

HEARING

**CONSENT ORDER CHAIR OF THE ASSOCIATION OF CHARTERED
CERTIFIED ACCOUNTANTS****REASONS FOR DECISION**

In the matter of: Mr Suren Grigoryan FCCA

Heard on: Monday, 26 February 2024

Location: ACCA, The Adelphi, 1-11 John Adam Street, London, WC2N
6AU (by Microsoft Teams)

Chair: Mr Andrew Gell

Legal Adviser: Miss Juliet Gibbon

DECISION: The Chair made orders in the terms of the Consent Order: Draft Agreement that Mr Suren Grigoryan be reprimanded and pay costs to ACCA in the sum of £1,404.00.

1. This matter has been referred to a Chair of the Disciplinary Committee of ACCA (“the Chair”) pursuant to Regulation 8(8) of The Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014, as amended (“the Regulations”) for the Chair to determine, on the evidence before him, whether to approve or reject the Consent Order: Draft Agreement that has been agreed by ACCA and Mr Suren Grigoryan.
2. The Chair had before him a bundle of papers, numbered pages 1-103 and a Referral to Consent Orders Chair Consent Order: Draft Agreement, numbered pages 1-5.
3. The Chair considered the proposed consent order in the absence of the parties and without a hearing in accordance with Regulation 8(9) of the Regulations.

4. The Chair was satisfied that Mr Grigoryan was aware of the terms of the proposed consent order and noted that he had signed the proposed consent order on 12 February 2024.
5. The Chair noted the terms of the 'Consent Order: Draft Agreement' as follows:

"The Association of Chartered Certified Accountants (ACCA) and Mr Suren Grigoryan ("the Parties), agree as follows:

Mr Suren Grigoryan admits the following:

Mr Suren Grigoryan, a Member of the Association of Chartered Certified Accountants (ACCA):

1. Breached the Global Practising Regulations 2003 (as applicable between 2021 to 2024) with regard to any or all of the following:
 - a. Between 24 February 2021 to 08 December 2023, he was carrying on public practice without a practising certificate, contrary to Regulation 3(1)(a) of the Global Practising Regulations 2003.
 - b. Between 24 February 2021 to 08 December 2023, he was the Director of Pomodoro Solutions Limited (trading name FD Services. io), a Firm where public practice is carried on in the name of the Firm, without a practising certificate, contrary Regulation 3(2)(a) of the Global Practising Regulations 2003.
 - c. During the below periods, he has held rights in Pomodoro Solutions Limited (trading name FD Services. io), which in effect put him in the position of a Principal of a Firm, where public practice is carried on in the name of the Firm, without a practising certificate, contrary to paragraph 3(2)(b) of the Global Practising Regulations 2003.
 - Held shares of 60% between 24 February 2021 to 30 December 2021
 - Held shares of 90% between 31 December 2021 to 31 December 2022
 - Held shares of 100% between 01 January 2022 to 08 December 2023.

6. Between 24 February 2021 and 31 January 2023, Mr Grigoryan failed to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017 by not registering with a supervisory authority for Anti-Money Laundering (AML) purposes.
7. Submitted Continuing Professional Development (CPD) declarations to ACCA, as set out in schedule 1, in which he declared in respect of one or more of those declarations that he had not engaged in public practice activities without holding an ACCA practising certificate.
8. Mr Grigoryan's conduct in respect of allegation 3 was reckless, in that he declared he had not been engaging in public practice without a practising certificate, without proper regard as to whether this was accurate.
9. By reason of his conduct above Mr Grigoryan's 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) in respect of allegations 1 to 3.

SCHEDULE 1

CPD Public Practice Declaration	Date Submitted to ACCA
2021 CPD Declaration	21 December 2021
2022 CPD Declaration	30 December 2022
2023 CPD Declaration	29 December 2023

10. That Mr Suren Grigoryan shall be reprimanded and shall pay costs to ACCA in the sum of £1,404.00.

BRIEF BACKGROUND

11. Mr Suren Grigoryan became a member of ACCA on 16 December 2013 and a fellow on 31 January 2020. Mr Grigoryan has not previously held a practising certificate but made an application for one on 17 March 2023 which is yet to be considered by ACCA.
12. Mr Grigoryan has been the Director and Principal of Pomodoro Solutions, trading as Fdservices.io (“the Firm”) since 24 February 2021. He held 60 shares in the Firm between 24 February 2021 to 30 December 2021; 90 shares in the Firm between 31 December 2021 to 31 December 2022 and 100 shares in the Firm from 01 January 2023 to date.
13. The Firm specialises in accounting and auditing activities and was advertising management reporting, accounting and taxation services on its website and on its Facebook and LinkedIn accounts
14. Mr Grigoryan did not have Anti-Money Laundering (“AML”) supervision in place between 24 February 2021 and 31 January 2023 as he was unaware of the requirement that, as a provider of accountancy services, he had to register with a supervisory body. That requirement had been in place since June 2017. Mr Grigoryan obtained AML supervision on 01 February 2023.
15. Mr Grigoryan submitted annual Continuing Professional Development (“CPD”) declarations for the years 2021, 2022 and 2023 declaring that he had not engaged in public practice activities without holding an ACCA practising certificate when this was not accurate.
16. Mr Grigoryan provided ACCA with an undertaking on 08 December 2023 that he will not engage in public practice or advertise himself an ACCA member or use ACCA’s designatory letters (ie ACCA or FCCA) while in business or on business stationery/signage until he has been issued with an ACCA practising certificate. Mr Grigoryan made an application for a practising certificate on 17 March 2023 and this will be considered by ACCA at the conclusion of the investigation.

17. In an email to ACCA, dated 16 January 2024, Mr Grigoryan agreed to the terms of the proposed consent order. He stated that *“After careful reflection, I have decided to agree to the terms of the proposed Consent Order. I understand the importance of adhering to the ACCA’s standards and accept the responsibility for my oversight. However, I kindly request that the circumstances surrounding my case, particularly the unintentional nature of the breach and my immediate actions taken upon realization, be clearly detailed in the public record accompanying the Consent Order. I believe this transparency will provide a more comprehensive understanding of the situation to those reviewing the record”*.
18. In signing the proposed Consent Order Mr Grigoryan has admitted the allegations and accepted that he should be reprimanded and pay ACCA’s costs in the sum of £1,404.00.

DECISION AND REASONS

19. Under Regulation 8(8) of the Regulations the Chair must determine, on the evidence before him, whether it is appropriate to approve or reject the draft consent order or to recommend any amendments.
20. The Chair was satisfied that there was a case to answer and that the Investigating Officer had followed the correct procedure. The Chair considered the bundle of documents together with Mr Grigoryan’s admissions and found Allegations 1a, 1b, 1c, 2, 3 and 4 proved. The Chair was also satisfied that Mr Grigoryan’s actions and omissions amounted to misconduct and had brought discredit to him, the Association and the accountancy profession.
21. The Chair noted that under Regulation 8(12), he should only reject the signed consent order if he is of the view that the admitted breaches would, more likely than not, result in exclusion from membership.
22. The Chair considered the seriousness of the allegations 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. He balanced the public interest against Mr Grigoryan’s own interests.

23. In considering this matter the Chair accepted the advice of the Legal Adviser and paid due regard to the ACCA documents 'Guidance for Disciplinary Sanctions' and 'Consent Orders – Frequently Asked Questions'.

24. The Chair found the following to be aggravating factors:
 - a. Mr Grigoryan failed to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 by not having AML supervision between 24 February 2021 and 31 January 2023.
 - b. Mr Grigoryan undertook public practice without being the holder of an ACCA practising certificate for a period of almost three years.
 - c. Mr Grigoryan signed and submitted annual CPD declarations to ACCA in 2021, 2022 and 2023 declaring that had not been engaging in public practice activities without an ACCA practising certificate, without paying proper regard as to whether this was an accurate declaration.

25. The Chair found the following to be mitigating factors:
 - a. Mr Grigoryan has fully co-operated with ACCA's investigation and the regulatory process and there is no continuing risk to the public.
 - b. Mr Grigoryan's conduct has not caused any material distress, inconvenience or loss.
 - c. Mr Grigoryan has acknowledged his failings and is extremely remorseful. He has accepted responsibility for the oversights he has made and has apologised for the breaches that have occurred. He has assured ACCA that he will comply with ACCA and AML regulations in the future.
 - d. Mr Grigoryan has held professional indemnity insurance since 01 January 2021.
 - e. Mr Grigoryan has admitted that he undertook public practice without holding an ACCA practising certificate. He has provided ACCA with an undertaking that he will not

engage in public practice until he has been issued with a practising certificate and he has removed all references to accounting from the Firm's website.

- f. Mr Grigoryan has admitted to making inaccurate CPD declarations from 2021 to 2023 and has explained that these errors were due to him not knowing what services constituted public practice or that he required an ACCA practising certificate to carry out these services. He has assured ACCA that he will be more attentive and careful when making declarations in the future.
 - g. Mr Grigoryan has admitted to not having AML supervision between 24 February 2021 to 31 January 2023 and has explained that this was due to his lack of understanding and awareness of the necessity for AML supervision. Mr Grigoryan explained that the need for AML supervision and a practising certificate only came to his attention when he began studying for his Chartered Institute of Taxation examinations. He obtained AML supervision on 01 February 2023.
26. The Chair was satisfied that the allegations admitted by Mr Grigoryan would be unlikely to result in his exclusion from membership of ACCA and that, under Regulation 8(12), there was no basis for him to reject the Consent Order.
27. The Chair paid due regard to ACCA's Guidance for Disciplinary Sanctions (updated 14 February 2024). He found the following factors in relation to the sanction of a reprimand were relevant in this case:
- a. The misconduct was as a result of misunderstanding on Mr Grigoryan's part, rather than a deliberate attempt to circumvent ACCA's rules and regulations.
 - b. The misconduct ceased as soon as Mr Grigoryan became aware that he was engaging in public practice without being the holder of a practising certificate and as soon as he became aware that he required to have AML supervision.
 - c. Mr Grigoryan has demonstrated a willingness to comply with directions and advice provided by ACCA.

- d. Corrective steps have been taken by Mr Grigoryan and the Firm to ensure that there is no repeat of the misconduct.
 - e. There appears to have been no adverse consequence – the misconduct has not caused material distress, inconvenience or loss.
 - f. There has been early and genuine acceptance of the misconduct and Mr Grigoryan made early admissions to his misconduct.
28. The Chair, having considered all the documentary evidence before him, was satisfied that the sanction of a reprimand was the appropriate and proportionate sanction in this case. The Chair noted that Mr Grigoryan had agreed to pay ACCA costs in the sum of £1,404.00. The Chair, accordingly, pursuant to his powers under Regulation 8 of the Regulations, made an Order in the terms of the draft Consent Order.

ORDER

- i. Mr Grigoryan shall be reprimanded.
 - ii. Mr Grigoryan shall pay costs to ACCA in the sum of £1,404.00.
29. By virtue of Regulation 8(17) there is no right of appeal against this Order. The Order will, therefore, come into effect immediately.

Mr Andrew Gell
Chair
26 February 2024