



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 18 October 2019

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: **Mr Brendan Hogan**, of **Anderson Brookes**, an IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that Mr Hogan, in his role as Supervisor of an IVA, breached Statement of Insolvency Practice 3.1 and the fundamental principle of professional competence and due care of the Insolvency Ethics Code in that: he failed to

- 1. ensure that the debtor received appropriate initial and / or ongoing advice in relation to her partnership with her father, resulting in her incurring costs but being in no better position than before she sought advice;**
- 2. retain a copy of any original file note completed by his firm's adviser in respect of initial contact with the Debtor on 22 September 2017, as required by paragraph 11 of SIP 3.1;**
- 3. advise the complainant, as required by paragraph 9 of SIP 3.1, that it would be appropriate to have a face to face meeting when the complexities of her circumstances became apparent;**
- 4. to take adequate steps to address the situation in respect of the Debtor's father which adversely affected her position**
- 5. contact major creditors such as HMRC to ascertain their views prior to issuing the proposal in accordance with SIP 3.1, paragraph 13**
- 6. seek to establish the position in respect of any security held by HMRC and the impact this may have upon voting**
- 7. to deal with the complaint to the firm on 14 January 2018 in accordance with the firm's procedure, and**
- 8. there were deficiencies in the Debtor's IVA proposal relating to her business partnership with her father and Mr Hogan's Nominee's Report regarding the Debtor's co-operation and disclosure;**

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

Summary of sanctions:

The Common Sanctions Guidance provides for a severe reprimand and fine commensurate with the breach where there has been a serious failure to comply with the provisions of a SIP or a serious breach of the fundamental principle of professional competence and due care.

When considering the sanction the Committee the negative consequences for the complainant, in particular costs incurred, and Mr Hogan's failure to follow his firm's complaints procedure and rectify matters promptly were aggravating factors. In mitigation, Mr Hogan accepted some of the matters raised in the complaint and appeared to go beyond normal expectations to assist the debtor in relation to a Control of Goods Order. In addition he has confirmed that the Complainant's costs together with an ex gratia payment of £1,000 have been made.

The Investigation Committee imposed a disciplinary order that Mr Hogan be severely reprimanded, fined £6,500 and contribute £4,750 towards costs.