

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 15/11/2021

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: **A**, a former IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that **A**:

1. Improperly operated a client bank account through their firm for **B** and assisted the debtor in their business without benefit to the bankruptcy estate, and
2. Whilst acting as Trustee in Bankruptcy of **B**, improperly used C Ltd (a company of which **A** was a 50% shareholder), to purchase and develop property for the benefit of **B** and **A** personally, and
3. in January 2009 **A** improperly accepted the appointment as Joint Administrator of B Ltd a Company owned and managed by **B**.

Accordingly, **A** was found liable to disciplinary action under the IPA's Articles of Association. The Committee regarded the misconduct as serious as it was deliberate and extended over a period of at least ten years.

Summary of sanctions: Allegation 1(a) & (b)
The Common Sanctions Guidance (CSG) provided for exclusion and a fine of £10,000 as a starting point, where there has been a serious failure to comply with the fundamental principle of objectivity. The fine was therefore determined at £10,000 for this allegation.

Allegation 2
The CSG provided for exclusion and a fine of £10,000 as a starting point, where there has been a serious failure to comply with the fundamental principle of integrity. The fine was therefore determined at £10,000 for this allegation.

Allegation 3
The CSG provided for exclusion and a fine of £10,000 as a starting point, where there has been a serious failure to comply with the fundamental principle of objectivity. The fine was therefore determined at £10,000 for this allegation.

The Regulation and Conduct Committee imposed a disciplinary order that **A** (being a former member of the IPA) give an undertaking that they will not at any time:

- i. apply to join the IPA or any other insolvency practitioner regulatory organisation;
 - ii. take, or seek to take, any formal insolvency appointment;
 - iii. hold themselves out to be a licensed insolvency practitioner or member of any insolvency practitioner regulatory organisation; and
 - iv. A be fined £30,000 and pay £5,000 towards the costs.
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