

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

REASONS FOR DECISION

In the matter of: Mr John Adeire Ademilusi

Considered on: Tuesday, 19 September 2023

Location: Remotely via Microsoft Teams

Chair: Mrs Kathryn Douglas

Legal Adviser: Mrs Sobia Hussain

Summary: Admonishment

Costs: £1299.00

CONSTITUTION OF THE COMMITTEE

1. A Consent Order is made on the order of the Chair under the relevant regulations.

INTRODUCTION

2. The Chair had considered a draft Consent Order, signed by a signatory on behalf of ACCA and Mr Ademilusi, dated 06 September 2023 together with supporting documents in a bundle numbering pages 1 to 73, a Consent Order bundle containing pages 1 to 4, and a simple and detailed costs schedule.

3. When reaching their decision, the Chair had been referred by the Legal Adviser to the requirements of Regulation 8 of the Complaints and Disciplinary Regulations 2014 (as amended) and had accepted their advice. The Chair had also taken account of the content of ACCA's documents entitled Consent Orders Guidance and Consent Orders Guidance FAQs.
4. The Chair was satisfied that Mr Ademilusi was aware of the terms of the draft Consent Order and that it was being considered today.
5. The Chair was also satisfied that Mr Ademilusi was aware that he could withdraw agreement to the signed draft Consent Order by confirming the withdrawal in writing. No such withdrawal had been received.

ALLEGATIONS

Mr Ademilusi admitted the following:

Allegation 1

Mr John Adeire Ademilusi, an Affiliate of the Association of Chartered Certified Accountants (ACCA):

- 1) Breached the Membership Regulations 2014 (as applicable in 2020) with regards to the following:
 - (a) Between 17 August 2020 to 11 April 2023, was holding himself out to be in public practice without a practicing certificate, contrary to paragraphs 6 2(b) and 8 2 (a) (ii) of the Membership Regulations 2014.

Allegation 2

- 2) Between 17 August 2020 to 31 May 2023, Mr Ademilusi failed to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017, in that he was not supervised in Anti-Money Laundering ("AML").

Allegation 3

- 3) By reason of his conduct, Mr Ademilusi is:
 - I. Guilty of misconduct pursuant to byelaw 8(a)(i) in respect of any or all of the matters set out at Allegations 1 and 2; or in the alternative.
 - II. Liable to disciplinary action pursuant to byelaw 8(a)(iii).

DECISION ON FACTS

6. The Investigating Officer had conducted an investigation into the allegations against Mr Ademilusi in accordance with Regulation 8(1)(a) of the Complaints and Disciplinary Regulations (CDR) (2019) and submitted that:
 - a) They have conducted the appropriate level of investigation as evidenced by the enclosed evidence bundle (pages 1 - 73) and determined that there is a case to answer against Mr John Adeire Ademilusi and there is a real prospect of a reasonable tribunal finding the allegations proved; and
 - b) The proposed allegations were unlikely to result in exclusion from membership.
7. The relevant facts, failings and/or breaches had been agreed between the parties and were set out in the signed draft Consent Order including the detailed allegations above together with the proposed sanction and costs.
8. A summary of key facts were as follows:

Mr John Adeire Ademilusi has been the Director and Principle, with a 100% shareholding, of a Firm called Jade Payroll and Accounting Services Ltd ["The Firm"], which provides bookkeeping services, since its incorporation on 17 August 2020. Mr Ademilusi has also been referring to himself as an Accountant in his email signature and did not have Anti-Money Laundering supervision between 17 August 2020 to 31 May 2023 as he unaware basic bookkeeping services such as remittance advice sorting required AML supervision.

The Affiliate regularised their position by obtaining Anti-Money Laundering supervision from HMRC on 01 June 2023. Mr Ademilusi does not hold an ACCA practicing certificate and is currently ineligible to apply for one as an ACCA Affiliate.

DECISION ON ALLEGATIONS AND REASONS

9. In accordance with Regulation 8 of the CDR, the Chair has the power to approve or reject the draft Consent Order or to recommend amendments. The Chair can only reject a signed draft 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 was satisfied that there was a case to answer and that it was appropriate to deal with the complaint by way of a Consent Order. The Chair considered that the Investigating Officer had followed the correct procedure.
11. The Chair considered all of the evidence. Based on the documentary evidence, including the finding of the ACCA and the sanction imposed, together with the admission of the allegations by Mr Ademilusi, they found the facts of the allegations proved. They considered that the admitted facts and Mr Ademilusi's actions amounted to misconduct in that they brought discredit to Mr Ademilusi, the Association and the accountancy profession. They therefore justified disciplinary action under byelaw 8(a)(i).

SANCTION AND REASONS

12. In deciding whether to approve the proposed sanction of admonishment, the Chair had considered the Guidance to Disciplinary Sanctions. This included the key principles relating to the public interest, namely: the protection of members of the public; the maintenance of public confidence in the profession and in ACCA, and the need to uphold proper standards of conduct and performance. The Chair also considered whether the proposed sanction was appropriate, proportionate and sufficient.
13. In reaching their decision, the Chair had noted that the aggravating features as described by ACCA at paragraph 9 of the Consent Order bundle are a repetition of Allegation 2. The Chair is of the view that there are no aggravating features in this case.

14. In deciding that admonishment was the most suitable sanction, paragraphs C2.1 to C2.6 of ACCA's Guidance have been considered. The Chair had noted, and agreed with, the following mitigating factors identified by ACCA:
- Mr Ademilusi regularised his position by obtaining Anti-Money Laundering supervision from HMRC on 01 June 2023.
 - The investigation has not found any evidence to suggest Mr Ademilusi's misconduct was deliberate. He has explained that he was not aware that basic bookkeeping services such as Remittance Advice Sorting required AML supervision.
 - Mr Ademilusi promptly took corrective steps which addressed the matters raised by the complaint after being notified in writing by ACCA and has provided an undertaking to ACCA that he would not offer or carry out any public practice services, accept an appointment as auditor, advertise himself as an ACCA member or a Chartered Certified Accountant or use ACCA's designatory letters until he has been issued an ACCA practicing certificate.
 - Mr Ademilusi ceased providing bookkeeping services in September 2022 and has mentioned that neither he nor the Firm are expected to conduct these services in the future.
 - Mr Ademilusi has cooperated with the investigation and has no previous complaint or disciplinary history.
 - As far as ACCA are aware, there have been no consequences or material distress, inconvenience or loss caused as a result of Mr Ademilusi's conduct.
 - The Chair has noted an additional mitigating factor which was that Mr Ademilusi did not charge any fees in respect of any public practice activities.
15. The Chair considered that the mitigating features identified by ACCA were supported by documentary evidence and were relevant.
16. In the Chair's view, the proved and admitted breaches were serious and the public interest would not be served by making no order as such would not adequately reflect the seriousness of Mr Ademilusi's conduct.

17. In all the circumstances, the Chair was satisfied that the sanction of admonishment was appropriate, proportionate, and sufficient, and that removal of Mr Ademilusi from the register would be a disproportionate outcome and that a Disciplinary Committee would be unlikely to remove him from the Register.

COSTS AND REASONS

18. ACCA was entitled to its costs in bringing these proceedings. The claim for costs in the sum of £1299.00, which had been agreed by Mr Ademilusi appeared appropriate on consideration of the costs schedules. The Chair noted that although Mr Ademilusi had been invited to submit a Statement of Financial Position none was included in the papers.

ORDER

19. Accordingly, the Chair approved the terms of the attached Consent Order. In summary:
 - a. Mr Ademilusi shall be admonished.
 - b. Mr Ademilusi shall pay costs of £1299.00 to ACCA.

Mrs Kathryn Douglas
Chair
19 September 2023