

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	26 February 2020
Committee name:	REGULATION AND CONDUCT COMMITTEE
Details of IP:	David Rankin of Creditfix Limited , an IPA member and Licensed Insolvency Practitioner (IP).
Summary of complaint:	<p>This Order is made in relation to a complaint that Mr Rankin in his role as, Supervisor of two Individual Voluntary Arrangements (IVAs) breached the fundamental principle of professional competence and due care of the Insolvency Ethics Code when he had drawn unauthorised remuneration of £368.50 and £244.08 from the two IVA estates.</p> <p>Accordingly, Mr Rankin was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>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.</p> <p>The Committee considered that the conduct was inadvertent and therefore 'less serious' with reference to the Common Sanctions Guidance which provided for a starting point of a reprimand and fine of £2,000.</p> <p>The Committee noted that there were a number of mitigating factors: (1) there was a similar finding in 2013 when the issue arose because a fee percentage was modified and had not been identified. The case was inherited and the issue arose from another insolvency practitioner (2) Creditfix Limited changed its systems and moved to a fixed fee model, therefore it considered the issue should not arise again (3) when the matter was identified on the inspection visit it was immediately rectified and (4) the amounts drawn in the above two cases were small in value and the issue arose from a genuine error.</p> <p>In taking into account the number of mitigating factors the Committee agreed that any sanction should be at a low level.</p> <p>The Regulation and Conduct Committee imposed a disciplinary order that Mr Rankin be reprimanded and contribute £700 towards costs.</p>