

HEARING

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

In the matter of: Mr Al Amir Ansari

Heard on: Thursday, 13 June 2024

Location: Remotely via MS Teams

Committee: HH Suzan Matthews KC (Chair)
Mr George Wood (Accountant)
Mr Colin Childs (Lay)

Legal Adviser: Mr Alastair McFarlane

Persons present

and capacity: Mr Ben Jowett (ACCA Case Presenter)
Miss Nicole Boateng (Hearings Officer)

Outcome: Removal from the Student Register made immediate

Costs: £6,500

1. ACCA was represented by Mr Jowett. Mr Ansari did not attend and was not represented. The Committee had before it a Bundle of papers, numbered pages 1 – 209, an Additional Bundle, numbered pages 1 – 2, and a Service Bundle numbered pages 1-29.

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SERVICE/ PROCEEDING IN ABSENCE

2. ACCA contended that Mr Ansari had changed his e-mail address on a number of occasions. Mr Jowett submitted that the current, correct e-mail address for service - which had been provided by Mr Ansari and which was his obligation to provide to ACCA - was the "420" account. Having considered the Service Bundle, and the Notice of Hearing the Committee was satisfied that Notice of the hearing in compliance with the rules was served on Mr Ansari's current email address – the "420" email account in accordance with the Complaints and Disciplinary Regulations 2014 (amended 1 January 2020) ("CDR"). There was confirmation that the notice was delivered successfully to the "420" account. There was in addition attempted service by recorded postal service, but ACCA conceded it had been sent 30 days ago, when 31 days was needed for deemed service.
3. The Committee next considered whether it was in the interests of justice to proceed in the absence of Mr Ansari. The Committee accepted the advice of the Legal Adviser. The Committee was mindful that Mr Ansari had a right to attend the hearing and to participate and that the discretion to proceed in his absence must be exercised with the utmost care and caution.
4. The Committee noted that ACCA's notice was sent on 14 May 2024 to Mr Ansari's email address, offering him the opportunity of attending via video or telephone link, with the costs being met by ACCA. In addition, the notice was delivered to his postal address. There was no response to the notice and the Hearings Officer attempted to telephone Mr Ansari on 3 June 2024 and 10 June 2024 and again this morning to ascertain whether he would be attending the hearing. There was no answer to any of the attempted calls and no opportunity to leave a voicemail. Further, chasing emails were sent on 3 June 2024 and 10 June 2024 and there was no response. Links to the hearing were also sent. The Committee noted there had been no engagement from Mr Ansari in respect of any allegations since his last contact on 10 January 2023. The Committee was satisfied that all reasonable attempts have been made to secure Mr Ansari's attendance/participation at the hearing. The Committee was satisfied that Mr Ansari has voluntarily waived his right to attend and was not persuaded that any adjournment would increase the chance of Mr Ansari attending or participating further in the case. On the information before it and bearing in

mind its duty to ensure the expeditious conduct of its business and the wider public interest, the Committee was satisfied that it was in the interests of justice to proceed in the absence of Mr Ansari. The Committee reminded itself that his absence added nothing to ACCA's case and was not indicative of guilt.

ALLEGATIONS

Mr Al Amir Ansari, an ACCA student,

- 1) Used an unauthorised item capable of taking photographs during one or more of the following remotely invigilated exams, to take photographs of exam questions:**
 - a) Performance Management ("PM") exam of 14 December 2022**
 - b) Taxation ("TX UK") exam of 13 December 2022**
 - c) Financial Reporting ("FR") exam of 08 December 2022
contrary to Exam Regulation 5a, and or 10 and or 12.**

- 2) Caused or permitted one or more of the photographs referred to in Allegation 1a – c, to be shared with a person or persons unknown, contrary to Exam Regulation 14.**

- 3) Mr Ansari's conduct in respect of Allegations 1a – c and 2 above was:**
 - a. Dishonest in that he took the photographs of the exam questions to assist him if he had to resit the same exams and thereby provide him with an unfair advantage in such exams and/or**

 - b. Dishonest in that sharing the photographs with another or other exam candidates sitting the same exams or any of them would as he knew provide them with an unfair advantage in one or more of those exams, in the alternative,**

 - c. Such conduct if not dishonest demonstrates a failure to act with integrity, in the further alternative,**

- d. **Such conduct if not dishonest and/or lacking integrity, was reckless in that Mr Ansari failed to have any or sufficient regard to the possibility that the sharing of photographs of exam questions with any other ACCA student (whether directly or otherwise) would provide them with an unfair advantage if they were intending to sit the same exam.**
- 4) **On or around, 24 February 2023, Mr Ansari, submitted or caused to be submitted to ACCA, a false transcript and or certificate purportedly issued by the University of Lahore.**
- 5) **Mr Ansari's conduct in respect of allegation 4 above:**
 - a. **Was dishonest, in that he knew the transcript and certificate he submitted or caused to be submitted to ACCA was not genuine and submitted one or both of them in order to secure exam exemptions from ACCA, which he was not entitled to; or**
 - b. **Such conduct demonstrates a lack of integrity.**
- 6) **By reason of any or all of the matters referred to above Mr Ansari is,**
 - a) **Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative**
 - b) **Liable to disciplinary action pursuant to bye-law 8 (a)(iii) in respect of breaches of the Exam Regulations as set out in Allegation 1 a – c and/or 2 above.**

BACKGROUND

5. Mr Ansari became an ACCA student on 25 August 2022.
6. Mr Ansari sat his first ACCA exams between 8 – 14 December 2022 and on 15 December 2022, ACCA received an anonymous referral regarding an ACCA

student taking photographs of live exam content from three ACCA examinations:

- F5 – ACCA’s Performance Management (“PM”) exam;
 - F6 – ACCA’s Taxation (“TX UK”) exam; and
 - F7 – Financial Reporting (“FR”) exam.
7. The anonymous referral email did not name the ACCA student who was said to have taken the photographs. Nine photographs were attached to the referral email, which comprised three photographs from each of the three exams. Each and every photograph included a unique access code which is a positive match with the exams sat by Mr Ansari.
8. The matter was referred to ACCA’s Investigations Department on 16 December 2022. The photographs and content were reviewed by ACCA’s Exams department who confirmed that each of the nine photographs related to Mr Ansari’s December 2022 exam attempts. The header information in all of the nine photographs contains a snapshot of Mr Ansari’s webcam image. In six of the photographs, Mr Ansari’s name can be seen in whole or in part:
- "Amir Ansari" – exam with unique access code: 352-741-292
 - "..mir Ansari" / "Ansari" – exam with unique access code: 411-079-040
 - "(K) - Al Amir Ansari" / "...ngdom (TX-UK) - Al Amir Ansari" / "...mir Ansari" – exam with unique access code: 467-268-537
9. The three unique access codes visible in the photographs were also confirmed to match Mr Ansari’s exam attempts. The snapshot of Mr Ansari as seen in the photographs, matches with the Pearson Vue photographs and videos of the exam attempts:
- Financial Reporting (“FR”) exam of 8 December 2022, Mr Ansari is wearing a cream colour top. (Snapshot in photograph not as clear as top is similar colour to the wall).
 - Taxation (“TX UK”) exam of 13 December 2022, Mr Ansari is wearing a navy colour top.

- Performance Management (“PM”) exam of 14 December 2022, Mr Ansari is wearing an orange colour top.
10. On 6 January 2023, Mr Ansari was notified of the investigation, the allegations against him and sent a redacted version of the nine photographs. Mr Ansari responded by emails on 06 and 10 January and denied taking or sharing photographs of ACCA exam content.
 11. ACCA accept that the video footage of the 3 exams does not show Mr Ansari at any point, taking photographs and that the online proctors for the 3 exams, did not report any irregularities.
 12. Mr Ansari has been unable to offer an explanation as to how photographs showing his unique access code for three sets of ACCA exams which he attempted in December 2022, came to be in the possession of the anonymous complainant.
 13. A second anonymous complainant alleged that Mr Ansari:

“took fake exemptions through fake degree. He got failed in skill level subjects but he made fake degree and took exemptions till f9. Please check”.
 14. ACCA conducted a review of Mr Ansari’s interactions with ACCA and noted that on 23 February 2023, an email was sent to ACCA from Mr Ansari’s account requesting exemptions based on his certificate and transcript from the University of Lahore. These documents enabled Mr Ansari to obtain exemptions in five foundation modules:
 - a) Performance Management (PM);
 - b) Taxation (TX);
 - c) Financial Reporting (FR);
 - d) Audit and Assurance (AA); and
 - e) Financial Management (FM).
 15. Further enquiries were made and on 26 June 2023, ACCA received confirmation from Person A, ACCA Coordinator at the University of Lahore that

Mr Ansari's transcript and certificate, purportedly from the University of Lahore were not genuine and he was not a student of the university.

16. The Investigations Officer contacted Mr Ansari on 14 November 2023 regarding this new complaint. However, Mr Ansari did not respond to ACCA's enquiries or chasing correspondence sent on 29 November 2023 and 14 December 2023.

ACCA SUBMISSIONS

17. ACCA submits that the allegations are capable of proof by the photographs, and documentary evidence in the bundle.
18. In regard to Allegation 1a - c) ACCA relies on the witness statement of Person B, which confirms that the nine photographs are all from Mr Ansari's exam attempts of December 2022, each of which had an access code that was unique to Mr Ansari. It is submitted that Mr Ansari took photographs of exam questions during his exam attempt. Despite the absence of evidence on the video footage or any report of irregularities from the on-line Proctors, ACCA nevertheless maintained that the evidence provided by ACCA's exam department, constitutes compelling evidence that the photos in question are from Mr Ansari's three exams and recorded his PC screen at the time the photographs were taken and were more likely than not taken by him.
19. ACCA submitted that the photographs were taken by an unauthorised item. Exam Regulation 5a defines "unauthorised items" as "an electronic communication device, camera, smart watch, any other item with smart technology functionality or mobile phones". Such items "must only be used in accordance with ACCA's Exam Guidelines". The Examination Guidelines set out specific items and materials which a student may have at their desk, these being, a bottle of water, a specified calculator, two pieces of A4 'scratch paper', a pen or pencil and official means of photographic identification. Accordingly, "other than the items and materials specifically set out in the exam regulations or guidelines, no other items or materials are permitted on or about your desk or person".

20. ACCA relied upon the fact that this matter and the photographs from three ACCA exams were brought to ACCA's attention by a third party, to support the allegation that Mr Ansari took the photographs referred to in Allegation 1 and they were clearly shared with at least one person or persons unknown, as alleged in Allegation 2 as they came into the possession of the sender of the anonymous referral.
21. Further, the matter was reported to ACCA on the morning of 15 December 2022, within hours of Mr Ansari's last exam attempt – the Performance Management exam - on 14 December 2022.
22. ACCA contends that it is reasonable to infer that Mr Ansari took the photographs of the Exam questions in order to obtain an unfair advantage in any future exam attempts of that exam, should he not pass it at a previous attempt or to assist others in their exam attempts.
23. ACCA's primary case was Mr Ansari's conduct set out at Allegations 1a – c and 2 was dishonest on the basis that Mr Ansari knew he was not permitted to take and share photographs of ACCA exam content and seek to gain any unfair advantage himself (potentially in a future exam) or provide assistance to another person(s) sitting the same exam as this could give them an unfair advantage. It is submitted that such conduct would be regarded as dishonest by the standards of ordinary decent people.
24. As alternatives ACCA contended the conduct either demonstrated a lack of integrity or that Mr Ansari was reckless in that it should have been obvious to Mr Ansari that taking photographs of questions from exam papers and sharing them with others would enable other ACCA students who were going to sit the same exams to gain an unfair advantage.
25. In relation to Allegation 4, ACCA submitted that it was capable of proof by the statement of Person A, ACCA Coordinator at the University of Lahore which confirms that neither the certificate nor the transcript submitted by or on behalf of Mr Ansari are genuine and that he was not a student of the University of Lahore.

26. ACCA contend that this was dishonest conduct on the basis that Mr Ansari knew that the Transcript and the Certificate submitted to ACCA were false and submitted one or both of them in order to secure exam exemptions from ACCA, which he was not entitled to. Such conduct would be regarded as dishonest by the standards of ordinary decent people. Again, alternatives of lack of integrity or recklessness were available to the Committee.
27. ACCA further submitted that if any or all of the facts set out at Allegations 1 to 5 are found proved, Mr Ansari has acted in a manner which brings discredit to himself, ACCA and to the accountancy profession and accordingly, Mr Ansari's conduct amounts to misconduct pursuant to bye-law 8(a)(i).

MR ANSARI'S SUBMISSIONS

28. Mr Ansari denies taking photographs of ACCA exam content himself or through a third party. He denies sharing the photographs with others.

In his email of 6 January 2023, Mr Ansari stated:

"I had not allowed anyone to enter in the room take the photos of questions during my exams (F5, F6 & F7) and the door was closed during exams too. There was no camera and that was my TV remote which I forgot to keep outside before exams and confirm to the examiner that I had removed everything from my desk and room (TV remote photos attached for you're kind reference). I really apologise for the inconvenience and it will never repeat in my future exams. I had kept a water glass on my desk, hence I was looking to my left."

In his email of 10 January 2023 Mr Ansari answered all the questions asked of him in relation to Allegations 1-3 and repeated his denial that he had used any camera or mobile phone during the exam; had not taken photographs of any exam questions or allowed third parties to do so and asserted that there was no third party in the room during the exams. He stated that he had read ACCA's rules and regulations and knew it was against ACCA's rules as well as his own. He referred to photographs taken of the room showing that there was no one else in the room and no camera with him. He emphasises that nobody asked him to do this.

DECISION ON ALLEGATIONS AND REASONS

29. The Committee accepted the advice of the Legal Adviser.
30. The Committee heard that there had been no previous findings against Mr Ansari and, accepted that it was relevant to put his good character in relation to the likelihood of him acting as ACCA alleged, into the balance in his favour.

DECISION ON FACTS

31. The Committee carefully considered all the documentary evidence it had received, including Mr Ansari's denials in his January 2023 emails, as well as the submissions of Mr Jowett on behalf of ACCA. It reminded itself to exercise caution in relation to its reliance on documents. The Committee reminded itself that the burden of proving the case was on ACCA and had regard to the observation of Collins J in Lawrance v General Medical Council on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the 'balance of probabilities'.

Allegation 1

Used an unauthorised item capable of taking photographs during one or more of the following remotely invigilated exams, to take photographs of exam questions:

- a) **Performance Management ("PM") exam of 14 December 2022**
- b) **Taxation ("TX UK") exam of 13 December 2022**
- c) **Financial Reporting ("FR") exam of 08 December 2022 contrary to Exam Regulation 5a, and or 10 and or 12.**

32. The Committee carefully considered the evidence of Person B an ACCA Exam Production Technician and the photographs provided in relation to each exam Mr Ansari sat in December 2022. It also considered the witness statement of Person C, ACCA Investigations Officer, who explains, among other matters, the limitations of what the video recording showed. It noted

that Mr Ansari wore a different coloured top on each of the 3 exams and that this assisted in identifying which photographs referred to which exam. Person B exhibited the nine photographs. Despite the absence of a mobile phone being seen on the video footage of the exams and no adverse reports from the remote proctors, the Committee was satisfied that the photographs must have been taken on a device during the exam sat by Mr Ansari. It noted Mr Ansari's denials of taking any photographs or wrongdoing but did not consider the bare denials to be plausible or credible in the circumstances. It accepted the evidence of Person B and Person C to be reliable and accurate. It accepted the evidence that the access code shown on each of the nine photographs before the Committee was unique to Mr Ansari and the specific exam. It was satisfied that it was a reasonable inference to draw from that fact that the nine photographs were taken during the respective exams and were more likely than not taken by Mr Ansari. It was furthermore likely than not that they were taken on a mobile phone or camera that was an unauthorised item capable of taking photographs. It was satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item was breached. Accordingly, the Committee was satisfied that Allegation 1 was proved.

Allegation 2

Caused or permitted one or more of the photographs referred to in Allegation 1a – c, to be shared with a person or persons unknown, contrary to Exam Regulation 14.

33. The Committee was satisfied that the photographs were received by ACCA from a third party or whistle blower. The whistleblower referred to the photographs being shared in a group. Given its finding on Allegation 1, the Committee were satisfied that it was a reasonable inference to draw that Mr Ansari either shared the photographs with person or persons unknown or permitted them to be so shared. Accordingly, the Committee was satisfied that Allegation 2 was proved.

Allegation 3

Mr Ansari's conduct in respect of Allegations 1a – c and 2 above was:

- a. **Dishonest in that he took the photographs of the exam questions to assist him if he had to resit the same exams and thereby provide him with an unfair advantage in such exams and/or**
 - b. **Dishonest in that sharing the photographs with another or other exam candidates sitting the same exams or any of them would as he knew provide them with an unfair advantage in one or more of those exams, in the alternative,**
 - c. **Such conduct if not dishonest demonstrates a failure to act with integrity, in the further alternative,**
 - d. **Such conduct if not dishonest and/or lacking integrity, was reckless in that Mr Ansari failed to have any or sufficient regard to the possibility that the sharing of photographs of exam questions with any other ACCA student (whether directly or otherwise) would provide them with an unfair advantage if they were intending to sit the same exam.**
34. The Committee specifically considered Mr Ansari's likely state of mind. It considered that 3 a) and 3 b) were not mutually incompatible and that there could have been more than one motivation. The Committee considered what was the likely reasons for taking the photographs. The Committee was satisfied that the taking of the photographs was not accidental and was intentional. A likely intention was to assist himself. It was satisfied that it was a reasonable inference to draw from the taking of the photographs by Mr Ansari during the exams, that a likely intention was to assist him if he had to resit any of the exams.
35. The Committee further considered the sharing of the photographs and Mr Ansari's state of mind. Mr Ansari states that he knew the sharing to be wrong and the Committee considered it reasonable to infer that the sharing of photographs with another or other exam candidates sitting the same exams would provide them with an unfair advantage.

36. It was satisfied both of these states of mind would be considered dishonest by ordinary decent people and therefore Allegations 3 a and 3 b were proved. The Committee did not therefore consider the alternatives of Allegations 3 c or 3 d. The Committee was satisfied that there was no innocent explanation for the taking and sharing of the photographs and that his actions were dishonest.

Allegation 4

On or around, 24 February 2023, Mr Ansari, submitted or caused to be submitted to ACCA, a false transcript and or certificate purportedly issued by the University of Lahore.

37. The Committee was satisfied that the statement of Person A ACCA Coordinator at the University of Lahore who has examined the university's documentary records was credible and reliable. Person A confirms that neither the certificate nor the transcript submitted by or on behalf of Mr Ansari are genuine and that he was not a student of the University of Lahore. It also noted the statement of Person D, an ACCA Finance and Exemptions Escalations Team Manager, which it found to be accurate and reliable. The Committee was satisfied that it was more likely than not Mr Ansari submitted or caused to be submitted the full transcript and certificate in his name.

Allegation 5

Mr Ansari's conduct in respect of allegation 4 above:

- a. **Was dishonest, in that he knew the transcript and certificate he submitted or caused to be submitted to ACCA was not genuine and submitted one or both of them in order to secure exam exemptions from ACCA, which he was not entitled to; or**
 - b. **Such conduct demonstrates a lack of integrity.**
38. The Committee first asked itself whether Mr Ansari knew that the transcript and certificate that he submitted or cause to be submitted were not genuine and whether it was his state of mind that they were done in order to secure

exemptions in exams from ACCA to which he was not entitled. The Committee was satisfied that the most likely explanation was that this was Mr Ansari's state of mind and that he had attempted to secure exam exemptions to which he was not entitled by the submission of a full transcript and certificate. It determined that Mr Ansari's state of mind at the time was dishonest according to the standards of ordinary decent people. Accordingly, it was satisfied that Allegation 5a was proved and did not consider the alternative of Allegation 5b.

Allegation 6

By reason of any or all of the matters referred to above Mr Ansari is,

- a) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative**
- b) Liable to disciplinary action pursuant to bye-law 8 (a)(iii) in respect of breaches of the Exam Regulations as set out in Allegation 1 a – c and/or 2 above.**

39. The Committee next asked itself whether the proven conduct amounted to misconduct.
40. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Mr Ansari's actions brought discredit on him, the Association and the accountancy profession. It was satisfied that both the dishonest taking of photographs of professional exams to assist himself and the dishonest sharing of them to assist others was deplorable conduct and reached the threshold of seriousness for misconduct. It was further satisfied that submitting a full transcript and certificate in order to secure exemptions from ACCA's exams was so serious that it amounted to misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. His conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.

41. In the light of its judgment on misconduct, no finding was needed upon liability to disciplinary action.

SANCTIONS AND REASONS

42. The Committee noted its powers on sanction were those set out in Regulation 13(4). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.
43. The Committee considered that the conduct in this case was very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any accountant. Similarly, not co-operating with your regulator was a very serious failing.
44. The Committee identified only one mitigating factor:
- Mr Ansari was of previous good character with no previous disciplinary record
45. The Committee identified the following aggravating factors:
- No evidence of insight or remorse
 - This was pre-planned, deliberate, and repeated dishonesty
 - The conduct breached the trust placed in examinees undertaking professional exams remotely
 - Potential damage to the examination system
 - Potential to undermine the reputation of the profession.
46. Given the Committee's view of the seriousness of Mr Ansari's conduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present and, in particular, there was no evidence of insight or remorse. The Committee had regard to Section E2 of the Guidance on

Dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the Guidance for removal of Mr Ansari and was satisfied that his conduct was fundamentally incompatible with remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public.

COSTS AND REASONS

47. ACCA claimed costs of £6,940.50 and provided a detailed schedule of costs. It noted Mr Ansari has not provided a formal statement of means and had no information from him. It had regard to ACCA's Guidance for Costs Orders. The Committee decided that it was appropriate to award costs in this case and the costs claimed were reasonably incurred. The Committee agreed to make some reduction for the case taking less time than estimated. The Committee concluded that the sum of £6,500 was appropriate and proportionate. Accordingly, it ordered that Mr Ansari pay ACCA's costs in the amount of £6,500.

EFFECTIVE DATE OF ORDER

48. The Committee was persuaded that the ground for imposing an immediate order was made out given the serious facts of this case and that there is a risk of Mr Ansari holding himself out as an ACCA student if an immediate order is not imposed. The Committee, having been informed at the Sanction stage that there was an Interim Order in place, revoked that Interim Order.

HH Suzan Matthews KC
Chair
13 June 2024

