

## **APPLICATION ON PAPERS**

# **CONSENT ORDER CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS**

## **REASONS FOR DECISION**

<b>In the matter of:</b>	<b>Mr Naqibullah Azizi</b>
<b>Considered on:</b>	<b>Tuesday, 10 January 2023</b>
<b>Chair:</b>	<b>Mr Martin Winter</b>
<b>Legal adviser:</b>	<b>Mr Alastair McFarlane</b>
<b>Outcome:</b>	<b>Consent Order approved</b>

### **DOCUMENTS BEFORE THE CHAIR**

1. The Chair received a bundle of papers, including a Consent Order bundle, numbered pages 1-38, including a signed Consent Order.

### **ALLEGATION 1**

Mr Naqibullah Azizi, an ACCA affiliate:

- a. As from 26 May 2017, for a period of six years, Mr Azizi has been disqualified from being a director of a company, acting as an insolvency practitioner, acting as a receiver of a company's property or in anyway, where the directly or indirectly, being concerned or taking part in the promotion, formation or management of a company unless he has the leave of the court.
- b. Contrary to bye-law 10 (b), from 26 May 2017 to 20 April 2022, Mr Azizi

failed to properly bring to the attention of ACCA that he may become liable to disciplinary action by reason of the matter as set out in Allegation 1(a)

## **ALLEGATION 2**

- a. In the light of matters set out in Allegation 1, Mr Azizi is guilty of misconduct pursuant to bye-law 8(a)(i)

## **BACKGROUND**

2. On 15 February 2017 Mr Azizi became an ACCA student and an ACCA affiliate on 18 April 2022.
3. Prior to being on ACCA's register, Mr Azizi was a director of Ameen Foods Ltd from 07 October 2014 to 04 January 2017.
4. On 05 May 2017, while an ACCA student, Mr Azizi gave a disqualification undertaking to the Secretary of State for Business Energy and Industrial Strategy for conduct while acting for Ameen Foods Limited after an investigation under the Company Directors Disqualification Act 1986.
5. On 26 May 2017 Mr Azizi was disqualified from holding the position of a director of a company, acting as a receiver of a company's property or in any way, whether directly or indirectly, being concerned or taking part in the promotion, formation, or management of a company unless he has the leave of the court or acting as an insolvency practitioner for a period of six years. Mr Azizi provided ACCA with a copy of the disqualification undertaking he says he signed following correspondence with the Insolvency Service. He also provided a schedule of unfit conduct relating to his failure to ensure Ameen Foods Ltd complied with its statutory obligations under the Immigration, Asylum and Nationality Act 2006.
6. Although Mr Azizi was on ACCA's register at the time that he was disqualified, he failed to promptly notify ACCA of this matter and it was not until 5 years later on 20 April 2022, during the course of applying for ACCA membership, that he notified ACCA of his disqualification.

7. Mr Azizi explained he was not aware that he was required to inform ACCA when he signed the undertaking in May 2017.

### **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.
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. The Chair accepted that a proper investigation had been conducted by ACCA.
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. They balanced this against Mr Azizi's interests, the accepted fact that the delay in notifying ACCA of the disqualification was not deliberate, that he was not on the student register at the time of the disqualification and that Mr Azizi has no disciplinary history and has provided positive character and employer references.
11. The Chair noted the list of aggravating and mitigating factors advanced at paragraphs 11 and 12 of the draft Consent Order bundle. Whilst the failure was serious, the Chair noted and accepted ACCA's position that the behaviour was unlikely to be repeated and that there was no likely 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 Azizi 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 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 Azizi be reprimanded, and pay ACCA's costs of £750.

**Mr Martin Winter**  
**Chair**  
**10 January 2023**