

## Disciplinary Tribunal

**Member Name:** Ahmed Al Jebori – MIPA AFA

**Division:** NSW

**Date of Determination:** 6 August 2024

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### IPA Disciplinary Tribunal

The IPA Disciplinary Tribunal of 22 November 2023 determined that the following case presented against the Member was proven:

- a) Breached clause 98(2)(a) of the IPA Constitution as the Member breached IPA By-Laws clauses 2.1.1 to 2.1.3(b), and 7.1.6 of the IPA By-Laws, and APES standards APES 110, APES 220, APES 305 and APES 310. The Member's actions:
  - did not meet the required technical and professional standards in that he knowingly withheld refunds from the grant application and a BAS without due authority or a valid engagement letter.
    - He did not meet the standards in subsections R115.1 (comply with principle of professional behaviour), and R120.3 (requirement to apply conceptual framework to identify and mitigate threats to compliance).
    - He did not meet the standards in subsections 9.1 (Client monies - obligation to ensure prompt transmission of monies to client from trust account), and 9.2 (Client monies – obligation not to withhold fees unless agreed in writing).
    - He did not meet the standards in subsections 3.1 (document engagement), 3.2 (clear understanding of the engagement by both parties), 3.4 (document all terms of engagement) and 4.9 (obligation for engagement to document fee and billing arrangements).
    - He did not meet the standards in subsections 4.2 (obligation to deal with client monies as agreed or instructed), 5.15 (obligation to only hold monies for a period necessary to disburse the funds in the way intended by the client), 5.24 (3-day requirement to disburse), and 5.26 (must only disburse as per written engagement requirements).
- b) Breached clause 98(2)(b) of the IPA Constitution as the Member failed to observe a proper standard of professional care, skill or competence and knowingly withheld refunds from the grant application and a BAS without due authority or a valid engagement letter. The above constitutes a failure to observe a proper standard of professional care, skill or competence; and
- c) Failed to provide information in a timely manner to requests made by the Investigations Officer.

The Tribunal further resolved that the penalties imposed are:

- Suspension – membership is suspended for 12 months from the date of the member paying the costs and fine, whichever is the later.
- Censure.
- Costs of \$2,500 plus GST.

- Fine of \$5,000.

### **IPA Appeals Tribunal**

The IPA Appeals Tribunal considered the appeal and made a determination on 6 August 2024 to uphold the decision of the IPA Disciplinary Tribunal finding that the member has breached clauses 98(2)(a) and 98(2)(b) of the IPA Constitution, as well as IPA By-laws 2.1.1, 2.1.2, 2.1.3(b), and 7.1.6, APES Standards APES 110, APES 220, APES 305 and APES 310.

The Appeals Tribunal resolved that the following penalties are imposed (varying the penalties imposed by the Tribunal):

- Suspension – the IPA suspends the membership of the member from this determination until 12 months from the date of the member paying the costs and fine, whichever is the later.
- Censure.
- Fine of \$5,000.
- Costs of \$5,000 plus GST.
- The Member is to engage an auditor approved by the IPA, at the Member's cost, to conduct an audit of the business' trust account. Such audit report (and management letter) to be forwarded to the IPA within 3 months after receipt of this determination.
- The IPA to conduct a full Quality Review Program of the Member's practice within 3 months of this determination.
- The Member is to engage in a suitable training program to deal with ethics to be specified or approved by the IPA and undertaken within 12 months, and provide the IPA with evidence that that program has been satisfactorily concluded, within that time.

The Appeals Tribunal notes that non-compliance with these penalties may result in the automatic forfeiture of membership pursuant to paragraph 98(3)(h) of the IPA Constitution.

**Date of Notice: 15 August 2024**