

Complaints and Discipline Report

1 April 2017 to 30 June 2017

The FPA is committed to informing members and the community of the trends and outcomes of complaints and disciplinary action in the financial planning profession.

Disciplinary Activity Summary

In the April to June quarter, the FPA received four new complaints, finalised three complaints and have four ongoing complaints. Of those ongoing complaints, one is in the process of finalising the report by the investigating officer to the Conduct Review Commission (CRC), two are in the process of seeking submissions from members and one is awaiting further information from the complainant.

CRC Determinations 2016_01:

Mr Shylesh Sriranjjan (the Member) sat the CERTIFIED FINANCIAL PLANNER® (CFP®) Certification exam, comprising 70 multiple choice questions, on 13 October 2015.

The Member was one of 121 candidates sitting the exam that day and it was his third and final attempt. It was the expectation of the Member's employer, as part of lifting education standards to support higher professionalism, that he obtain the CFP designation by December 2017. The FPA allows only three attempts at the exam.

Statistical analysis applied to all the candidates' responses identified that the Member and another candidate had

not only answered the same questions incorrectly, but had also chosen the same incorrect answer to a significant number of questions.

The subsequent FPA investigation revealed that:

- a total of 26 alterations were made to the Member's answer sheet during the exam;
- all 26 alterations on the Member's answer sheet were consistent with notations/answers selected in the other candidate's examination booklet;
- of these 26 alterations, 24 of the Member's alterations were identical to the corresponding final answer on the other candidate's answer sheet;
- of these 24, 17 were to an answer that was inconsistent with the notations/answers in the Member's examination booklet;
- of the 26 alterations, 22 of the Member's original answers on his answer sheet were consistent with his notations/answers in his examination booklet; and
- the 26 alterations on the Member's answer sheet were made in a consistent way and were consistent with those made on his answer sheet during his second attempt at the exam.

The Member was given access to material and an opportunity to explain his changes. The FPA's analysis of the Member's explanations revealed that:

- only seven alterations had explanations that appeared consistent with the reference material specified by him and would have led to him coming to the correct answers based on this material;

- for five alterations where the Member moved from a correct answer to an incorrect answer, his explanation and/or reference materials specified did not appear to be logical;
- generally where the alteration moved from one incorrect answer to another, the Member's explanation did not appear to be logical or consistent with reference material he specified.

The FPA investigation also revealed that:

- in his first exam attempt, the Member answered all questions within the examination booklet but had answered only 25 on the answer sheet. There were no alterations on the answer sheet;
- in his second exam attempt, the Member answered all questions on the answer sheet and made alterations to only two answers;
- the other candidate was well-known to the Member, and they studied together;
- for the last hour of the exam, the Member and the other candidate were seated in one line of desks at the very back of the room, with all other candidates directly in front of them; and
- it could not be excluded that there was opportunity to cheat undetected during the exam at various times when the supervisor(s) were distracted.

The FPA put to the Member that he had cheated during the exam by relying upon answers obtained from the other candidate to make some or all of those 26 changes.

The Member denied this and the matter proceeded to a hearing before a CRC panel. Two of the three panel members were CFP® professionals.

During the hearing, the FPA put forward the likely hypothesis that the Member and the other candidate had exchanged (and returned) examination booklets during the exam. The panel asked the Member a number of questions and the Member had various opportunities to make submissions and address the panel in relation to all of the evidence before it.

The panel considered it appropriate to have the services of a forensic document examiner engaged, resulting in a preliminary view that there was evidence supporting a proposition that a number of entries toward the end of the Member's examination booklet were made by a person other than him. This is consistent with the FPA's hypothesis.

The Panel subsequently determined that a combination of factors *makes it more probable than not that (the Member) relied on information obtained from the other candidate, and that this occurred by means of swapping of examination papers.* In finding that the Member had breached Ethics Principle 1: Professionalism, the

panel determined (among other things) that:

(The Member's) conduct breached the requirements to behave with dignity and show respect to his fellow professionals, as to cheat is to fail to act honourably or be worthy of respect; nor does it show respect to the standing of his peers. It is not an action others would expect of a competent, skilled professional.

And

Cheating in exams compromises the ability of the profession's public image to serve the public interest; where cheating occurs, the standing of the profession and the public's confidence in its members is reduced.

The other candidate was an affiliate of the FPA, rather than a member, and therefore was not subject of the FPA Disciplinary Regulations. However, the FPA promptly terminated that affiliation, as a result of its investigation into this matter.

While the voluntary implementation of

higher standards and the proposed legislative change is a positive reality, this matter, and a number of other less serious academic misconduct matters (referred to in the November 2016 edition), highlights the challenges for various stakeholders now and into the future.

These stakeholders include individuals who are required to meet a higher standard than they are currently at, as well employers, licensees and education providers in ensuring that individuals have support.

Students in the CFP® Certification Program have access to:

- up-to-date content designed by some of Australia's most respected and experienced financial planners and academics;
- an online chat room where they can seek assistance from subject matter experts to help guide them through the program;
- FPA run webinars that encourage students to have healthy discussions with subject matter experts; and
- the FPA Professional Designations Team provides guidance and other support wherever possible, which often takes the form of a simple telephone conversation.

Guidance, reassurance or dilemmas

The Professional Accountability team enjoy hearing from you in relation to guidance, reassurance or dilemma. If we are unable to assist you ourselves, we will likely be able to assist you to find someone who can.

You can contact the team directly, either by email at professional.standards@fpa.com.au or by telephoning Mark on (02) 9220 4523 or Kate on (02) 9920 4520.

COMPLAINTS AND DISCIPLINARY REPORT

Complaints ongoing as at 01 April 2017 **3**

New Complaints 4

Complaints Closed 3

Complaints ongoing as at 30 June 2017 **4**

Members Suspended 0

Members Expelled (CRC) 0

Members Terminated (Constitution) 2

- Adrian Chenh
- Dahlia Thai

Other Sanctions (CRC) 0

Referred to Professional Designations Committee for Sanction 1