

**HEARING**  
**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF**  
**CHARTERED CERTIFIED ACCOUNTANTS**  
**REASONS FOR DECISION**

**In the matter of:** Mr Ibrahim Obaidullah

**Heard on:** Thursday, 08 September 2022 and Friday, 13  
January 2023

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

**Committee:** Mr Martin Winter (Chair)  
Ms Jo Royden-Turner (Accountant)  
Ms Rachel O'Connell (Lay)

**Legal Adviser:** Ms Fiona Barnett (08 September 2022)  
Mr David Marshall (13 January 2023)

**Persons present**

**and capacity:** Ms Ariane Tadayyon (ACCA Case Presenter)  
Mr Jonathan Lionel (Hearings Officer)  
Mr Ibrahim Obaidullah (Member)

**Summary:** Removed from the student register

**Costs:** £200

1. The Committee heard an allegation of misconduct against Mr Obaidullah. Ms Tadayyon appeared for ACCA. Mr Obaidullah was present and represented himself, with the assistance of a translator for Urdu.
2. The Committee had a main bundle of papers containing 92 pages, an additional

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The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

bundle of 4 pages, an additional bundle 2 of 6 pages and a transcript of the first day's proceedings (53 pages).

### **PRELIMINARY APPLICATIONS/SERVICE OF PAPERS**

3. At the start of the hearing, Ms Tadayyon applied to correct some minor typographical errors in the report and introduce some additional documents into evidence which had not been served 28 days before the start of the hearing. Mr Obaidullah did not object and the Committee allowed amendments and accepted the documents. They were clearly relevant and their admission did not cause any unfairness to Mr Obaidullah.

### **ALLEGATIONS/BRIEF BACKGROUND**

4. Mr Obaidullah became a registered student of ACCA on 28 May 2014. He still has a number of examinations to pass before he can progress to the professional stage of training. On 24 December 2020, ACCA received an email from a person claiming to be Mr Obaidullah and using the email address which at that time was the email address Mr Obaidullah had registered with ACCA. The email requested an exemption from some ACCA exams on the basis of two documents:
  - (a) A Certificate of Membership purporting to record that Mr Obaidullah was admitted as an Associate of the Institute of Cost and Management Accountants of Pakistan (ICMAP) on 01 June 2017.
  - (b) A 'CMA Final Certificate' purporting to record that Mr Obaidullah had completed all the examinations and pre-requisites for the CMA Final Certificate, as of 05 June 2016.
5. These qualifications, if genuine, would have entitled Mr Obaidullah to an exemption from two ACCA examinations. However, when ACCA checked with ICMAP they were told that the documents were false.
6. Mr Obaidullah faced the following charges:

### ***Allegations***

1. *Mr Ibrahim OBAIDULLAH, a registered student of the Association of*

*Chartered Certified Accountants ('ACCA'):*

- (a) On or before 24 December 2020 was concerned in the production of one or more false documents (the 'Documents'):*
    - (i) A Certificate of Membership for the Institute of Cost and Management Accounts of Pakistan ('ICMAP') dated 15 June 2017; and/or*
    - (ii) An ICMAP CMA Final Certificate dated 05 June 2016.*
  - (b) The conduct described at Allegation 1(a) was:*
    - (i) Dishonest, in that he knew the Documents were false and/or intended to use the Documents to mislead ACCA; or, in the alternative;*
    - (ii) Conduct that demonstrates a lack of integrity*
  - (c) On or about 24 December 2020 was concerned in the submission of the Documents, to ACCA*
  - (d) The conduct described at Allegation 1(c) was:*
    - (i) Dishonest, in that he knew that the Documents were false and/or that he intended to mislead ACCA as to his entitlement to exemptions; or, in the alternative;*
    - (ii) Conduct that demonstrates a lack of integrity*
- 2. By reason of the conduct described in any or all of the matters set out at Allegation 1, Mr Obaidullah is guilty of misconduct pursuant to bye-law 8(a)(i)*

## **DECISION ON FACTS AND REASONS**

7. ACCA did not have direct evidence that Mr Obaidullah forged the documents and did not have direct evidence that it was Mr Obaidullah, rather than someone else, who used his registered email account to send the false documents to ACCA and claim exemptions. Ms Tadayyon invited the

Committee to infer these facts from what was known. She submitted that it was more likely than not that Mr Obaidullah was concerned in the production of the documents and was the person who submitted them to ACCA. She submitted that no one else could have had any motive for doing these things or would have benefited from them.

8. Mr Obaidullah denied all the allegations. His case was that some unknown person had gained access to his ACCA account, registered a new email address for him and used that address to request exemptions in his name. All this was done without his knowledge or consent. He chose to give evidence and was cross-examined.
9. The Committee first considered the sequence of events. The email addresses registered for Mr Obaidullah were a matter of record. There were two. Initially, the registered address was [Private] (although it was expressed with and without capital letters at different times). On 23 December 2020, the registered address was changed to [Private]. On 22 January 2021, it was changed back to [Private].
10. The email requesting exemptions was sent from the email address [Private] the day after that became Mr Obaidullah's registered email address. On 09 January 2021, there was a further email from that address saying 'Any progress?' Mr Obaidullah denied sending both emails.
11. ACCA had a record of a telephone call on 12 January 2021 at 13:38 (UK time) from someone they believed to be Mr Obaidullah saying that he was waiting for a response regarding the exemptions. Although ACCA normally records such calls it had not been possible to recover a recording for this call. Mr Obaidullah denied that he had made it. However, Mr Obaidullah undoubtedly did make a call (as he accepted) on the same day at 14:31. This was recorded and the Committee was provided with a transcript. The call handler took Mr Obaidullah through typical security checks including asking for his name, registration number, telephone number and email address. The email address Mr Obaidullah gave was [Private].
12. There were several references to the email address in the conversation, but Mr Obaidullah did not say anything suggesting that the change in address was not

authorised by him or that it was not 'his' email address at that time. If the position had been that some stranger had hijacked Mr Obaidullah's ACCA registration and changed the email address associated with it, he would surely have raised that during this call. The Committee rejected Mr Obaidullah's version of events and concluded on the balance of probabilities that it was Mr Obaidullah who changed the registered email address.

13. The Committee considered whether it was Mr Obaidullah who sent the email of 24 December 2020 requesting exemptions. The fact that it was sent using his registered email account strongly suggests that it was he who sent it.
14. Mr Obaidullah's case throughout had been that his working conditions meant that there were few, if any, security precautions in place protecting his computer or electronic accounts. He and his colleagues used shared computers and the equipment was frequently left with users logged in even when unattended. ACCA did not challenge this and the Committee was prepared to accept that a sufficiently motivated colleague might have been technically able to send an email using Mr Obaidullah's account. However, an important question was why someone would do this.
15. The forged documents purported to record qualifications personal to Mr Obaidullah. There was a clear and obvious benefit to him: if those documents were accepted he would be exempted from two ACCA exams: F8 and F9. The Committee was told that Mr Obaidullah had attempted each of these exams twice and had failed on each occasion. Mr Obaidullah denied that he had an interest in getting exemptions. He said his real wish was to take an Oxford BSc course in accounting. To qualify for that course he would need to complete the entire 'F' series of ACCA exams. He said that exemptions would not be sufficient for his purpose but did not provide evidence of this. The Committee remained of the view that it was likely that Mr Obaidullah would get a substantial benefit from gaining the exemptions requested.
16. Because the qualifications were in Mr Obaidullah's name no one else could gain a comparable benefit from them. Mr Obaidullah was not able to identify any person who might have sent the email in his name. The only reason he could suggest why a stranger would have requested exemptions on his behalf was that someone might have been trying to test the system to see if it was

- possible to gain exemptions on the basis of forged documents. The Committee regarded this as a fanciful possibility. It would have required detailed information about Mr Obaidullah's circumstances, careful planning and determination to carry it through, all for negligible benefit.
17. The Committee concluded on the balance of probabilities that it was Mr Obaidullah who sent the email requesting exemptions. Having made that finding the inevitable conclusion (on the balance of probabilities) was that he was also 'concerned' in the production of false documents. **The Committee found allegation 1(a) proved in its entirety.**
  18. The Committee had no doubt that producing false qualification certificates purporting to be from a recognised professional body was dishonest conduct. **The Committee found allegation 1(b)(i) proved.** Allegation 1(b)(ii) was in the alternative and did not need to be considered.
  19. For the reasons already stated, **the Committee found allegation 1(c) proved in its entirety.**
  20. The Committee had no doubt that submitting false qualification certificates in an attempt to gain exemption from professional exams was dishonest conduct. **The Committee found allegation 1(d)(i) proved.** Allegation 1(d)(ii) was in the alternative and did not need to be considered.
  21. **The Committee found that these matters amounted to misconduct as alleged in allegation 2.** Mr Obaidullah's actions were intended to subvert ACCA's system of education and training by obtaining exam credits to which he was not entitled. In the process, he undermined the reputation of another professional body by the use of forged qualification certificates. His actions would be regarded as deplorable by members of the profession and members of the public.

## **SANCTION AND REASONS**

22. Having found the facts proved, the Committee went on to consider what sanction, if any, to impose. In doing so it took into account ACCA's Guidance for Disciplinary Sanctions and bore in mind the principle of proportionality.

23. The Committee first sought to identify aggravating and mitigating factors. Deliberate dishonesty to one's regulator is necessarily a very serious matter. Aggravating factors included abuse of another institution's reputation by false documents and a degree of planning, calculation and sophistication in the deception attempted on ACCA.
24. Mitigating factors included the fact that Mr Obaidullah was of previously good character. However, he was not able to demonstrate any insight or remorse and refused to accept that he had been guilty of any wrongdoing.
25. The Committee considered the available sanctions in order of seriousness. In relation to the sanction of admonishment few, if any, of the suggested factors were present. The same applied to the next sanction, reprimand. The Guidance stated that the sanction of reprimand would usually be applied in situations where the conduct is of a minor nature. That was not the case here where as already stated the matters found proved were very serious.
26. The Guidance stated that the next sanction, severe reprimand could be applied to severe misconduct where *'there are particular circumstances of the case or mitigation advanced which satisfy the Committee that there is no continuing risk to the public, and there is evidence of the individual's understanding and appreciation of the conduct found proved.'* In this case, there was no evidence of any understanding or appreciation by Mr Obaidullah of the seriousness of what he had done. Most of the other factors were absent also. The misconduct was deliberate. If the deception had succeeded, it would have caused significant harm by undermining the examination process. Mr Obaidullah had not demonstrated insight or remorse, or taken any steps to address his behaviour.
27. The Committee next considered the sanction of removal from the student register. The Committee considered that Mr Obaidullah's behaviour was fundamentally incompatible with registration as an ACCA student. While a student should be striving to acquire knowledge and skills, Mr Obaidullah had chosen to advance his career prospects through deception. Most of the factors set out in the Guidance were present. The Committee was satisfied that exclusion was the minimum sanction it could impose.

28. The Committee did not consider it necessary to extend the minimum period before Mr Obaidullah could apply to be readmitted.

### **COSTS AND REASONS**

29. Ms Tadayyon applied for costs totalling £15,319.
30. The Committee considered that the proceedings had been properly brought and that ACCA was entitled, in principle, to a contribution to its costs.
31. The Committee considered the amount claimed. The costs were increased by the fact that the hearing had taken two days. No one was to blame for that. It had largely been the result of having to conduct the case through an interpreter which is inevitably time-consuming. The cost claim did not appear unreasonable based on the work done and UK charging rates.
32. However, the Committee was concerned about Mr Obaidullah's ability to meet an order for costs of any significant amount. He was a student in Pakistan with very limited earnings. He had submitted a statement of financial position showing earnings of about £155 per month, most of which went to help to meet his family's expenses. The Committee concluded that he could only afford a nominal sum which it assessed at £200.

### **ORDER**

33. The Committee **ordered** as follows:
- (a) Mr Ibrahim Obaidullah shall be removed from the student register.
  - (b) Mr Obaidullah shall make a contribution to ACCA's costs of £200
  - (c) This order shall take effect on the expiry of the appeal period.

**Mr Martin Winter**  
**Chair**  
**13 January 2023**