

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	11 July 2022
Committee name:	REGULATION AND CONDUCT COMMITTEE ( <b>the Committee</b> )
Details of IP:	<b>Mr John Kelmanson</b> an IPA member and Licensed Insolvency Practitioner (IP), formerly of David Rubin & Partners Limited.
Summary of complaint:	<p>This Order is made in relation to a Complaint that in his role as a potential liquidator/ liquidator of a Company, Mr Kelmanson breached the fundamental principle of Professional Competence and Due Care of the Insolvency Code of Ethics when he:</p> <p>(a) failed to comply with the obligations contained in the Money Laundering, Terrorist Financing and Transfer Funds (Information on the Payer) Regulations 2017 (MLR17).</p> <p>(b) failed to comply with the obligations contained in the Proceeds of Crime Act 2002 (POCA).</p> <p>(c) failed to retain records in connection with his appointment as Liquidator of the Company.</p> <p>Accordingly, Mr Kelmanson was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>The Common Sanctions Guidance provides a Severe Reprimand and a fine of £5,000, as a starting point, where there has been a serious failure to comply with the fundamental principle of competence and due care.</p> <p>The Committee considered both Mr Kelmanson's lack of co-operation with the IPA Secretariat and poor understanding of the importance of Anti Money Laundering checks to be aggravating factors.</p> <p>The Committee imposed a disciplinary order that be Severely Reprimanded and fined £6,500.</p>