

Common publicity Template

Type of Order:	DISCIPLINARY ORDER
Date of Order:	25 March 2021
Committee name:	DISCIPLINARY AND APPEALS COMMITTEE
Details of IP:	Sabrina McGurk , formerly of Aperture Debt Solutions LLP , an IPA member and Licensed Insolvency Practitioner (IP).
Summary of complaint:	<p>This Order is made in relation to a complaint that between the 1 September 2016 and 9 July 2019 Ms McGurk, in her role as supervisor of individual voluntary arrangements inadvertently failed, in breach of SIP 9 paragraph 23, to obtain approval from creditors for payments (being Category 2 Disbursements) paid from diverse individual voluntary arrangements to four companies, which were not independent third parties within the meaning of SIP 9 paragraph 23.</p> <p>Ms McGurk admitted the complaint. There had been a failure to obtain approval from creditors for payments paid from diverse individual voluntary arrangements to four companies in circumstances where those companies were now known not to be independent third parties.</p>
Summary of sanctions:	<p>When considering sanction, the Disciplinary Committee noted that the obligation imposed by paragraph 23 of SIP 9 is one of strict liability. This was an inadvertent failure by Ms McGurk in circumstances where the evidence was clear that the true relationship of common ownership/control was concealed from her and it was accepted by the IPA that even if Ms McGurk had carried out further due diligence, Ms McGurk would not have uncovered the true nature of those relationships.</p> <p>In these circumstances the Tribunal was satisfied applying the principle of proportionality that a Reprimand was the correct sanction.</p>