

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Abraham Tetteh

Heard on: Thursday, 18 April 2024

Location: Remotely by Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Dr Beth Picton (Accountant member)
Mr Geoff Baines (Lay member)

Legal Adviser: Ms Valerie Charbit (Legal Adviser)

**Persons present
and Capacity:** Mr Adam Slack (ACCA Case Presenter)
Mr Abraham Tetteh (Member)
Miss Mary Okunowo (Hearings Officer)

Summary: Allegation 1(a)(b)(c), Allegation 2, Allegation 3(a)(b)(c)
and Allegation 4(ii) found proved. Allegation 4(i) not
proved.

Sanction: Member Admonished.

Costs: £4,850.00

ALLEGATIONS AND SERVICE OF PAPERS

1. The Committee convened to consider the following allegations:

Mr Abraham Tetteh, a Member of the Association of Chartered Certified Accountants (ACCA):

- 1) Between 11 February 2019 to 29 June 2021, breached the Global Practising Regulations 2003 (as applicable in 2019) with regards to any or all of the following:
 - a) Was in public practice without holding a valid ACCA practising certificate, contrary to paragraph 3 (1) (a) of the Global Practising Regulations.
 - b) Was a Director of Firm A (“the firm”) which carried out public practice contrary to Paragraph 3 (2) (a) of the Global Practising Regulations.
 - c) Held shares of 100% at “the firm” which carried out public practice contrary to Paragraph 3 (2) (b) of the Global Practice Regulations
- 2) Submitted Continuing Professional Development (CPD) Declarations to ACCA specifically between 2019 and 2020 in which he declared he had not carried out public practice activities without holding an ACCA practising certificate when he had.
- 3) Failed to co-operate with the investigation of a complaint in that he failed to respond fully or at all to any or all of ACCA’s correspondence dated:
 - a) 28 February 2022
 - b) 25 March 2022; and
 - c) 19 April 2022
- 4) By reason of his conduct Mr Tetteh is:
 - (i) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative
 - (ii) Liable to disciplinary action pursuant to bye-law 8(a)(iii).

2. Mr Tetteh attended the hearing but he was not legally represented.
3. The Committee had before it the following papers: DC Report and Bundle (numbering 1-85 pages), ACCA PC Application (numbering 1-3 pages), two Tabled Additional bundles (numbering 1-21 pages and 1-3 pages), a Service bundle (numbering 1-19 pages) and a costs schedule. Mr Tetteh also supplied his CV in the course of the hearing.
4. At the outset of the hearing the allegations were read to Mr Tetteh and he denied all of the allegations.

BRIEF BACKGROUND

5. ACCA Investigations received a referral from ACCA Authorisations on 27 July 2021 regarding a long-standing breach of ACCA Member regulations by Mr Tetteh, in that he has held a practising certificate with Institute of Incorporated Public Accountants Ireland (IIPA) since 2013 but has never held an ACCA practicing certificate.
6. Mr Tetteh became an ACCA member on 30 September 2011 and a Fellow on 30 September 2016. He has never held a practicing certificate with ACCA.
7. The Investigations Officer conducted an open-source desktop review on Mr Tetteh which revealed he was Director and Principal of Firm A from 11 February 2019 till 29 June 2021. It was also discovered that Mr Tetteh had been referring to himself as a Certified Chartered Accountant on Companies House records and a Managing Partner on his LinkedIn account whilst advertising his skills and expertise in tax, accountancy, auditing, and financial reporting.
8. Also, Mr Tetteh had admitted writing an email to ACCA customer services team on 23 July 2021 he said, "*My activities centre largely on tax returns for small businesses*".

9. On 28 February 2022, The Investigations Officer made a call to Companies Registration Office Ireland (CRO) for clarification in regard to Mr Tetteh's IIPA practising certificate. The CRO confirmed the Institute of Incorporated Public Accountants (IIPA) was dissolved on 20 March 2019 and is now known as CPA Ireland.
10. No results were generated when Mr Tetteh's name was entered into the CPA's Member Directory.
11. The GPR says 4(1)(c) holding out or being available for public practice should be regarding an example of such holding out. His firm was public and available. In an email to ACCA on 23 July 2021 he stated that his activities centred on tax returns for small business.
12. On 28 February 2022, The Investigations Officer sent a letter via email with initial inquiries to Mr Tetteh regarding the referral.
13. On 25 March 2022, a first chaser letter was sent via email to Mr Tetteh as he had failed to respond to the above email.
14. On 19 April 2022, a second chaser letter was sent via email to Mr Tetteh as he had failed to respond to the above emails.
15. On 19 May 2022, a final chaser letter was sent via email informing Mr Tetteh that a failure to cooperate allegation will be raised against him.
16. On 21 July 2022, the Investigations Officer attempted to call Mr Tetteh, and he did not answer.

ACCA's SUBMISSIONS

Allegation 1 - Practising without an ACCA practising certificate

17. ACCA submits on the basis of Mr Tetteh's ACCA records that he has never held an ACCA practising certificate, however he assumed the positions of a

Director and Principal from 11 February 2019 till 29 June 2021 of a firm engaged in public practice as evidenced by Companies House records. In addition, Mr Tetteh's LinkedIn account shows he has been engaging in 'public practice' without a practicing certificate.

18. ACCA submits that it is ultimately Mr Tetteh's responsibility to ensure he is not carrying out public practice activities without an ACCA practising certificate
19. ACCA relied on GPR(4)(1)(c) and (d) that Mr Tetteh had held himself out as being able to conduct public practice even though it did not rely on any evidence that he had actually carried out any public practice activities.
20. Mr Slack, on ACCA's behalf stated that ACCA had no evidence that Mr Tetteh had carried out any public practice activities during the period which the allegations referred to.

Allegation 2 – Annual CPD declarations

21. ACCA submits that Mr Tetteh acknowledged and signed CPD declarations specifically for the years 2019, 2020 and 2021, where he declared that he was not engaging in public practice without holding an ACCA practising certificate. This was on the basis that Mr Tetteh was 'holding himself out' in public practice.

Allegation 3 – Failure to cooperate with ACCA

22. ACCA submits there is the public interest and necessity for a registered professional to declare and uphold proper standards of conduct and behaviour. By Mr Tetteh not engaging with the Association frustrated ACCA's central duty to regulate its members and so undermined ACCA's reputation and public confidence in the Association.
23. ACCA also submitted that Mr Tetteh was given a substantial amount of time and several chances to engage and cooperate with the investigation as evidenced by the chaser emails that were sent to him.

Allegation 4 – misconduct or liable for disciplinary action

24. ACCA submitted that Mr Tetteh failed to meet his obligations as an ACCA Fellow as set out in the Rulebook by holding himself out to be in public practice without a practising certificate. It submitted that it is in the public interest that this matter is brought before a Disciplinary Committee in order to maintain the integrity of ACCA.
25. Furthermore, Mr Tetteh's failure to engage and cooperate with ACCA's Investigations team demonstrates a lack of professionalism and a disregard for ACCA's regulatory process in that it has hampered ACCA's ability to fully investigate the matters mentioned in the referral and the breaches that were discovered.
26. ACCA submitted that if any or all of the facts relied upon are found proved, misconduct is made out. Alternatively, it asked the Committee to find Mr Tetteh was liable to disciplinary action.

MR TETTEH'S RESPONSE TO THE ALLEGATIONS

27. Mr Tetteh gave evidence before the Committee. He said that in early 2021 that he wrote to ACCA's authorisations regarding obtaining a Practising Certificate as he had held a practising certificate in Ireland. He was informed he could not obtain a Practising Certificate from ACCA on the basis of having had an IIPA practicing certificate. He accepted that he did not hold a valid practising certificate between 11 February 2019 and 29 June 2021. He said he had advertised himself on LinkedIn for accountancy services including auditing and financial reporting but he said he had not believed this was 'holding himself out' or that it amounted to being involved in 'public practice'.
28. Mr Tetteh said that he was the director of the Firm A ('the firm') but he said the firm had not carried out any public practice and was dissolved by 29 June 2021. He accepted he had held 100% of the shares of the firm. He said that his company was also voluntary dissolved and it had not engaged in any public practice activities. He said the company was defunct from the outset.

29. Regarding the CPD declarations, Mr Tetteh said because he had not carried out any public practice activities, he had made the declaration as he did.
30. Mr Tetteh said he did not reply to the emails ACCA sent him because they were password protected and he did not believe them to be from ACCA.
31. Mr Tetteh also said he had never refused to enter into any correspondence with ACCA but he thought that the password protected emails were either hacking or scamming emails and that was why he did not attempt to open them. He said he did not contact ACCA to ask them about the emails. He said he believed a letter or phone call would have been received from ACCA if he was expected to respond to them.
32. Mr Tetteh said the email on 23 July 2021 to ACCA referred to his area of expertise. In answer to what he meant by 'undertaking activities' he said that was in relation to those areas under the IIPA practising certificate that allowed him to conduct public practice in a firm in which he was working 2013. He said his IIPA practising certificate was for 2013 and 2014. In 2014 he was in Ghana. He said he did not do any tax returns for small business whilst the owner of his firm. He said the email he sent to ACCA in July 2021 referred to activities he had expertise in rather than which he was carrying out.
33. Mr Tetteh also said that holding himself out by advertising even though he was not conducting public practice was a misjudgement and he asked the Committee to 'temper justice with mercy' and 'to pardon him'. He asked for the same consideration regarding his failure to respond to ACCA's emails.
34. Mr Tetteh said he is currently employed as a finance business partner with an organisation in Ireland. Before that he was a financial analyst. He supplied a copy of his CV to the Committee.

DECISION ON FACTS/ALLEGATIONS AND REASONS

Allegation 1(a), (b) and (c)

35. The Committee did not find the email written on 23 July 2021 was of any evidential value since it was written after the dates which were referred to in the allegations at a time when Mr Tetteh was seeking to regularise his position with ACCA by applying for a practising certificate. Further, when questioned about the email Mr Tetteh said he was referring to what his expertise was in, rather than what he had actually been doing at the time of the allegations.
36. The Committee noted that GPR 4(c) and (d) specified that holding oneself out encompassed what Mr Tetteh had done in setting out on his LinkedIn profile that he was a managing partner in an accountancy practice and by defining his skills as including financial accounting, reporting, and auditing. Further by being a managing partner in an accountancy business and by describing himself on his LinkedIn pages in the way he had and because of the description of his firm on the website of Companies House, the Committee was satisfied that Mr Tetteh was 'in public practice' by holding himself out as being involved in public practice as defined in the GPR. It therefore found Allegation 1(a) proved.
37. The Committee noted Mr Tetteh's acceptance that he was the Director of Firm A and that he owned 100% of its shares. Whilst the Committee accepted that there was no evidence to show that Mr Tetteh had actually carried out any public practice activities at the firm, it found that he was engaged in public practice as defined by GPR4(1)(c) and (d) in that he was 'holding himself out' as engaged in public practice because of his LinkedIn profile and the information lodged about the firm at Companies House.
38. The Committee was satisfied that if a member of the public viewed the firm on the Companies House website or Mr Tetteh's LinkedIn profile they would be misled into understanding that Mr Tetteh and the firm were engaged in public practice activities.
39. It therefore found Allegations 1(b) and 1(c) proved on the basis that Mr Tetteh and his firm had been carrying out public practice as defined by the GPR by 'holding out'.

Allegation 2

40. The Committee accepted Mr Tetteh's evidence which was not challenged by ACCA or Mr Slack on ACCA's behalf that he had not engaged in any actual public practice work during the relevant period. However, because the definition in the GPR regarding 'public practice' includes 'holding out', the Committee was satisfied that Mr Tetteh's declarations were wrong. The Committee noted that the CPD declarations made specific reference to "*if you engage in public practice or hold yourself out, as defined by Global Practising Regulations 3 and 4 you are required to hold an ACCA practising certificate or arrange to be placed on ACCA's register of practitioners*". It therefore found Allegation 2 proved.

Allegation 3(a), (b) and (c)

41. Mr Tetteh accepted he had not opened those three emails particularised in Allegation 3(a), (b) and (c). The Committee found Mr Tetteh had therefore failed to respond to ACCA investigation by his failure to respond to them. It also found he had failed to cooperate with the investigation by not answering the emails or contacting ACCA about the emails. However, it noted that once Mr Tetteh was aware of ACCA's investigation he had engaged fully with ACCA including attending the hearing today.
42. The Committee accepted Mr Tetteh's evidence that he had not opened the password protected emails because he believed them to be spam but it considered that he should have contacted ACCA about them.

Allegation 4(i) and (ii)

43. The Committee found Allegation 4(ii) proved on the basis that Mr Tetteh had breached ACCA regulations having already found Allegations 1, 2, and 3 proved.
44. The Committee noted that Mr Tetteh had held himself out as carrying out public practice and that his firm appeared to carry out public practice over a period of approximately two years. It also noted that not responding to ACCA as his

regulator was considered to be in ACCA's Guidance on Disciplinary Sanctions (GDS) as 'very serious'. However, the Committee accepted Mr Tetteh's evidence that he had not practised from his firm or in public practice activities during the relevant period. It was satisfied that although he had held himself out as being involved in public practice and that his firm appeared to be carrying out public practice activities by virtue of the information held on Companies House, his position was mitigated by the limited evidence about this and because he had not sought to deliberately misrepresent himself or the firm.

45. The Committee decided that the context of this case in its assessment significantly mitigated Mr Tetteh's position particularly since he had done no more than set up a company which was later dissolved and about which he promoted himself on LinkedIn.
46. Although the Committee accepted there was a public interest to uphold in respect of Allegations 1, 2, and 3, it decided that cumulatively they were not sufficient to amount to misconduct which was reserved for serious omissions and falling far below the standard to be expected of a member. The Committee decided that although these matters were serious, Mr Tetteh had not acted deliberately to mislead ACCA or the public and that he had in essence technically breached the GPR and held himself and his firm as being involved in public practice. Mr Tetteh had never actually engaged in public practice during the relevant period and neither had his firm. It took into consideration that these were in effect 'technical breaches' of ACCA rules and regulations.
47. The Committee further noted that Mr Tetteh had engaged with ACCA on 23 July 2021 and that once Mr Tetteh was aware of ACCA's investigation he had engaged fully with ACCA and sought to regularise his position by making an application for a Practising Certificate. It therefore decided in its judgement that Allegation 4(i) was not proved in the circumstances of this case.

SANCTIONS AND REASONS

48. The Committee found no aggravating factors in relation to the matters it had found proved.

49. In mitigation, the Committee noted that no loss was caused by Mr Tetteh's actions and that he was genuinely remorseful and that he had developing insight into his conduct. He had also sought to regularise his position by making an application for a practising certificate. The Committee further noted that Mr Tetteh was currently employed and his CV showed a comprehensive work history dating back to 2007 and he had no other disciplinary findings against him.
50. Further, the Committee noted that there was no evidence that Mr Tetteh had carried out any public practice activities and neither had his firm.
51. Mr Tetteh had also responded to ACCA once he was aware of its investigation and he had attended and engaged in the hearing. It therefore accepted that he had not sought to deliberately not respond to his regulator.
52. The Committee decided that the matters found proved were serious enough that it should take some action in respect of them.
53. It considered the factors relevant to an admonishment in the GDS. It decided that since there was no loss, Mr Tetteh had done all he could once he was aware of ACCA's investigation to regularise his position and engage with ACCA, that he had overall not acted deliberately in respect of any of the matters found proved, and because he was remorseful that an admonishment was a just and proportionate sanction in this case. It decided that there was sufficient mitigation that no higher sanction was necessary to uphold the public interest.

COSTS AND REASONS

54. ACCA applied for costs in the sum of £5,075. Mr Slack indicated that the Committee could adjust the hourly rate since the hearing lasted less than a half a day in respect of the Presenting Officer and Hearings Officer in the costs schedule.
55. Mr Tetteh chose not to fill out a statement of means and did not argue that he could not pay the costs. He asked the Committee to minimise the costs payable if they were able to.

56. The Committee decided since almost all of the Allegations had been found proved, Mr Tetteh should pay ACCA's costs. It reduced the costs to take account of the fact that the hearing lasted less than a half day. Accordingly, it ordered Mr Tetteh to pay ACCA costs of £4,850.

EFFECTIVE DATE OF ORDER

57. In accordance with Regulation 20, these orders would take effect from the date of the expiry of the appeal period.

Ms Ilana Tessler
Chair
18 April 2024