Think Ahead ACCA

APPLICATION ON PAPERS

CONSENT ORDERS CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mr David Davenport**
Heard on:	**Monday, 06 October 2025**
Location:	**Held Remotely by Microsoft Teams**
Chair:	**Mr Martin Winter**
Legal Adviser:	**Ms Tope Adeyemi**
Summary:	**Severe reprimand and £5,000.00 fine**
Costs:	**£857.50**

INTRODUCTION

1. The Chair has considered a draft Consent Order, signed by a signatory on behalf of ACCA dated 23 September 2025, together with supporting documents in a bundle numbering pages 01- 105, a detailed costs schedule, a simple costs schedule and 01 page document titled ‘Plea in Mitigation’.

2. When reaching his decision, the Chair has referred to the requirements of Regulation 8 of the Complaints and Disciplinary Regulations 2014 (as amended) ("CDR8") and considered ACCA's documents entitled "Consent Orders Guidance" and "Consent Orders Guidance FAQs".

3. The Chair was satisfied that Mr Davenport was aware of the terms of the draft Consent Order and that he had signed the draft Consent Order on 22 September 2025.

4. Mr Davenport had submitted the document titled 'Plea in Mitigation' in which he had queried the fairness of the £5,000.00 fine. The Chair noted that after the submission of the document Mr Davenport went on to confirm by email to ACCA on 21 September 2025 that he was willing to pay the fine and costs associated with the sanction imposed. Thereafter he had included his signature on the consent order, dating it 22 September 2025.

5. The Chair was satisfied that Mr Davenport was informed that he could withdraw his agreement to the signed draft Consent Order by confirming the withdrawal in writing and that no such withdrawal had been received.

6. The investigating officer had conducted an investigation into the allegations against Mr Davenport in accordance with CDR8(1)(a) and was satisfied that:

   i) they had conducted the appropriate level of investigation as evidenced by the enclosed evidence bundle and determined that there was a case to answer against Mr Davenport, and that there was a real prospect of a reasonable tribunal finding the allegations proved; and

   ii) the proposed allegations were unlikely to result in exclusion from membership.

AGREED FACTS

7. Mr Davenport and ACCA agreed the following facts:

   - Mr Davenport is the sole principal and the Money Laundering Reporting Officer of Colby & Co ('Firm A). Mr Davenport holds and ACCA Practising Certificate ("PC")

- As a holder of a PC with ACCA, there is a mandatory requirement for Firm A to be monitored by ACCA to assess compliance with the Isle of Man's Anti-Money Laundering and Countering the Financing of Terrorism Code 2019 ("The AML Code 2019").

- As part of ACCA's AML supervisory work, a desk-based monitoring review of Firm was carried out This was a routine monitoring review. The purpose of the review was lo monitor Firm A's compliance with the AML Code 2019.

- Findings of non-compliance with the AML Code 2019 were found following a review of Mr Davenport's response(s) to the AML Team. These findings were outlined within the AML report dated 27 March 2025, alongside required actions to be taken.

- During the AML compliance review, Firm A displayed poor AML controls. The Following AML controls were tested and found to be noncompliant:

    1. Business risk assessment Firm A had none in place.

    2. AML procedures and controls document Firm A had none in place.

    3. Client due diligence (CCD) Firm A does not hold.

ALLEGATIONS

8. Mr Davenport admits the following:

Mr David Frederick Davenport, an ACCA Fellow:

1. Between 1 June 2019 and 5 August 2025, failed on behalf of Firm A to comply with or demonstrate compliance with the Isle of Man's Anti -money Laundering and Countering the Financing of Terrorism Code 2019 ("the AML Code 2019"), namely:

(a) Paragraph 5 - Business risk assessment
(b) Paragraph 4 - AML procedures and controls document
(c) Paragraphs 8 - 13 - Client due diligence

2. By reason of his conduct set out at allegation 1 above, Mr Davenport failed to comply with Subsection 115 of ACCA's Code of Ethics and Conduct (the Fundamental Principle of Professional Behaviour) and Section B2 of ACCA's Code of Ethics and Conduct (Anti-money laundering.)

3. By reason of his conduct, Mr Davenport is guilty of misconduct pursuant to bye - law 8(a) (I).

DECISION ON FACTS AND REASONS

9. In accordance with Regulation 8 of the CDR, the Chair has the power to approve or reject the draft Consent Order or to recommend amendments. The Chair can only reject a signed draft Consent Order if they are of the view that the admitted breaches would more likely than not result in exclusion from membership or removal from the student register.

10. The Chair was satisfied that there was a case to answer and that it was appropriate to deal with the complaint by way of a Consent Order. The Chair was also satisfied that the Investigating Officer had followed the correct procedure.

11. The Chair considered the bundle of evidence. Based on the documentary evidence, including the finding of the ACCA and the sanction imposed, together with the admission of the allegations by Mr Davenport, the Chair found the facts of the allegation proved.

12. He considered that the admitted facts and the actions of Mr Davenport amounted to misconduct in that they brought discredit to him, the Association and the accountancy profession, therefore justifying disciplinary action under byelaw 8(a)(i).

SANCTION AND REASONS

13. In deciding whether to approve the proposed sanction of a severe reprimand and fine, the Chair considered the Guidance to Disciplinary Sanctions ("the Guidance"). The Chair also considered whether the proposed sanction was appropriate, proportionate, and sufficient. The Chair noted, and agreed with the following aggravating and mitigating factors identified by ACCA:

Aggravating

- The length of lime during which Mr Davenport was in breach of the AML Code 2019.

- The conduct which led to Mr Davenport being in breach of the AML Code 2019 fell below the standards expected of an ACCA Fellow.

Mitigating

- Mr Davenport has been a Fellow of ACCA since 02 November 1981 and has a previous good record with no previous complaint or disciplinary history.

- Mr Davenport has fully cooperated with the Investigation and regulatory Process.

- Mr Davenport has made substantive attempts to rectify any breaches of the AML Code 2019. He has also confirmed of his wish to retire and that he is not taking on new clients, and he is in the process of passing on the current clients he has to another practice. It is submitted that there Is therefore no continuing risk to the public.

- Mr Davenport has expressed genuine insight and remorse into the conduct which led to this referral being made by the AML Team.

14. Having considered all the information available, the Chair was satisfied that a severe reprimand and fine represented an appropriate and proportionate means of disposal and that the admitted breaches would not result in exclusion.

COSTS AND REASONS

15. ACCA submitted a simple and detailed costs schedule.

16. The Chair was satisfied as to ACCA's entitlement to its costs in bringing these proceedings. Costs in the sum of £857.50 as agreed by Mr Davenport and ACCA are considered reasonable and appropriate.

ORDER

17. Accordingly, the Chair approved the terms of the attached Consent Order. In summary:

    a. Mr David Davenport shall be severely reprimanded.
    b. Mr David Davenport shall pay a fine of £5,000 to ACCA.
    c. Mr David Davenport shall pay costs of £857.50 to ACCA.

Mr Martin Winter
Chair
06 October 2025