

**HEARING**

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF  
CHARTERED CERTIFIED ACCOUNTANTS**

**REASONS FOR DECISION**

**In the matter of:** Mr Muhammad Salman Shuja Khan

**Heard on:** Friday, 12 July 2024

**Location:** Remote via Microsoft Teams

**Committee:** HH Suzan Matthews KC (Chair)  
Mr Trevor Faulkner (Accountant)  
Mr Roger Woods (Lay)

**Legal Adviser:** Mr Robin Havard

**Persons present  
and capacity:** Mr James Halliday (ACCA Case Presenter)  
Ms Lauren Clayton (Hearings Officer)

**Summary** Removed from the student register

**Costs:** £6,000

**PRELIMINARY APPLICATIONS**

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1. The Committee had considered the following documents: a hearing bundle (pages 1 to 171) and a service bundle (pages 1 to 19). The Committee had also considered legal advice which it had accepted.
2. The Committee had read the letter dated 14 June 2024 containing the Notice of Proceedings, sent on the same day by ACCA by email to Mr Khan. It had noted the subsequent emails sent to Mr Khan with the necessary link and password to enable Mr Khan to gain access to the letter and the documents relating to this hearing.
3. The Committee was satisfied that such emails had been sent to his registered email address in accordance with regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee had noted that the emails had been delivered successfully. It was noted that this was the twenty-eighth day from 14 June 2024, as CDR22 states that electronic service is deemed to be effective on the date the email was sent. The Committee was satisfied that this was in compliance with CDR10(1)(a).
4. However, even had the Committee found that a full 28 days' notice had not been given, CDR27 allowed a Committee to dispense with the amount of notice given, if it was in the interests of justice and that no prejudice would be caused to Mr Khan. The Committee was satisfied that it was in the interests of justice to continue, taking account of the serious nature of the allegations and also that Mr Khan would not be prejudiced if the matter was to proceed.
5. Finally, the Committee was satisfied that the emails and the documents to which Mr Khan had access also contained the necessary information in accordance with CDR10.
6. Consequently, the Committee decided that there had been effective service of proceedings on Mr Khan in accordance with the CDR.

#### **PROCEEDING IN ABSENCE**

7. On 25 June 2024, in the absence of any response from Mr Khan to the email of 14 June 2024, ACCA sent an email to Mr Khan at the registered email address asking him to indicate whether he intended to attend the hearing or whether he was content for the hearing to proceed in his absence. The email

reminded him of the date of hearing and of his ability to join the hearing either by telephone or video link. Mr Khan was asked to confirm that, if he did not attend, he was content for the hearing to proceed in his absence. The email had been delivered successfully. The Committee also noted that this was the same email address as the one used by Mr Khan when he wrote to ACCA on 03 June 2024.

8. Mr Khan failed to respond to ACCA's email.
9. On 10 July 2024, ACCA called Mr Khan, using the number held on ACCA's register. The call was answered and, when asked, the person confirmed that he was Mr Khan. He was asked if he intended to attend the hearing on 12 July 2024 and he asked what it was about. He stated that he had not seen the emails of 14 and 25 June 2024. When asked to confirm his email address, there was background noise of people talking and then a different person spoke on the phone, indicating that he was Mr Khan's brother. He said that Mr Khan would not be attending the hearing as [Private]. The person who said that he was Mr Khan's brother asked what the hearing was about. ACCA indicated that it would not be appropriate to tell him but asked him to encourage Mr Khan to reply to the emails that had been sent to him on 14 and 25 June 2024. The person said that he would get Mr Khan to respond.
10. On 10 July 2024, ACCA sent an email to which was attached an attendance note of the telephone conversation. Once again, Mr Khan was asked whether he intended to attend the hearing and, if not, whether he consented to the hearing proceeding in his absence. There was no response.
11. On 11 July 2024, ACCA sent a further email to Mr Khan informing him of the date of hearing, asking him whether he intended to attend, and providing him with the Microsoft Teams link enabling him to do so. There was no response.
12. On the morning of the hearing, 12 July 2024, ACCA attempted on two occasions to phone Mr Khan, using the same number as the number dialled on 10 July 2024 and which was the number on ACCA's register. An automated response in a foreign language was heard but with no facility to leave a message.

13. The Committee was satisfied that ACCA had done all that it could reasonably be expected to do to engage Mr Khan in the hearing. The Committee concluded that Mr Khan was aware of the hearing date and, whilst it had been suggested that the reason for his non-attendance was because [Private] he had failed to provide any information regarding any medical condition nor had he provided any medical evidence. He had not requested an adjournment.
14. The Committee concluded that Mr Khan had voluntarily absented himself from the hearing, which he could have joined by telephone or video link. He had therefore waived his right to attend.
15. The Committee was also satisfied that, taking account of the seriousness of the allegations, it was in the public interest to proceed. The Committee did not consider that any benefit would be derived in adjourning the hearing and, as stated, no such application had been made.
16. Finally, the Committee considered that it was in a position to reach proper findings of fact on the evidence presented to it by ACCA and the response which had been provided by Mr Khan in the course of the investigation.
17. The Committee ordered that the hearing should proceed in the absence of Mr Khan.

## **ALLEGATIONS**

1. Mr Muhammad Salman Shuja Khan (“Mr Shuja Khan”) a registered student of the Association of Chartered Certified Accountants (“ACCA”):
  - a. On 06 March 2021, 23 March 2021 and/or 15 April 2021, submitted or caused to be submitted to ACCA a transcript and certificate purportedly from Lahore University of Management Sciences (“LUMS”) as set out below in support of his application for exemptions from the three Applied Knowledge exams and six Applied Skills exams:
    - i. Transcript with the roll number: 2020-12-0381 (“the Transcript”)
    - ii. Certificate awarding him a BSc (Hons) in Accounting & Finance on 22 June 2020 (“the Certificate”)

- b. The conduct described at Allegation (1a) above, was
  - i. Dishonest, in that he:
    - (1) knew the documents he submitted or caused to be submitted to ACCA were not genuine;
    - (2) Intended to use the documents to obtain exemptions to which he was not entitled to
    - (3) Intended to mislead ACCA

Or in the alternative;

- ii. Such conduct fails to demonstrate integrity
2. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended in 2020), Mr. Shuja Khan, failed to co-operate with the investigation of a complaint in that he failed to respond to any or all of ACCA's correspondence dated:
- a. 22 November 2021
  - b. 06 December 2021
  - c. 05 January 2022
3. By reason of the conduct referred to above, Mr Shuja Khan is:
- a. Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative
  - b. In respect of allegation 2 only, liable to disciplinary action, pursuant to bye-law 8(a)(iii).

## **DECISION ON FACTS, ALLEGATIONS AND REASONS**

### **Allegations 1(a) & (b)**

18. In reaching its findings in respect of allegations 1(a) and (b), the Committee relied upon the report, email correspondence and documents contained in ACCA's report and bundle of 171 pages. The Committee had considered carefully, and accepted, the evidence of the following witnesses: Person A in a statement dated 11 March 2022 and Person B in a statement dated 06 April 2022.
19. None of the above evidence had been challenged by Mr Khan.
20. The Committee had also considered the content of the documents provided by ACCA in support of its case, all of which were consistent with the report and the written evidence of the witnesses.
21. The Committee had taken account of the submissions of Mr Halliday. The Committee also listened to legal advice, which it accepted, noting that the burden of proof was on ACCA to prove the allegations on the balance of probabilities.

#### **Allegation 1(a)**

22. On 19 February 2018, Mr Shuja Khan became an ACCA registered student with ACCA ID number [Private] ("**the First Account**"). The date of birth on his identification documents at the time of registration was [Private].
23. On 06 March 2021, an email was sent from Mr Shuja Khan's registered email address on the First Account ([Private]) to ACCA, requesting exemptions from nine ACCA exams. The email included attachments in support of the application, these being the Transcript and the Certificate purportedly from Lahore University of Management Sciences ("LUMS") confirming that Mr Khan had obtained a BSc (Hons) in Accounting and Finance. The date of birth on the Transcript is 26 February 2001.
24. On 23 March 2021, a second account was created in Mr Shuja Khan's name, the account [Private] ("**the Second Account**") and the Transcript and the Certificate from LUMS were included with the registration. Both documents appeared to be the same as those submitted to ACCA on 06 March 2021 (on the First Account) except that the Transcript had a date of birth as [Private]. The roll number and module grades are the same.

25. On 30 March 2021, an email was sent to ACCA via Mr Shuja Khan's registered email address on the Second Account ([Private]). This email queried the validity of exemptions and stated, "*I got exceptions in Acca Upto F9 in the base of HND program i want to know about Exam Exceptions is this ethentic or not This exemptions is Legal and True exceptions Please provide me With the legal information about it I got exceptions*".(sic)
26. On 30 March 2021, ACCA received written confirmation from LUMS that the Certificate and the Transcript in Mr Shuja Khan's name were not authenticated.
27. On 02 April 2021, there was a call between ACCA and someone who confirmed their details as ACCA account [Private] and the name, Muhammad Salman Shuja Khan. The person who made the call discussed an email update, "*how many exams have I passed*" and the Second Account. The caller gave differing responses as to whether the Second Account ([Private]) belonged to him or his "*other friend*" and eventually decided that the Second Account was his.
28. On 04 April 2021, an email was sent to ACCA via Mr Shuja Khan's registered email address on the First Account ([Private]) requesting his date of birth be changed from [Private] to [Private].
29. On 06 April 2021, there was a call between ACCA and someone who gave their account details as [Private] and [Private] and their name as Muhammad Salman Shuja Khan. The person asked for the date of birth to be updated in accordance with the request in the email sent two days earlier i.e. from [Private] to [Private].
30. On 15 April 2021, a third account was registered in Mr Shuja Khan's name with an account [Private] ("**the Third Account**") with a date of birth of [Private]. However, in relation to the Third Account, it held the same roll number except for the year, which was 2013 instead of 2020.
31. Importantly, all three accounts had the same personal registration number (Pakistan) of [Private].

32. On 23 April 2021, an email was sent to ACCA via Mr Shuja Khan's registered email address on the First Account ([Private]), requesting permanent resignation from ACCA due to personal problems.
33. On or around 27 October 2021, investigations were carried out as to Mr Khan's conduct and it became apparent that another ACCA student had previously submitted a transcript (roll no:[Private]) with the same module grades, CGPA and SGPA, as those shown on the Transcript submitted via Mr Shuja Khan's email address. As shown above, it held the same roll number except for the year which was 2013 and the date of birth was shown as [Private].
34. The Investigations Officer contacted Mr Shuja Khan via his registered email address, regarding the Transcript and the Certificate he submitted on 06 March 2021 ("the First Account) and on 23 March 2021 ("the Second Account").
35. As outlined below under allegation 2 below, correspondence was sent to Mr Khan in an attempt to investigate his conduct. However, there had been no response from Mr Khan to any of the Investigation Officer's correspondence.
36. Indeed, the only response to the allegations that Mr Khan had provided had been in an email dated 03 June 2024 in which he said:

*"Hi I am Salman Shuja*

*I am not involved in any exemption case My password I'd was taken by someone*

*Please do not think negative about me*

*Thanks*

*Salman"*

37. However, taking account of the evidence provided by ACCA, and in the absence of any additional evidence to support the assertion by Mr Khan that someone had acted as alleged having assumed his identity, the Committee discounted Mr Khan's explanation. It also found it implausible as the only person who could benefit from the course of conduct was Mr Khan himself.
38. On 20 January 2022, there was a call between ACCA and a caller claiming to be Mr Shuja Khan, asking why the ACCA account [Private] ("the Third Account") was suspended and he asked if the First Account can be re-



registered. The email address on all three accounts was updated on 20 January 2022. Changes to the First Account were modified by ACCA admin, "Registry". Changes to the Second Account and Third Account were made via Mr Shuja Khan's myACCA accounts as evidenced by the information on last modified by "HUBUSER".

39. On 11 February 2022, ACCA received written confirmation from Person A of LUMS, that both the Transcript and the Certificate were "FAKE", "*because they are not according to the format which LUMS follows*".
40. In response to whether Mr Khan was a student at LUMS on any date between 01 January 2015 and 31 December 2020, LUMS confirmed that "*this person does not exist in our alumni record*".
41. On 11 March 2022, ACCA received a statement from Person A of LUMS confirming the Transcript and the Certificate from Mr Khan were false and that Mr Shuja Khan was not a student at LUMS on the dates when the exams were alleged to have been sat or completed between 2016 and 2020.
42. On the basis of this unchallenged evidence, the Committee found that, on 06 March 2021, 23 March 2021 and 15 April 2021, Mr Khan had submitted or caused to be submitted to ACCA a transcript with the roll number: 2020-12-0381 and certificate awarding him a BSc (Hons) in Accounting & Finance purportedly from Lahore University of Management Sciences ("LUMS") in support of his application for exemptions from the three Applied Knowledge exams and six Applied Skills exams.
43. The Committee therefore found allegation 1(a) proved.

#### **Allegation 1(b)**

44. The Committee relied on its findings of fact under allegation 1(a) above.
45. The Committee reminded itself of the test for dishonesty as set out in the case of *Ivey v Genting Casinos* [2017] UKSC 67.
46. The Committee had found that Mr Khan had deliberately submitted to ACCA documents which he knew to be false. The documents, namely the Transcript

- and Certificate, were designed to mislead ACCA into believing that Mr Khan was entitled to obtain exemptions when he knew that he was not entitled to them.
47. On 06 April 2022, Person B, Exemptions Specialist, provided a statement and exhibits, setting out the exemptions sought on nine papers at the Fundamental level of the ACCA Qualification.
  48. In their statement, they confirmed that he had received confirmation that the certificate and transcript issued in Mr Khan's name and purportedly awarded by LUMS were not genuine. On 06 April 2021, they referred the matter, together with the fraudulent documents, to the Investigations Department, along with a False Document Referral Form.
  49. Person B confirmed that, had the certificate and transcript submitted by Mr Khan been accepted, it would have given him an exemption for the following nine exams: Business & Technology (BT); Management Accounting (MA); Financial Accounting (FA); Corporate & Business Law (LW); Performance Management (PM); Taxation (TX); Financial Reporting (FR); Audit & Assurance (AA), and Financial Management (FM).
  50. The Committee was satisfied that Mr Khan knew that the Transcript and Certificate he had submitted to ACCA were not genuine, and that he intended to use the Transcript and Certificate to obtain exemptions to which he was not entitled. In doing so, he intended to mislead ACCA.
  51. The motivation for him doing so was to seek advancement in his qualification as an accountant by deception and which was not merited.
  52. The Committee was satisfied that, by the standards of ordinary decent people, such conduct was dishonest.
  53. Consequently, the Committee found allegation 1(b) proved.

## **Allegation 2**

54. On 22 November 2021, an Investigations Officer of ACCA sent an email to Mr Khan attached to which was a letter which clearly set out the detail of the

- allegations being investigated by ACCA and requested that Mr Khan respond to a number of questions by 06 December 2021.
55. The letter also referred to Complaints and Disciplinary Regulation 3(1) informing Mr Khan of his obligation to cooperate with the investigation by responding to the questions by the deadline. It also stipulated that if he failed to cooperate, this may render him liable to disciplinary action.
  56. This email was sent to the email address Mr Khan had registered with ACCA on the First Account and which was the email address on the register on the day the email was sent.
  57. On the same day, an unencrypted email was sent to Mr Khan asking him to check if he had received an encrypted email from ACCA and, if not, to let ACCA know.
  58. Mr Khan failed to respond to either the encrypted or unencrypted emails.
  59. On 29 November 2021, ACCA sent an email to Mr Khan using the email address [Private] having tried unsuccessfully to contact him on the phone using the number he had registered with ACCA. The use of this alternative email address was based on the fact that ACCA had found that Mr Khan appeared to be using another email address up until he submitted the false documents and had asked ACCA in May 2021 to update his email back to the previous address. ACCA therefore sent an email to the previous address i.e. [Private] on the basis he had not responded to the email on the register. However, again, whilst not forming part of the allegation of a failure to cooperate, Mr Khan did not respond to that email either.
  60. On 06 December 2021, ACCA sent another email to Mr Khan, using both the email address on the register and [Private], and attached a letter of the same date as well as the letter sent on 22 November 2021. Mr Khan was again reminded of his duty to cooperate and was given until 29 December 2021 to respond.
  61. Mr Khan failed to respond.

62. On 05 January 2022, ACCA sent a further email to Mr Khan at both email addresses, again attaching the letter sent with the original email of 22 November 2021, and again reminding him of his duty to cooperate. He was warned that, if he did not respond by 12 January 2022, his failure to cooperate would form a separate allegation against him.
63. Mr Khan failed to respond.
64. The Committee noted that, on 20 January 2022, ACCA received a call from a student asking why account [Private] was suspended. The note described this account as a duplicate account with the original account [Private] also suspended. This was the account number of Mr Khan and the email address on the note was [Private], which was the email address to which the emails of 06 December 2021 and 05 January 2022 had been sent.
65. The Committee was satisfied that the correspondence from ACCA to Mr Khan was sent to his correct email address. Indeed, whilst the email address on the register was initially [Private], the Committee noted that ACCA had taken the precaution to send the correspondence not only to the email address on the register but also to an email address previously used by Mr Khan, namely [Private]. It was significant that Mr Khan had used that email address when he communicated with ACCA on 03 June 2024 when he wrote to deny his involvement "*in any exemption case*".
66. The Committee was satisfied that Mr Khan failed to respond to ACCA's emails of 22 November 2021, 06 December 2021 and 05 January 2022. The Committee found, on the balance of probabilities, that Mr Khan had been aware of the emails but had failed to respond. On this basis, the Committee found that he had failed to cooperate with ACCA's Investigating Officer. Consequently, the Committee found allegations 2(a), (b) and (c) proved.

### **Allegation 3(a)**

67. Taking account of its findings in respect of allegation 1 and its finding that Mr Khan had acted dishonestly, the Committee was satisfied that he was guilty of misconduct in that such conduct could properly be described as deplorable. In the Committee's judgement, it brought discredit to Mr Khan, the Association and the accountancy profession.

68. In respect of allegation 2, the Committee had found that, despite ACCA providing a number of reminders of his obligation to cooperate and warnings of potential consequences of his failure to do so, Mr Khan had failed to cooperate with ACCA and to respond to correspondence.
69. The need for members, including student members, to engage and cooperate with their regulator was fundamental. A failure by members to do so meant that ACCA's ability to regulate its members in order to: ensure proper standards of conduct; protect the public, and to maintain its reputation was seriously compromised.
70. The Committee found that the failure of Mr Khan to cooperate with his regulator amounted to misconduct in that such failure brought discredit to himself, ACCA and the accountancy profession.
71. Therefore, the Committee found allegation 3(a) proved.

### **Allegation 3(b)**

72. On the basis that this allegation was pleaded in the alternative to allegation 3(a), the Committee made no finding in respect of it.

### **SANCTION AND REASONS**

73. The Committee considered what sanction, if any, to impose, taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had also listened to the submissions of Mr Halliday, and legal advice from the Legal Adviser which it accepted.
74. The Committee considered the available sanctions in increasing order of severity having decided that it was not appropriate to conclude the case with no order.
75. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain

- public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
76. The Committee considered whether any mitigating or aggravating factors featured in this case.
  77. The Committee were informed that there were no previous findings against Mr Khan.
  78. The Committee had no information regarding the personal circumstances of Mr Khan nor had it been provided with any testimonials or references as to Mr Khan's character. Indeed, there had been no engagement by Mr Khan in the course of the proceedings.
  79. Whilst Mr Khan was under no obligation to attend the hearing, the fact that he had not engaged meant that there was no evidence before the Committee to suggest that Mr Khan had any insight into the seriousness of his conduct and he had not expressed any remorse. The Committee also noted the repetitive nature of his conduct.
  80. The Committee had found Mr Khan to have acted improperly by submitting false documents with the aim of gaining advancement to which he was not entitled. He had also failed to engage with ACCA during its investigation. The Committee considered both courses of conduct to be very serious.
  81. The Committee found such serious conduct to be aggravated in that Mr Khan had not shown any evidence of insight.
  82. The whole purpose of ACCA students complying with the qualification process is to maintain the integrity of that process to ensure that it is fair. In following that process and complying with ACCA's requirements, it means that the public can have confidence in a person's competence to be an accountant.
  83. On the basis of its findings, the Committee concluded that neither an admonishment nor a reprimand would represent a sufficient and proportionate outcome. Neither sanction would adequately reflect the seriousness of the Committee's findings.

84. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, and reflecting on the criteria suggested in the Guidance, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
85. Mr Khan had also failed to cooperate with his regulator, ACCA, in respect of an investigation of very serious allegations. His conduct in submitting false documents to ACCA and his lack of full engagement in relation to the investigation of such conduct represented conduct which was fundamentally incompatible with being a student member of ACCA. His lack of engagement and his failure to provide evidence of any insight or contrition for his lack of cooperation, led the Committee to conclude that, currently, there was no guarantee that Mr Khan would behave in a manner expected of a member of ACCA.
86. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to remove Mr Khan from the student register but could find none.
87. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Khan shall be removed from the student register.

### **COSTS AND REASONS**

88. The Committee had been provided with a simple costs schedule (page 1) and a detailed costs schedule (pages 1 and 2) relating to ACCA's claim for costs. The Committee had also considered ACCA's Guidance on costs.
89. The Committee concluded that ACCA was entitled to be awarded costs against Mr Khan, all allegations having been found proved. The amount of costs for which ACCA applied was £6,725.00. The Committee did not consider that the claim was unreasonable but noted that the hearing had taken less time than estimated. Consequently, and as the claim for the Case Presenter was based on an hourly rate, it was considered appropriate to reduce the amount of costs claimed in respect of the Case Presenter and Hearings Officer.

90. Mr Khan had not provided ACCA with any documentary evidence of his means. The Committee was satisfied that, in the correspondence sent to him, Mr Khan had been warned at the outset of the importance of providing details of his financial circumstances and of ACCA's intention to apply for costs.
91. In the absence of any information from Mr Khan, the Committee approached its assessment on the basis that he was able to pay any amount of costs awarded against him.
92. In all the circumstances, and in exercising its discretion, the Committee considered that it was reasonable and proportionate to award costs to ACCA in the reduced sum of £6,000.00.

#### **EFFECTIVE DATE OF ORDER**

93. The Committee had considered whether the order should have immediate effect. However, ACCA did not seek such an order and, taking account of Mr Khan's status as a student member, the Committee did not consider that he presented a current risk to the public. It therefore concluded it was not in the interests of the public to make an order which takes effect immediately.
94. The Committee decided that this order shall take effect at the expiry of the period allowed for an appeal in accordance with the Appeal Regulations.

**HH Suzan Matthews KC**  
**Chair**  
**12 July 2024**