

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 05 March 2019

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: **Mr Ian Rose**, of Silke & Co Ltd, Doncaster, an IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that Mr Rose;

- 1) In his capacity as liquidator of a Company
  - a. drew a fee of £2,900 in excess of the fee estimate of £30,350 on 26 January 2017 and a further fee of £12,500 on 22 February 2017; and,
  - b. On the same case referred to in (a) above, having identified and repaid the overdrawn remuneration, a further fee of £50,000 was drawn without authorisation on 28 September 2017.
- 2) In his capacity as Trustee in Bankruptcy of a joint Bankruptcy estate, was found to have drawn unauthorised remuneration in the sum of £44,000.

Accordingly, Mr Rose 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 unauthorised remuneration has been drawn.

The Investigation Committee noted that there was an aggravating factor in that the offence in relation to the Company had been repeated, with a substantial sum overdrawn, even after the earlier instances had been identified and remedied. However, in mitigation it was noted that all unauthorised remuneration had been repaid. In relation to the Bankruptcy estate, it was noted, in mitigation, that Mr Rose would have, in the absence of other fee approval, be entitled to remuneration in accordance with Schedule 6 of the Insolvency Act 1986, and this would have exceeded the sum drawn.

The Investigation Committee imposed a disciplinary order that Mr Rose be severely reprimanded, fined £21,000 and contribute £3,090 towards costs.