Charges and Sanction
Muhammad Zubair Hussain, a member of the Institute of Chartered Accountants of Scotland based in Edinburgh has been reprimanded and ordered to pay penalties totalling £5000 following a hearing of the Discipline Tribunal on 6th February 2017. In addition Mr Hussain was ordered to pay the costs of ICAS in the sum of £8560 and the costs of the Discipline Tribunal of £3680.

Mr Hussain was found guilty of two charges of unsatisfactory professional conduct in respect that on charge 1 he prepared a financial reference addressed to a lender which incorrectly stated that his client had an earned income of £60,000 per annum when he knew, or ought to have known that the information in the financial reference (a) contained a materially misleading statement and (b) contained a statement that omitted information which caused the statement to be misleading in breach of Section 110 of the ICAS Code of Ethics; on charge 2 he prepared and delivered to his client three backdated payslips to be used to support a mortgage application when he knew or ought to have known that the information in his clients gross salary payments contained in the payslips were (a) materially misleading and (b) omitted information, which caused the payslips to be misleading in breach of Section 110 of the ICAS Code of Ethics.

Commentary
Peter Anderson, Discipline Panel Chairman, said “The Tribunal was of the view that in respect of both charges Mr Hussain breached established principles of fairness, truthfulness and independence which are essential for members of the Institute of Chartered Accountants of Scotland. Having regard to all the facts of the case, including the information provided to him and representations from his client, his actings are properly characterised as unsatisfactory professional conduct rather than misconduct. In those circumstances a reprimand is appropriate together with a financial penalty of £2500 on each charge.”

A subsequent appeal affirmed the decisions of the Discipline Tribunal.

Note
Unsatisfactory professional conduct includes, but is not limited to, any act or default, whether in the course of carrying out professional work or otherwise which falls below the standards to be expected of a Member, CA Student Member or Affiliate of ICAS but which does not amount to professional misconduct.