

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 11 July 2022

Committee name: REGULATION AND CONDUCT COMMITTEE (**the Committee**)

Details of IP: **Mr John Kelmanson** an IPA member and Licensed Insolvency Practitioner (IP), formerly of David Rubin & Partners Limited.

Summary of complaint: 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:

- (a) failed to comply with the obligations contained in the Money Laundering, Terrorist Financing and Transfer Funds (Information on the Payer) Regulations 2017 (MLR17).
- (b) failed to comply with the obligations contained in the Proceeds of Crime Act 2002 (POCA).
- (c) failed to retain records in connection with his appointment as Liquidator of the Company.

Accordingly, Mr Kelmanson was found liable to disciplinary action under the IPA's Articles of Association.

Summary of sanctions: 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.

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.

The Committee imposed a disciplinary order that be Severely Reprimanded and fined £6,500.