

IN PRIVATE

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS (CONSENT ORDERS
CHAIR)**

REASONS FOR DECISION

In the matter of: Mr David Edward Greening

Heard on: Tuesday, 06 December 2022

**Location: ACCA, The Adelphi, 1-11 John Adam Street,
London, WC2N 6AU. Virtual hearing using
Microsoft Teams.**

Chair: His Honour Graham White (Chair)

Legal Adviser: Mr David Marshall

**Summary: Consent order approved: Mr Greening severely
reprimanded and ordered to pay a fine of £5,000**

Costs: Mr Greening to pay £750 towards ACCA's costs.

1. The Chair considered a draft consent order signed by Mr Greening and by ACCA on 18 November 2022. The matter was considered on the basis of documents only. Neither Mr Greening nor ACCA was present or represented.
2. The Chair had a bundle of papers containing 390 pages, and a Consent Order Committee referral form of one page.

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BACKGROUND AND ADMISSIONS

3. Mr Greening has been a member of ACCA since April 2004 and a fellow since April 2009. He holds a Practising Certificate and practises through a firm, Graver & Co Ltd. The firm was required to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. Mr Greening was the firm's Money Laundering Reporting Officer. On 21 June 2022 ACCA notified Mr Greening that his firm had been selected for an Anti-Money Laundering review. That review took place on 27 July 2022. ACCA considered that there was poor compliance with the relevant regulations. For example, there had been no firm-wide risk assessment; the firm did not have documented AML policies and procedures; the firm did not provide adequate training to relevant employees; the firm did not have a formal client risk categorisation process.
4. Mr Greening admitted the following allegations:

Allegations

Allegation 1

From 26 June 2017 to 22 July 2022, he failed on behalf of the firm to comply with the requirements of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the regulations), namely:

1.1 Regulation 18 (Risk assessment by relevant persons)

1.2 Regulation 19 (Policies, controls and procedures)

1.3 Regulation 24 (Training)

1.4 Regulation 33(6) Obligation to apply enhanced customer due diligence

Allegation 2

From 26 June 2017 to 14 July 2022, he failed to comply with Section B2 of ACCA's Code of Ethics and Conduct (Anti-Money Laundering) (as applicable from 2017 to 2022)

Allegation 3

By reason of his conduct in respect of the all the matters set out at allegations 1 to 2, is guilty of misconduct pursuant to bye-law 8(a)(i)

DECISION AND REASONS

5. The Chair was satisfied that there was a signed draft order setting out all the required matters and that Mr Greening understood that the proposed order would be considered by a Chair of the Disciplinary Committee.
6. The Chair was satisfied that the investigating officer had carried out an appropriate and thorough investigation and that there was a case to answer. He was satisfied that it was appropriate to deal with the matter by way of a consent order rather than in a public hearing. While it was in the public interest to mark the admitted misconduct, which was serious, public concern about this case would not be so great that a full public hearing was required.
7. The Chair considered the seriousness of the admitted misconduct. The anti-money laundering regulations are important measures designed for the protection of the public. Mr Greening had wholly failed to get to grips with their requirements until ACCA's review. His failures were wide ranging. However, since the review he had put in place appropriate procedures and there was no continuing risk to the public.
8. The Chair considered whether it was more likely than not that if the matter went to a hearing, the admitted breaches would result in exclusion from membership. Most or all of the factors listed in the Guidance for Disciplinary Sanction relating to severe reprimand were satisfied in this case. Although the seriousness of the breaches justified imposing a fine in addition to a severe reprimand, it would clearly be disproportionate to impose a sanction of exclusion.
9. The Chair studied the terms of the draft consent order but did not consider it necessary to recommend any amendments.

COSTS

10. The Chair considered that ACCA was entitled to its costs in principle and that the amount claimed, which was agreed, was reasonable.

ORDER

11. Accordingly, the Chair approved the attached consent order in full. In summary, Mr Greening shall:

- (a) be severely reprimanded;
- (b) pay a fine of £5,000; and
- (c) pay costs to ACCA in the sum of £750.

Mr Graham White
Chair
06 December 2022