

CONSENT ORDER CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Jonathan Li Ting Foon

Heard on: Tuesday 17 May 2022

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

Chair: Mr Martin Winter

Legal adviser: Mr Alastair McFarlane

Summary: Consent Order agreed

DOCUMENTS BEFORE THE COMMITTEE

1. The Chair received a bundle of papers, numbered pages 1-43, a signed Consent Order, an email to Mr Foon dated 27 April 2022 of three pages, and a service bundle, numbered pages 1-7.

ALLEGATIONS

Allegation 1

Between about January 2019 and September 2020 over-claimed expenses from his employer totalling £13,936.

Allegation 2

That his conduct as described in Allegation 1 above was reckless in that he paid no or insufficient regard to the accuracy of his expense claims.

Allegation 3

By reason of the above, Mr Foon is guilty of misconduct pursuant to bye-law 8(a)(i).

BRIEF BACKGROUND

2. Mr Foon became an ACCA member on 20 March 2015. He has never held a practising certificate.
3. Mr Foon admits Allegations 1, 2 and 3 and signed the Consent Order on 28 April 2022.
4. Mr Foon was employed by KPMG, London, from November 2016. He ceased working for KPMG in March 2021. In October 2020, he was promoted from an 'In Charge' to 'Manager', with a client-facing role in Financial Services Audit. In February 2021, KPMG carried out an internal investigation into Mr Foon's expense claims between 01 January 2019 and 14 September 2020 totalling £21,127.66. KPMG's investigation found that £13,936.51 had been claimed in breach of KPMG's Expenses Policy.
5. Mr Foon was interviewed as part of KPMG's investigation on 22 February 2021, and Mr Foon signed the notes of the interview and in doing so confirmed they were a fair summary of the contents of the meeting. The notes include the following comments by Mr Foon, under the heading 'Mitigation': He had been studying for an MBA (successfully completed in November 2020) and he was 'trying to balance his work life and studying'. The expense policy breaches had occurred because 'everything got messed up and the problem mainly arose because he was being careless, managing various projects, had a lot going on and was not tracking his work hours correctly'.
6. On 10 March 2021 Mr Foon attended KPMG's internal disciplinary panel meeting. Their decision, communicated to Mr Foon by letter, dated 19 March 2021, was:

'...The panel believe, on balance, that your out of policy claims were not deliberate but were borne out of a lack of attention and insufficient application to the expense claim process. However, given the frequency and value of the out of policy claims, the panel consider your approach to have been grossly negligent...'
7. Mr Foon subsequently repaid KPMG the monies he had wrongly claimed. He accepted ACCA's proposed sanction of a reprimand and agreed to pay ACCA's costs in the sum of £586. ACCA contended that this was the proportionate

sanction reflecting the seriousness of Mr Foon's conduct and the discredit it brings to the Association and the importance of upholding fundamental standards of professional conduct.

CHAIR'S DECISION

8. Under Regulation 8(8) of the Complaints and Disciplinary Regulations 2014, the Chair has to determine whether, on the basis of the evidence before them, it is appropriate to approve or reject the draft Consent Order.
9. The Chair noted that under Regulation 8(12) they shall only reject the signed Consent Order if they are of the view that the admitted breaches would, more likely than not, result in exclusion from membership.
10. The Chair considered the seriousness of the breaches and the public interest, which includes the protection of the public, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and performance. They balanced this against Mr Foon's interests and his previous good character, his admissions and his cooperation with ACCA.
11. The Chair noted the list of aggravating and mitigating factors advanced in paragraph 11 of the draft Consent Order as well as the impressive character references that Mr Foon has provided. They felt Mr Foon's apology, remorse, insight and previous good record were significant mitigating factors. The Chair noted that Mr Foon had repaid the monies and has detailed the steps he now takes to ensure that his expense claims are now compliant with his new firm's expense policy.
12. The Chair had regard to ACCA's Guidance for Disciplinary Sanctions. They were satisfied that there had been early and genuine acceptance of the misconduct and that the risk to the public and profession from Mr Foon continuing as a member was low.
13. For the reasons set out above, the Chair was satisfied that the admitted breaches would be unlikely to result in exclusion from membership, and therefore there was no basis for them to reject the Consent Order under Regulation 8 (12). The Chair noted the proposed Consent Order and considered all the information before them and was satisfied that it was an appropriate and proportionate

disposal of this case and made the Order consented to by both parties.

ORDER

14. The Chair, pursuant to their powers under Regulation 8, made an Order in terms of the draft Consent Order, namely that Mr Foon be reprimanded and pay ACCA's costs of £586.

Mr Martin Winter
Chair
17 May 2022