

CONSENT ORDER CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS REASONS FOR DECISION

In the matter of: Mrs Andrea Meek

Considered on: Friday, 29 July 2022

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

Chair: Mr Michael Cann

Legal Adviser: Mr David Marshall

Summary: Consent order approved

Costs: Mrs Meek to pay costs to ACCA in the sum of
£797.75 and a fine of £1,518.33

1. The Chair considered a draft Consent Order signed by Mrs Meek and ACCA on 07 June 2022. The matter was considered on the basis of documents only. Neither Mrs Meek nor ACCA was present or represented.
2. The Chair had a bundle of 5 pages giving details of the referral and containing a copy of the signed Consent Order, a bundle of papers containing 217 pages, and a Costs Schedule of one page.

BACKGROUND AND ADMISSIONS

3. Mrs Meek has been a member of ACCA since 2012 and a fellow since 2017.

ACCA



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Since 2017 she has practised through Certus Accounting Ltd, of which she is the sole director. Companies House records for Certus state '*Nature of Business*' as '*69202 – Bookkeeping activities*'.

4. The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ('the Money Laundering Regulations') came into force on 26 June 2017. A copy was contained in the main bundle. The regulations apply to a '*relevant person*' as defined in Regulation 8. This includes '*external accountants*'. Under Regulation 11, '*external accountant*' means '*a firm or sole practitioner who by way of business provides accountancy services to other persons ...*'. ACCA stated that the relevant guidance makes it clear that '*accountancy services*' includes book-keeping. Mrs Meek does not dispute that.
5. Mrs Meek was, therefore, subject to the Money Laundering Regulations and was required to register with an anti-money laundering ('AML') supervisor. She did not do so. Mrs Meek applied to ACCA for a Practising Certificate in October 2019. In the course of assessing this application, ACCA identified that she had been conducting book-keeping activities without an AML supervisor. Mrs Meek then obtained HM Revenue and Customs AML supervision. In an email to ACCA dated 07 January 2022, she said that she had not registered initially because she had been 'misled' by the HMRC website which stated that ACCA is an AML supervisor. She provided an extract from the website.
6. Mrs Meek admitted the following allegations:

Allegations

Mrs Andrea Meek, an ACCA member and director of Certus Accounting Limited (the Firm):

Allegation 1

Between May 2018 and July 2021 conducted book-keeping services and being a 'relevant person' within the terms of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the regulations) failed to register with HM Revenue and Customs or another

body recognised for such purposes as her anti-money laundering supervisor;

Allegation 2

By reason of her conduct in respect of the matters set out at 1 above Mrs Meek is in breach of the Fundamental Principle of Professional Behaviour and Regulation 3(2) of Global Practising Regulations (Annex 1);

Allegation 3

By reason of her conduct in respect of the matters set out at 1 and 2 above, Mrs Meek is guilty of misconduct pursuant to bye-law 8(a)(i).

DECISION AND REASONS

7. The Chair was satisfied that there was a signed draft order setting out all the required matters and that Mrs Meek understood that the proposed order would be considered by a Chair of the Disciplinary Committee.
8. 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, public concern about this case would not be so great that a full public hearing was required.
 - (a) The Chair considered the seriousness of the misconduct. In many respects, it met the criteria in the Guidance for a sanction of admonishment. On the other hand, failing to comply with Money Laundering legislation is potentially extremely serious. Also, the breach continued for about two years. The Chair was satisfied that the sanction of reprimand was required in the public interest. The Chair assumed that the reason for the proposed fine was to deprive Mrs Meek of any financial benefit she had gained from her misconduct. On that basis, the fine was also justified.

9. 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. ACCA accepted that:
- (a) Mrs Meek's failure appears to have been due to a genuine misunderstanding.
 - (b) There is no evidence that Mrs Meek's conduct caused loss or had an adverse effect on clients or members of the public.
 - (c) The conduct was an isolated episode (although it lasted for some time) and there is no evidence to suggest it will be repeated.
 - (d) There was no evidence suggesting that Mrs Meek's conduct was deliberate.
 - (e) She took corrective steps promptly.
 - (f) She has no previous disciplinary history.
10. The Chair was satisfied that the matters alleged, while serious, were not sufficiently serious to be likely to lead to a sanction of exclusion.
11. The Chair considered the draft carefully but did not consider that any amendments were required.

COSTS

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

ORDER

13. Accordingly, the Chair approved the attached consent order in full. In summary, Mrs Meek shall:

- (a) be reprimanded and pay a fine in the sum of £1,518.33; and
- (b) pay costs to ACCA in the sum of £797.75

Mr Mike Cann
Chair
29 July 2022