The Committee did not have any evidence beyond that submitted by Mr Mola in writing and orally on the last occasion to support Mr Mola's account that Mr B had submitted the document in Schedule A without Mr Mola's knowledge. The Committee found that Mr Mola's account that Mr B had submitted these documents without his knowledge was not credible and was unsupported by any other evidence. Mr Mola had not provided any evidence of his version of events to support this such as correspondence with Mr B, proof of payment to Mr B or any further contact details for Mr B so that further investigations could take place by ACCA, despite having been asked to supply this evidence on a number of occasions. The Committee, therefore, disbelieved Mr Mola's account.
38. The Committee noted that the burden was on ACCA to prove the allegations. The Committee was satisfied that Mr Mola stood to gain exemptions if the document from the University of Sydney was submitted and accepted as genuine by ACCA. The Committee was satisfied that Mr Mola had submitted the document to ACCA, and he was aware that by submitting it he would gain exemptions which was to his advantage. It was not persuaded that a Mr B had submitted the documents without Mr Mola's knowledge. Furthermore, it found Mr Mola's account, which was untested by cross examination, lacked any persuasive detail.
39. The Committee noted that ACCA's registration process for students was not complicated and it did not require a third party's involvement such as Mr B. That was another reason why the Committee was not persuaded that Mr Mola had been assisted by Mr B.
40. The Committee, therefore, found Allegation 1(a) proved.

41. The Committee was satisfied that Mr Mola had acted dishonestly by submitting the document to ACCA. Mr Mola accepted the University of Sydney document was false. The Committee found Mr Mola must have known when submitting the University of Sydney Document that it was a false document which would gain him exemptions from ACCA's examinations and allow him to claim he was a partly qualified student accountant. It, therefore, found that he had acted dishonestly in doing so.
42. The Committee accordingly found Allegation 1(b)(i) proved. It did not go on and consider Allegation 1(b)(ii) because that was an alternative to Allegation 1(b)(i).
43. The Committee then considered whether the conduct it had found proved amounted to misconduct. In the Committee's judgement, an act of deception designed to persuade an accountancy body such as ACCA to grant exemptions when Mr Mola was not entitled to those exemptions was very serious. Such behaviour harmed the reputation of ACCA, the accountancy profession and it brought discredit to Mr Mola, ACCA and the profession. The Committee was, therefore, satisfied that the conduct found proved amounted to misconduct.
44. The Committee accordingly found Allegation 1(c)(i) proved both in relation to Allegation 1(a) and in relation to Allegation 1(b)(i).
45. Since Allegation 1(c)(ii) was an alternative allegation to Allegation 1(c)(i), it did not consider it.

SANCTION

46. The Committee had regard to the Guidance for Disciplinary Sanctions (01 January 2021) (GDS). The Committee reminded itself that any sanction imposed must be proportionate and that it should consider the least restrictive sanction first and move upwards only if it would be proportionate to do so. The issue of sanction is for the Committee exercising its own professional judgement.

47. The Committee carefully considered the aggravating and mitigating factors in this case.
48. It found that Mr Mola's conduct was aggravated by the fact that it had persisted since 2017 up to the date of the hearing.
49. The Committee noted that Mr Mola had no previous disciplinary findings against him, but it found no other mitigating factors.
50. The Committee considered the conduct was serious because honesty was a fundamental characteristic for accountancy professionals and it was serious misconduct for a student to try to deceive an accountancy body, in this case ACCA, to gain an unfair advantage.
51. The Committee first considered taking no action in this case. It was in no doubt that to do so would fail to mark the gravity of the dishonesty and misconduct found proved and would undermine confidence in the profession and in ACCA as a regulator. Having decided that it was necessary to impose a sanction in this case, it considered the question of sanction in ascending order, starting with the least onerous sanction.
52. The Committee considered whether the appropriate and proportionate sanction would be an 'Admonishment' or 'Reprimand' but the Committee decided that the matters found proved were too serious and that public confidence in the profession and in the regulator would be undermined if either of these orders were made.
53. It went on to consider whether the sanction of 'Severe Reprimand' was the appropriate sanction. It noted that for such a sanction to be appropriate the GDS factors listed would need to apply. The Committee noted that Mr Mola had shown no insight and he had persisted with his denials up until 01 December 2020 and then he had voluntarily absented himself from this hearing. He had also tried to suggest that Mr B was responsible for his actions when in fact the Committee found that Mr Mola was responsible. Furthermore, Mr Mola continued to be a risk to the public and although he had cooperated somewhat

with ACCA in its investigation he had not fully engaged. The Committee was, therefore, satisfied that none of the factors which the GDS referred to for a '*Severe Reprimand*' applied in this case.

54. In the Committee's judgement a '*Severe Reprimand*' would not meet the public interest in case where a student member had been dishonest at the outset of his registration.
55. The Committee referred in the GDS to the guidance in relation to cases of dishonesty. It was satisfied that in this case Mr Mola should be removed from the student register. The Committee was satisfied that the dishonest conduct found proved was fundamentally incompatible with continued membership of ACCA.
56. The Committee further determined that in accordance with CDR 13(10) any future student application for membership should be referred to the Admissions and Licensing Committee.

COSTS AND REASONS

57. Ms Terry applied for costs to be paid to ACCA by Mr Mola of £7,068.50 which did not include the hearing costs of 18 February 2021. ACCA did not seek the costs of the hearing on 18 February 2021.
58. The Committee was informed that Mr Mola had been sent a statement of means to fill out, but he had not returned it to ACCA. The Committee, therefore, had no information upon which to consider his means or lack of means.
59. Having found the allegations proved, the Committee decided that it was just and reasonable to order that Mr Mola pay ACCA costs of £7,068.50.

ORDER

60. The Committee ordered the removal of Mr Mola's name from the student register.

61. The Committee further ordered that any future application for student membership should be referred to the Admissions and Licensing Committee

EFFECTIVE DATE OF ORDER

62. Ms Terry did not make an application for an immediate Order.
63. The Committee was satisfied that it is not in the interests of the public that its order to remove Mr Mola from the student register should have immediate effect under Regulation 20. The Committee was satisfied that the effective date of order should be at the conclusion of the appeal period.

Mrs Kate Douglas
Chair
18 February 2021

