

APPLICATION ON PAPERS

CONSENT ORDERS CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Chin Yoong Mun, FCCA
Considered on:	Tuesday, 27 September 2022
Location:	Remotely via ACCA Offices, The Adelphi, 1-11 John Adam Street, London WC2N 6AU
Chair:	HH Graham White
Legal adviser:	Mr Alastair McFarlane
Outcome:	Consent Order granted

DOCUMENTS BEFORE THE COMMITTEE

1. The Chair received a bundle of papers, numbered pages 1-70, including a signed draft Consent Order.

ALLEGATIONS

Mr Chin Yoong Mun, an ACCA member:

Allegation 1

Pursuant to byelaw 8(a)(vi), Mr Chin Yoong Mun is liable to disciplinary action by virtue of the disciplinary action taken against him by the Disciplinary

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Committee of the Malaysian Institute of Accountants ("MIA") on 30 March 2021.

Allegation 2

- a) Mr Chin Yoong Mun failed to promptly bring to the attention of ACCA that he might have become liable to disciplinary action by reason of the disciplinary action taken against him by the MIA, contrary to byelaw 10(b).
- b) By reason of his conduct at 2(a) above, Mr Chin Yoong Mun is liable to disciplinary action pursuant to byelaw 8(a)(iii).

BACKGROUND

2. On 31 August 1995, Mr Mun became a Member of ACCA and on 31 August 2000, Mr Mun became a Fellow of ACCA. However, Mr Mun was not on ACCA's register between 2002 and 2019. Mr Mun has been a member of the MIA since 30 August 1996.
3. On 30 March 2021, the Disciplinary Committee of the MIA found Mr Mun committed an act amounting to an unprofessional conduct and ordered the following:
 - Mr Mun be suspended for three months effective from 01 July 2021 with his rights and privileges as a member of MIA to be restored upon expiry of the period of suspension;
 - Mr Mun was to pay a fine to the MIA of RM5,000-00 and RM4,000-00 in respect of the costs and expenses of, and incidental to, the disciplinary hearing before the Disciplinary Committee and the investigation; and

- Mr Mun was ordered to attend a course on Audit Quality Enhancement Programme conducted by MIA within one year from date of the decision.
4. Mr Mun's MIA membership was restored at the expiry of the three-month period of suspension and Mr Mun paid the fine and costs imposed by the Disciplinary Committee.
 5. On 12 July 2021, the MIA notified ACCA of the Disciplinary Committee's decision against Mr Mun.
 6. Mr Mun failed to promptly notify ACCA of the MIA's Disciplinary Committee decision, a matter which made him liable to disciplinary action under ACCA's bye-laws.
 7. On 23-24 August 2022, Mr Mun attended the MIA's Audit Quality Enhancement Programme. On 07 September 2022, Mr Mun confirmed to ACCA that he had placed himself on the ACCA's Register of Practitioners 2022/23.

CHAIR'S DECISION

8. Under Regulation 8(8) of the Complaints and Disciplinary Regulations 2014, the Chair must determine whether, based on the evidence before them, the draft Consent Order should be approved or rejected. The Chair had regard to the Consent Orders Guidance and the Consent Orders Guidance FAQs.
9. The Chair has power to approve the consent order and 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 as set out 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. The Chair balanced this against Mr Mun's interests.

11. The Chair noted the list of aggravating and mitigating factors advanced at paragraphs 6 and 7 of ACCA's summary in the bundle. They accepted that Mr Mun's failure to notify was not a deliberate disregard of his obligations. They noted Mr Mun's previous good character and the corrective steps he has taken to address MIA's concerns and that there does not appear to be any continuing risk to the public.
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 conduct and that the risk to the public and profession from Mr Mun 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 considering all the information before them, was satisfied that a Severe Reprimand was an appropriate and proportionate disposal of this case.

ORDER

14. The Chair, pursuant to their powers under Regulation 8, made an Order in terms of the draft Consent Order, namely that Mr Mun be severely reprimanded and pay ACCA's costs of £950.

HH Graham White
Chair
27 September 2022