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## DECISION NOTICE

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**To:** United Investment Bank Limited

**DFSA Reference No.:** F001290

**Address:** Office 7, Level1  
Gate Village 5  
Dubai International Financial Centre  
PO Box 506580  
Dubai  
UNITED ARAB EMIRATES

**Date:** 14 May 2015

### ACTION

1. For the reasons given in this notice and pursuant to Article 90(2) of the Regulatory Law (DIFC Law 1 of 2004) (the "Regulatory Law"), the Dubai Financial Services Authority ("DFSA") has decided to:
  - (a) impose on United Investment Bank Limited (the "Firm" or "UIB") a fine of US\$56,000 (the "Fine"); and
  - (b) direct UIB to take the steps and action set out in paragraphs 48 and 49 of this notice (the "Directions").
2. UIB agreed to settle this matter at an early stage following the conclusion of the DFSA's investigation. It therefore qualified for a 20% discount under the DFSA's policy for early settlement. Were it not for this discount, the DFSA would have imposed a fine of US\$70,000 on the Firm. UIB has also agreed not to refer the matter to the Financial Markets Tribunal (the "FMT").

### SUMMARY OF REASONS

3. The DFSA decided to impose the Fine on UIB and make the Directions as a result of failings in UIB's Anti-Money Laundering (AML) systems and controls. In particular, the

DFSA considers that, in relation to almost all of its customers over the period from April to the end of July 2014, UIB:

- (a) did not take sufficient steps to identify and assess the money laundering risk to which its business is exposed;
  - (b) established a business relationship with customers where the ownership or control arrangements of the customers prevented UIB from identifying one or more of the customers' beneficial owners;
  - (c) failed to obtain properly certified documents verifying the identity of customers;
  - (d) did not properly document:
    - (i) adequate information on the purpose and intended nature of its business relationship with customers;
    - (ii) an understanding of customers' sources of funds; and
    - (iii) an understanding of customers' sources of wealth; and
  - (e) did not undertake sufficient due diligence on customers which UIB itself had identified as being high risk.
4. As a result of the failings in its AML systems and controls outlined above and contraventions of a number of specific provisions of the Anti-Money Laundering, Counter-Terrorist Financing and Sanctions Module (version 9/07-13) of the DFSA Rulebook (AML Module 2013), the DFSA considers that UIB failed to:
- (a) conduct its business activities with due skill care and diligence, in contravention of Principle 2 of the Principles for Authorised Firms (AFs) – Due skill, care and diligence – set out in Rule 4.2.2 of the General Module of the DFSA's Rulebook (GEN); and
  - (b) have adequate systems and controls to ensure, as far as is reasonably practicable, that it complies with legislation applicable in the DIFC, in contravention of Principle 3 for AFs – Management, systems and controls – set out in GEN Rule 4.2.3.
5. In deciding to take the action in this notice, the DFSA has had regard to the fact that the contraventions set out above are serious and that UIB failed to comply with the relevant DFSA Laws and Rules when on-boarding all of its high risk clients. However, it also took into consideration the fact that:
- (a) UIB and its senior management have cooperated fully with the DFSA during the investigation; and
  - (b) UIB's senior management, including its Senior Executive Officer ("SEO"), acknowledge the shortcomings in UIB's AML systems and controls and accept responsibility for the contraventions set out in this Notice.

6. The Directions that the DFSA has decided to impose on UIB are to rectify the contraventions set out above and to mitigate the risks caused by those contraventions until they are rectified.

## DEFINITIONS

7. Defined terms are identified in this notice by the capitalisation of the initial letter of a word, or of each word in a phrase, and are defined in the Glossary Module of the DFSA Rulebook. Unless the context otherwise requires, where capitalisation of the initial letter is not used, an expression has its natural meaning.
8. Further, the definitions below are used in this Preliminary Notice.

|                    |  |
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| “AF”               | Authorised Firm  |
| “AML”              | Anti-money laundering  |
| “AML Module 2013”  | Version 9, dated July 2013, of the Anti-Money Laundering, Counter-Terrorist Financing and Sanctions Module of the DFSA Rulebook              |
| “AML Module”       | The current version 10, dated June 2014, of the Anti-Money Laundering, Counter-Terrorist Financing and Sanctions Module of the DFSA Rulebook |
| “AML Rule”         | An AML Module rule   |
| “CDD”              | Customer due diligence   |
| “CO”               | Compliance Officer of UIB, an Authorised Individual carrying out a Licensed Function under GEN Rule 7.4.1(1)                                 |
| “DFSA”             | Dubai Financial Services Authority   |
| “DIFC”             | Dubai International Financial Centre   |
| “Directions”       | The directions imposed on UIB in this Notice   |
| “EDD”              | Enhanced customer due diligence  |
| “Fine”             | The fine imposed on UIB in this Notice   |
| “FMT”              | The Financial Markets Tribunal as set out in Chapter 4 of the Regulatory Law   |
| “GEN”              | The General Module of the DFSA Rulebook  |
| “Investigation”    | The DFSA’s investigation as described in paragraph 13 of this Notice   |
| “Panama Customers” | The six companies set up as PIVs in Panama which are Clients of UIB  |

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|-----------------------|--|
| “PIVs”                | Personal investment vehicles   |
| “PIV Representatives” | The two individuals who were granted powers of attorney to represent each of the Panama Customers                  |
| “Principle 2”         | GEN Rule 4.2.2 – Principle 2 for AFs – Due skill, care and diligence   |
| “Principle 3”         | GEN Rule 4.2.3 – Principle 3 for AFs – Management, systems and controls  |
| “Regulatory Law”      | DIFC Law No 1 of 2004  |
| “RPP”                 | Regulatory Policy and Process Sourcebook   |
| “SEO”                 | Senior Executive Officer of UIB, an Authorised Individual carrying out a Licensed Function under GEN Rule 7.4.1(1) |

## **FACTS AND MATTERS RELIED ON**

### **Background**

9. UIB was authorised by the DFSA on 29 March 2011 to provide the following Financial Service activities:
  - (a) Advising on Financial Products or Credit;
  - (b) Arranging Credit or Deals in Investments;
  - (c) Arranging Custody;
  - (d) Providing Custody (where it does so, other than for a fund); and
  - (e) Managing Assets.
10. UIB provides the Financial Services of asset management and advising and arranging to Professional Clients, including high net worth individuals and corporate customers.

### **The Panama Customers**

11. At all material times, UIB had a total of eight Clients consisting of seven corporate customers and one individual. Six of UIB’s corporate customers are the Panama Customers. These Clients were on-boarded between April and July 2014.
12. There are a number of common features of UIB’s relationship with each of the Panama Customers including that:
  - (a) the Panama Customers are all the PIVs of Italian nationals;
  - (b) the PIVs are incorporated in Panama;

- (c) UIB only provides the Financial Service activity of Arranging Credit or Deals in Investments to the Panama Customers;
  - (d) at the time UIB on-boarded the Panama Customers, the shareholding in each the PIVs comprised of bearer shares. The bearer shares for each of the Panama Customers were later converted to nominee shares in the names of the respective beneficial owners on 8 September 2014;
  - (e) the PIV Representatives of the Panama Customers had been given general powers of attorney by the board of directors of each PIV;
  - (f) the PIV Representatives provided UIB with details of the identity of the beneficial owners of each Panama Customer;
  - (g) the PIV Representatives gave the bearer shares of each Panama Customer to UIB to hold on behalf of the beneficial owners. This, according to UIB, was to make sure that the beneficial ownership of each Panama Customer did not change;
  - (h) UIB assigned a high risk rating to all the Panama Customers based on:
    - (iv) the ownership structure of the PIVs;
    - (v) the fact that each PIV was represented by the PIV Representatives; and
    - (vi) the shareholding in each PIV was comprised of bearer shares; and
  - (i) As a result of the 'high risk' classification, UIB was required to conduct EDD for the Panama Customers.
13. In June 2014, the DFSA obtained information that identified concerns regarding the adequacy of the CDD conducted by UIB on some of its customers. As a result of this information, the DFSA commenced an investigation to assess the adequacy and effectiveness of UIB's AML systems and controls (the Investigation).

## **DFSA FINDINGS**

14. The findings of the Investigation and breaches of relevant DFSA rules are set out below.

### **Assessment of AML risks**

#### *AML Module 2013 Rule 5.1.1(a) – Assessing business AML risks*

15. UIB's assessment of its business AML risks did not sufficiently identify and assess the risks posed by its exposure to corporate customers based in Panama. The majority of UIB's current customers are PIVs incorporated in Panama, a jurisdiction with above-average AML and corruption risk. UIB's assessment of its AML risks did not sufficiently identify and assess the risks associated with Panama or with dealing with PIVs, such as the identification of each PIVs' beneficial owners and the steps to be taken to ensure the PIVs have legitimate and genuine purposes.

16. UIB has therefore breached AML Module 2013 Rule 5.1.1(a) by not taking appropriate or sufficient steps to identify and assess the money laundering risks to which its business is exposed.

AML Rules 6.1.1(5)(b) and 6.1.2 – Assessing customer AML risks

17. When on-boarded by UIB, the shareholding of all Panama Customers comprised of bearer shares. UIB's assessment of its AML risks did not sufficiently identify and assess the risks associated with dealing with customers where the ownership changes through physical possession of these shares. Bearer shares increase money laundering risks because ownership of the shares is never recorded and they can therefore be used to obscure information on beneficial ownership.
18. UIB dealt with the Panama Customers through the PIV Representatives. UIB's assessment of its AML risks did not sufficiently identify or assess the risks associated with dealing with the Panama Customers through representatives who have been given general powers of attorney. This practice increases the risk of money laundering because, among other things, it can be used to obscure information on beneficial ownership.
19. UIB identified the purpose of its business relationship with the Panama Customers as the provision, to the customer, of the Financial Service activities of Arranging Credit or Deals in Investments and/or asset management. No other details of the purpose and intended nature of the business relationship with the Panama Customers were evident in UIB's customer files.
20. With the exception of one customer, UIB was unable to identify and verify the beneficial owners of the Panama Customers because the PIVs had issued bearer shares and because UIB dealt with the Panama Customers through the PIV Representatives.
21. Therefore, UIB has breached:
  - (a) AML Module 2013 Rule 6.1.1(5)(b) by failing to obtain sufficient information on the purpose and intended nature of the business relationship with the Panama Customers; and
  - (b) AML Module 2013 Rule 6.1.2 by establishing a business relationship with the Panama Customers where the ownership or control arrangements of the customers prevented UIB from identifying one or more of the customers' beneficial owners.

**Customer identification documents**

AML Module 2013 Rule 7.3.1(1)(a) – Customer due diligence requirements

22. In undertaking CDD, UIB was required to verify the identity of the customer and any beneficial owner on the basis of original or properly certified documents. However, for the Panama Customers, the Investigation found that this verification was not undertaken. Copies of the identification documents maintained on UIB's customer files did not evidence proper verification and were neither marked "original sighted" nor properly certified as true copies of the original.

23. Accordingly, UIB contravened AML Module 2013 Rule 7.3.1(1)(a) in that it failed to obtain original sighted or properly certified documents verifying the identity of customers and the beneficial owners of the Panama Customers.
24. It is noted that UIB retained custody of the bearer shares of all PIVs to ensure that the ownership of the PIVs did not change without UIB's knowledge whilst UIB had a business relationship with the PIVs.

#### **Customer source of funds and source of wealth**

25. UIB's customer files for the Panama Customers contained documents marked as "*Beneficial Owner Source of Wealth*". UIB has stated that these documents were obtained from an Italian Chamber of Commerce database, to which the SEO of UIB subscribes. The documents listed companies in which the beneficial owners of the Panama Customers were directors and/or held shares. The documents on the customer files did not contain details of the economic activity or history of these companies.
26. All the above documents were in the Italian language, with no translation of the documents available in UIB's customer files. UIB did not have in place in its compliance function any effective method of translating documents from Italian to English for the purposes of satisfying its AML requirements. UIB therefore did not maintain these documents in the English language, as required by GEN Rule 5.3.25.
27. For two of the Panama Customers, the documents contained no information regarding the sources of wealth and funds to meet the requirements of the AML Module 2013.
28. For four of the Panama Customers, the documents contained only limited information regarding the sources of wealth and funds of the Panama Customers. The information contained in these documents is not adequate to meet the requirements of the AML Module 2013. The DFSA found the following inadequacies in the customer files:
  - (a) the documents provided information on companies in which the beneficial owners of the Panama Customers owned shares, but did not specify the entitlement (if any) which the beneficial owners had to revenues earned by these companies;
  - (b) many of the companies listed in the documents had either been liquidated or were in the process of being liquidated; and
  - (c) the financial information for many of the listed companies was more than five years old, with no more current information available.
29. Information relating to the source of funds which would be used as initial deposits for the Panama Customers' accounts was not available before the initial deposits were made.

#### **AML Module 2013 Rule 7.3.1(1)(b) – Customer due diligence requirements**

30. The customer files for all Panama Customers did not contain any other details of the sources of funds of the beneficial owners of the Panama Customers. Rather, UIB carried out internet searches on some of the companies, mainly by way of Google, to enquire into the sources of funds of the Panama Customers or the beneficial owners of the Panama Customers. Most of the results were in Italian, were not translated and were inadequate for the purpose of understanding its customers' source of funds.

31. By failing to properly document that it understands its corporate customers' source of funds, UIB has breached AML Module 2013 Rule 7.3.1(1)(b).

AML Module 2013 Rule 7.3.1(1)(c) – Customer due diligence requirements

32. For the Panama Customers, UIB's customer files only stated that the customers' sources of wealth were "personal savings", "entrepreneurial activities" or "salaried activities". UIB did not obtain any further particulars or details as to the sources of wealth of the Panama Customers or the beneficial owners of the Panama Customers. In this regard, UIB breached AML Module 2013 Rule 7.3.1(1)(c) because it did not properly document that it understood its customers' source of wealth.

**Enhanced Customer Due Diligence (EDD)**

33. UIB assigned all of the Panama Customers a "high risk" rating. As a result, it was required under AML 7.1.1(1)(b) to undertake EDD on all of the Panama Customers. EDD involves carrying out all the requirements set out in AML Module 2013 Rule 7.3.1, as well as the EDD requirements in AML Module 2013 Rule 7.4.1 to the extent applicable to the relevant customer. To comply with the EDD requirements in Rule 7.4.1, UIB should have, among other things:
- (a) Obtained and verified additional information regarding:
    - (i) the identification of the customer and any beneficial owner;
    - (ii) the intended nature of the business relationship; and
    - (iii) the reasons for a transaction; and
  - (b) Verified information on the customer's source of funds and the customer's source of wealth.
34. While UIB considered that it did take some steps towards carrying out EDD on its Panama Customers, it asserted that these steps were ongoing. However, in all of the customer files reviewed by the DFSA, there was no evidence of any EDD having been completed by UIB.
35. Accordingly, the DFSA considers that UIB failed to undertake sufficient EDD for its high risk customers as required under AML 7.1.1(1)(b). Specifically, UIB has contravened the following EDD requirements:
- (a) AML Module 2013 Rule 7.4.1(a)(i) – Enhanced customer due diligence, by failing to obtain and verify additional identification information on its customers and any beneficial owners;
  - (b) AML Module 2013 Rule 7.4.1(a)(ii) – Enhanced customer due diligence, by failing to obtain and verify additional information on the intended nature of its business relationship with its customers;
  - (c) AML Module 2013 Rule 7.4.1(c)(i) – Enhanced customer due diligence, by failing to verify information on its customers' sources of funds; and

- (d) AML Module 2013 Rule 7.4.1(c)(ii) – Enhanced customer due diligence, by failing to verify information on its customers' sources of wealth.

### **Ongoing customer due diligence**

#### AML Module 2013 Rule 7.4.1(d) – Enhanced customer due diligence

36. Until June 2014, UIB had no processes or procedures in place to monitor transactions on customer accounts.
37. In June 2014, UIB implemented a transaction monitoring procedure which required the relationship manager to complete a form reporting the transaction to the CO after the transaction had taken place. However, the procedure was inadequate in that:
- (a) the forms were not completed by the relationship manager and provided to the CO in a timely manner, and sometimes they were given to the CO several months after the transaction has occurred; and
  - (b) it did not require any due diligence to be conducted on the remitter of payments into customer accounts where the remitter is a third party (and not the customer).
38. By failing to monitor customers' transactions or activities effectively as required by AML Module 2013 Rule 7.4.1(d), UIB failed to undertake adequate on-going due diligence of the business relationship with its customers. In doing so, UIB has contravened AML Module 2013 Rule 7.3.1(1)(d).

### **Initial deposit for high risk customers**

#### AML Module 2013 Rule 7.4.1(f) – Enhanced customer due diligence requirements

39. For two of the Panama Customers, UIB received the initial deposit into the customers' accounts from a third party.
40. By failing to require, when opening an account, that the customer makes his first payment through a bank account in his name or in the beneficial owner's name, UIB has contravened AML Module 2013 Rule 7.4.1(f).

### **CONTRAVENTIONS**

41. As a result of the findings of the Investigation described in paragraphs 15 to 40 above, the DFSA considers that UIB has failed to:
- (a) Act with due skill, care and diligence in accordance with Principle 2 of the Principles for AFs (GEN Rule 4.2.2); and
  - (b) Ensure that its affairs are managed effectively and responsibly and have in place adequate systems and controls to ensure, as far as is reasonably practical, that it complies with legislation applicable in the DIFC in accordance with Principle 3 of the Principles for AFs (GEN Rule 4.2.3).

## **ACTION**

42. In deciding to take the action set out in this Notice, the DFSA has taken into account the factors set out in section 6-2 and 6-3 of the RPP.
43. The DFSA considers the following factors to be of particular relevance in this matter:
  - (a) the DFSA's objectives, in particular to prevent, detect and restrain conduct that causes or may cause damage to the reputation of the DIFC or the financial services industry in the DIFC, through appropriate means including the imposition of sanctions;
  - (b) the deterrent effect of the financial penalty and the importance of deterring UIB and others from committing further or similar contraventions;
  - (c) the disciplinary record and compliance history of UIB; and
  - (d) action taken by the DFSA in previous similar cases.
44. The DFSA has considered the sanctions and other options available to it and has concluded that a financial penalty and directions is the most appropriate action given the circumstances of this matter.

## **The Fine**

### ***Determination of financial penalty***

45. The DFSA considers that a single financial penalty calculation is appropriate in the circumstances of this case as the contraventions arise from the same underlying misconduct by UIB.
46. In deciding the appropriate level of the fine to impose on UIB, the DFSA has taken into account the factors set out in sections 6-4 and 6-5 of the RPP as follows:

#### **Step 1: Disgorgement**

- (a) There was no evidence to suggest that UIB had made a profit or avoided a loss as a result of the contraventions. Accordingly, this step was not considered to be relevant.
- (b) The figure after Step 1 is therefore US\$0.

#### **Step 2: The seriousness of the contravention**

- (c) In assessing the seriousness of the contraventions, the DFSA takes into consideration a number of factors concerning the impact and nature of the matter and whether it was committed deliberately or recklessly. The DFSA considers UIB's contraventions to be serious because:
  - (i) UIB carried out inadequate initial CDD on the Panama Customers and it has not been remedied;

- (ii) UIB implemented inadequate transaction monitoring;
  - (iii) The contraventions revealed serious or systemic weaknesses in UIB's procedures and the management systems or internal controls relating to a significant part of UIB's business; and
  - (iv) The contraventions created risk for UIB; particularly the risk that UIB might be used to facilitate money laundering, sanctions breaches or financial crime.
- (d) Taking these factors into account, the DFSA considers that a figure of US\$70,000 appropriately reflects the seriousness of the contraventions.

Step 3: Mitigating and aggravating factors

- (e) In considering the appropriate level of the Fine, the DFSA had regard to the factors set out in RPP 6-5-8. The DFSA has taken into consideration the following mitigating factors in determining the appropriate level of the Fine:
- (i) UIB's senior management, including its CEO, acknowledges the shortcomings in UIB's AML systems and controls and accepts responsibility for the contraventions set out in this Notice; and
  - (ii) UIB and its senior management have been fully cooperative with the DFSA during the Investigation and subsequently.
- (f) The DFSA has also taken into account the fact that UIB has previously been the subject of regulatory action by the DFSA for unrelated matters which resulted in an Enforceable Undertaking with the DFSA in September 2013.
- (g) As result of these mitigating and aggravating factors, the DFSA does not consider it necessary to adjust the figure after Step 2. Accordingly, the figure after Step 3 is US\$70,000. However, had UIB not been so cooperative with the DFSA, the level of fine would have been adjusted upwards at Step 3.

Step 4: Adjustment for deterrence

- (h) Under RPP 6-5-9, if the DFSA considers that the level of fine which it has arrived at after Step 3 is insufficient to deter the firm who committed the contravention, or others, from committing further or similar contraventions, the DFSA may increase the fine. RPP 6-5-9 sets out the circumstances where the DFSA may do this.
- (i) The DFSA considers that the figure after Step 3 is sufficient for the purposes of deterring UIB and others from committing further or similar contraventions. Accordingly, the DFSA does not consider it appropriate to adjust the amount of the Fine arrived at after Step 3 for the purposes of deterrence.

Step 5: Settlement discount

- (j) Where the DFSA and the firm on whom a fine is to be imposed agree on the amount of the fine and other terms, RPP 6-5-10 provides that the amount of the fine which might otherwise have been payable will be reduced to reflect the stage at which the DFSA and the firm reached agreement.

- (k) In the present case, the DFSA and UIB have reached agreement on the relevant facts and matters relied on and the amount of the Fine to be imposed. Having regard to the stage at which this agreement has been reached and in recognition of the benefit of this agreement, the DFSA has applied a 20% discount to the level of Fine which the DFSA would have otherwise imposed.

### ***The level of fine imposed***

- 47. Given the factors and considerations set out in paragraph 46 above, the DFSA has determined that it is proportionate and appropriate to impose on UIB a fine of US\$56,000.

### **The Directions**

- 48. Given the deficiencies in UIB's AML systems, controls and procedures, and pursuant to Article 90(2)(f) of the Regulatory Law, the DFSA directs UIB not to on-board any new Clients unless and until such time as the following requirements have been met:
  - (a) UIB appoints a suitably experienced and independent third party to review the steps UIB has taken, or is proposing to take, in relation to on-boarding any new client;
  - (b) The appointment of the independent third party under paragraph 48(a) above is approved by the DFSA; and
  - (c) The independent third party approves the steps UIB has taken, or is proposing to take, in relation to the on-boarding of any new client.
- 49. The DFSA further directs UIB to develop and implement an AML and CTF plan to remedy the deficiencies (the "Remediation Plan"). The Remediation Plan should set out the tasks to be completed, the person responsible for the completion of each of the tasks and the timeframe to complete each of the tasks. UIB must seek the DFSA's prior agreement on the scope and timescale for the Remediation Plan.
- 50. Under the Remediation Plan, UIB must :
  - (a) Review its AML policies, procedures and systems and controls, (which consist of the policies, procedures and systems and controls relating to CDD, EDD, the assessment of AML risks, the verification of Client sources of wealth/funds and the monitoring of transactions) to determine whether or not they comply with the AML Module, and other relevant DFSA Laws and Rules;
  - (b) Should the review specified in paragraph 50(a) identify any gaps in UIB's AML policies, procedures and systems and controls, then UIB must take all necessary steps to remedy the policies, procedures and systems and controls to ensure that they comply with the AML Module, and other relevant DFSA Laws and Rules;
  - (c) Implement the remediated policies, procedures and systems and controls within the timeframe indicated in the Remediation Plan;
  - (d) Review all of its client files to determine whether or not its client files comply with UIB's remediated AML policies, procedures and systems and controls; and

- (e) Should the review specified in paragraph 50(d) identify any deficiencies in UIB's client files, UIB must then take all necessary steps to remedy these deficiencies, within the timeframe indicated in the Remediation Plan.
- 51. Following the commencement of the Remediation Plan, UIB's SEO and CO must, as each of the tasks set out in paragraph 50 above has been properly completed, certify promptly in writing such completion to the DFSA.
- 52. The DFSA further directs UIB to deliver the draft Remediation Plan to the DFSA within 28 days of receiving this Notice.
- 53. The direction under paragraph 49 shall cease to have effect when UIB can demonstrate, to the satisfaction of the DFSA, that it has complied with the directions and requirements relating to the Remediation Plan set out in paragraphs 50 to 52 above, within the timeframe set out in the Remediation Plan.

## **PROCEDURAL MATTERS**

### **Decision Making Committee**

- 54. The decision to take the action in this Decision Notice was made by the DFSA's Decision Making Committee and is given under the Regulatory Law.

### **Manner and time for payment**

- 55. The Fine must be paid by UIB by no later than 31 May 2015.

### **If the Fine is not paid**

- 56. If all or any of the Fine is outstanding on 1 June 2015, the DFSA may recover the outstanding amount as a debt owed by UIB and due to the DFSA.

### **Evidence and other material considered**

- 57. The DFSA has provided UIB with a copy, or access to a copy, of the relevant materials that were considered in making the decision which gave rise to the obligation to give this Decision Notice.

### **Appeal rights**

- 58. Under Article 90(5) of the Regulatory Law, UIB has the right to refer this matter to the FMT for review. However, in agreeing to the action set out in this Decision Notice and deciding to settle this matter, UIB has agreed that it will not refer this matter to the FMT.

### **Confidentiality and publicity**

- 59. Under Article 116(2) of the Regulatory Law, the DFSA may publish in such form and manner as it regards appropriate, information and statements relating to decisions of the DFSA and of the Court, censures, and any other matters which the DFSA considers relevant to the conduct of affairs under the DIFC.

60. In accordance with Article 116(2) of the Regulatory Law, the DFSA will publicise the action taken in this Decision Notice and the reasons for that action. This may include publishing the Decision Notice itself, in whole or in part.
61. UIB will be notified of the date on which the DFSA intends to publish information about this decision.

Signed:

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**Brad Douglas**  
Director, Markets  
On behalf of the Decision Making Committee of the DFSA