

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 21/12/2021

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: **Sabrina McGurk formerly of Aperture** an IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to nine complaints that Mrs McGurk, in her capacity as supervisor or trustee, breached the Fundamental Principle of Professional Competence and Due Care of the Insolvency Code of Ethics.

The complaints relate to:

1. delays in progressing or concluding IVAs in a timely manner;
2. defects in administering the estates, including identifying and acting promptly upon breaches to the terms of IVAs;
3. neglecting to set aside sufficient funds for bankruptcy proceedings as required by the terms of an IVA;
4. inadequate communications with interested parties;
5. inadequate provision of information to creditors when seeking a variation in an IVA;
6. neglecting to notify a debtor of her appointment as trustee of a post IVA trust.

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

Summary of sanctions: The Committee agreed that the misconduct was 'reckless' and therefore 'serious' with reference to the Common Sanctions Guidance ('CSG'). The CSG provides for a severe reprimand and a fine of £5,000 as a starting point where there has been a 'serious' failure to comply with a Fundamental Principle.

The Committee considered Mrs McGurk's poor disciplinary history, the repeated course of conduct and potential loss of money to be aggravating factors. In mitigation, Mrs McGurk had accepted the misconduct and sought to address this through co-operation with the IPA. In addition, her personal circumstances and the minimal risk of re-occurrence were considered mitigating factors.

The Committee imposed a disciplinary order that Mrs McGurk be severely reprimanded, fined £10,000 and contribute towards the Secretariat's costs.