

**APPLICATION ON THE PAPERS  
CONSENT ORDERS CHAIR OF THE ASSOCIATION OF  
CHARTERED CERTIFIED ACCOUNTANTS**

**REASONS FOR DECISION**

<b>In the matter of:</b>	<b>Mr Franklin Atille</b>
<b>Considered on:</b>	<b>Friday, 02 September 2022</b>
<b>Chair</b>	<b>Ms Carolyn Tetlow</b>
<b>Legal Adviser:</b>	<b>Mr Sanjay Lal</b>
<b>Outcome</b>	<b>Draft Consent Order approved</b>

**INTRODUCTION**

1. This matter has been referred to the Chair of the Complaints and Disciplinary Committee for them to determine on the basis of the evidence before them whether to approve or reject the draft Consent Order.
2. The Chair had a case bundle numbered pages 1-131 and a service bundle containing a one page email dated 26 August 2022 informing Mr Atille that the draft Consent Order would be considered by a Chair on the papers only. There are also two additional emails (2 pages) in respect of proposed Costs. The Chair also had a copy of the signed Consent order consisting of 5 pages.
3. By a Consent Order signed on 01 August 2022, Mr Atille admitted the following allegations:

Allegation 1

On dates between 26 June 2017 and 29 March 2022, Mr Franklin Atille failed on behalf of the Firm to comply with the Money Laundering, Terrorist Financing

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and Transfer of Funds (Information on the Payer) Regulations 2017 (“the MLRs”) namely:

- a. Regulation 18-Risk assessment by relevant persons; Firm-wide risk assessment;
- b. Regulation 19-Policies, controls and procedures; AML policy and procedures, Escalation/Internal SAR;
- c. Regulation 21-Internal controls; MLRO, MCLP, Escalation/Internal SAR;
- d. Regulations 24-Training;
- e. Regulations 27(8) and 28 (11)-Customer due diligence measures-On-going monitoring;
- f. Regulation 28 (12)-Customer due diligence measures; Identifying client risk.

#### Allegation 2

By reason of the conduct set out in Allegation 1, Mr Franklin Atille failed to comply with Section B2 (Anti-Money Laundering) of ACCA’s Code of Ethics and Conduct and the Fundamental Principle of Professional Behaviour (as applicable from 2018-2021).

#### Allegation 3

By reason of the conduct set out at Allegations 1 and 2 above, Mr Franklin Atille is guilty of misconduct pursuant to bye-law 8(a)(i).

4. The parties have agreed that Mr Franklin Atille shall:
  - (a) be severely reprimanded;
  - (b) pay a fine to ACCA of £7,000; and
  - (c) pay costs to ACCA of £1164.50.

#### **RELEVANT FACTS/ PROVISIONAL AGREEMENT**

5. Mr Atille became a member of ACCA on 30 September 2010 and a Fellow on 20 September 2015. On 02 October 2013, he was issued with an ACCA practising certificate which he continues to hold.
6. Mr Atille is the Money Laundering Reporting Officer (MLRO) and principal of FMA Accountants (the Firm). On 14 February 2011, the Firm was incorporated and Mr Atille was appointed as sole director.
7. On 22 October 2021, ACCA's Anti-Money Laundering Team undertook a desk-based monitoring review of the Firm in order to assess its compliance with the Money Laundering Regulations. This revealed evidence of non-compliance across a number of domains. These included risk assessment, policies, controls and procedures, internal controls, training and customer due diligence matters. Having identified a number of issues, and upon receipt of a response from Mr Atille in light of subsequent recommendations, the AML team confirmed on 29 March 2022 that the outstanding information had now been provided and the review was completed and closed.
8. On 17 January 2022 a complaint was referred to the Professional Conduct Department in light of the failure to comply with the Money Laundering Regulations (MLR). Mr Atille responded to the complaint and on 25 May 2022 ACCA contacted Mr Atille and proposed that the matter be disposed of via a consent order which he agreed to in writing dated 1 August 2022. The terms of the consent order are that the appropriate sanction be one of a severe reprimand, a fine of £7000 and for Mr Atille to pay ACCA's costs in the sum of £1164.50.

## **DECISION**

9. The powers available to the Chair are to:
  - (a) approve the draft Consent Order, in which case the findings on the allegations and the orders contained in it become formal findings and orders (CDR 8(11) and 8(14));
  - (b) reject the draft Consent Order, which they may only do if they are of the view that the admitted breaches would more likely than not result in exclusion from membership (CDR 8(12));

- (c) recommend amendments to the draft Consent Order, if satisfied it is appropriate to deal with the complaint by way of consent but wish the terms of the draft order to be amended (CDR 8(13)).
10. The Chair had regard to ACCA's Guidance for Consent Orders and in particular Section H of that Guidance (additional guidance in respect of AML allegations). Having carefully considered all of the material before them, the Chair was satisfied that the matter had properly been investigated by ACCA. The Chair was further satisfied that Mr Atille had properly and willingly admitted all of the allegations and had complied with ACCA's directions and the advice provided to him by ACCA.
11. In considering whether a Severe Reprimand and a fine of £7000 were the appropriate sanctions, the Chair noted that ACCA's Guidance for Disciplinary Sanctions (Guidance) had been considered and particularly the key principles which includes the following:
- Protection of members of the public;
  - Maintenance of public confidence in the profession and in ACCA; and
  - Declaring and upholding proper standards of conduct and performance.
12. Another key principle is that of proportionality, that is, balancing the member's own interests against the public interest. Further the aggravating and mitigating features of the case have been considered.
13. ACCA accept, and the Chair agreed, that notwithstanding the breaches of the MLR's which were serious, Mr Atille is an ACCA member of good standing; he has remedied the breaches identified; the breaches were not deliberate; Mr Atille's cooperation throughout has been prompt and there is no evidence of continuing risk to the public. There is no evidence of dishonesty.
14. The Chair noted that ACCA had considered all of the available sanctions and had concluded that a severe reprimand and a fine of £7000 were the appropriate and proportionate sanctions in this case.
15. Taking into account all of the above factors, the Chair agreed that a severe reprimand was a proportionate sanction which sufficiently dealt with the public protection and public policy considerations.

16. The chair did not consider that exclusion was a likely sanction if the matter proceeded to a hearing before a Disciplinary Committee.

**ORDER**

17. The Chair made the following order:
  - i. The draft Consent Order is approved.
  - ii. Allegations 1, 2 and 3 are proved by admission.
  - iii. Mr Atille is severely reprimanded.
  - iv. Mr Atille is ordered to pay a fine to ACCA of £7000
  - v. Mr Atille is ordered to pay costs to ACCA of £1164.50

**Ms Carolyn Tetlow  
Chair  
02 September 2022**