

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 22 January 2020

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: **Samantha Warburton of Creditfix Limited** an IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that Mrs Warburton in her role as Nominee of an IVA breached the Fundamental Principle of Competence and Due Care and Statement of Insolvency Practice 3.1 when she failed to consult with the majority creditor to seek their view on whether they would be willing to accept the IVA; and to notify the majority creditor of the proposed IVA

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

Summary of sanctions: The Committee determined that the conduct was 'Serious' with reference to the Common Sanctions Guidance. The Guidance provided for a starting point sanction of severe reprimand and fine of £5,000 where there was a failure to comply with the fundamental principle of professional competence and due care.

In mitigation, the Committee noted that remedial steps were taken, 1) the debtors IVA contributions were reimbursed and 2) the systems in place were changed to prevent further recurrence. However, the Committee noted that Mrs Warburton had been sanctioned on two previous occasions for similar matters and this was considered to be an aggravating factor.

The Regulation and Conduct Committee imposed a disciplinary order that Mrs Warburton be severely reprimanded, fined £6,000 and contribute £1,650 towards costs.