



Disciplinary Orders and Regulatory Decisions

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DISCIPLINARY COMMITTEE TRIBUNAL ORDERS

1. **Mr Gary Partridge BSc ACA** of
Cardiff, United Kingdom

A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 26 March 2019

Type of Member Member

Terms of complaint

In or around August 2015 Mr Gary Partridge breached 'A's confidentiality and privacy rules by transferring electronic files containing client information, which was the property of 'A', to his personal media devices.

If proven, the member may be liable to disciplinary action under Disciplinary Bye-law 4.1a

4.1a states – "If in the course of carrying out professional work or otherwise he has committed any act or default likely to bring discredit on himself, the Institute or the profession of accountancy".

Hearing date

26 March 2019

Previous hearing date(s)

11 December 2018 – Pre-hearing Review/Case Management hearing

Pre-hearing review or final hearing Final Hearing

Complaint found proved Yes

Sentencing order

Severe reprimand;
Fine of £2,500
Costs of £15,500
Time to pay - £1,500 per month for 12 months
First payment by 1 May 2019

Procedural matters and findings

Parties present	Gary Partridge (“the defendant”)
Represented	The Investigation Committee (“the IC”) was represented by Vicky Morgan The defendant was represented by Chris Cope
Hearing in public or private	The hearing was in public An application was made by Mr Cope on 26 March 2019 for the hearing to be in private, which was opposed by the IC. The application was refused on the grounds that there existed no exceptional circumstances such as to displace the principle of open justice.
Decision on service	In accordance with regulations 3-5 of the Disciplinary Regulations, the tribunal was satisfied to service.
Documents considered by the tribunal	The tribunal considered the documents contained in the Investigation Committee’s (IC’s) bundle (pages 1-128) and three bundles provided on behalf of the defendant (pages 1-108) and an additional [private]

The Investigation Committee’s (IC’s) case

1. The defendant has been a member of the ICAEW since 1992.
2. He was employed by ‘A’ as a director in corporate finance.
3. Over a 10-day period in August 2015 the defendant, in breach of ‘A’s internal policies, sent electronic files that were the property of ‘A’ to his personal email address, contrary to ‘A’s policies set out in ‘A’s employment manual, of which the defendant was well aware. He also transferred further documents to a USB stick. All of the files and documents were confidential to ‘A’ and included client lists, ‘A’ methods, historical project documentation, presentations and pitch material. There was an issue as to exactly how many emails and documents were sent but given that the defendant accepted that it was several hundred documents this was not an issue that the Tribunal had to resolve.
4. The data transfers were picked up by ‘A’s internal monitoring system and the defendant was the subject of internal disciplinary proceedings. He was dismissed on 14 October 2015.

Conclusions and reasons for decision

5. The defendant admitted the complaint and the tribunal found the complaint proved by admission.

Matters relevant to sentencing

6. Mr Cope mitigated on behalf of the defendant. The following is a summary of the key mitigating factors advanced:-
 - a. At the time of the data transfers the defendant had a number of significant [private]. There was expert evidence which established that these issues had caused him to act in a way in which he would not normally.
 - b. None of the data had been used by the defendant for any purpose and following the discovery he deleted all the data and allowed 'A' access to all his personal devices to ensure that this had been done, which 'A' were satisfied it had.
 - c. The defendant had self-reported himself to the ICAEW.
 - d. The actions of the defendant were out of character, following an unblemished record over 20 years and this was an isolated incident, though it was accepted that it had occurred over a 10-day period. His character and good standing were supported by references.
 - e. The defendant was extremely remorseful for his actions and had insight into the potential harm that could be caused.
 - f. The defendant had admitted the complaint, albeit it somewhat late in the day.
 - g. The defendant had lost his employment but had gone on to start a new company. An exclusion would be likely to have the effect of ending that enterprise.
7. The Tribunal had regard to the ICAEW's *Guidance on Sanctions* but identified that the admitted complaint did not fit comfortably into any of the itemised categories. The closest it came was to "failure to comply with the Fundamental Principle of Integrity" dealt with at page 32. However, the Tribunal was satisfied the admitted complaint amounted to a lesser offence and that the sanctions that would apply would need to reflect this by way of a reduction in the starting points. The Tribunal took the view that for a "very serious" offence of this nature the sanction would be exclusion and that for a "serious" offence the sanction would be a severe reprimand and a category E financial penalty.

8. The Tribunal was satisfied that the transfer of such a large amount of sensitive data over a prolonged period amounted to a “very serious” offence. However, taking into account the mitigation (set out above) and in particular the expert evidence which established that the defendant was [private] at the time, which caused him to act in a way in which he would not normally, the Tribunal concluded that the offence could, just, be regarded as “serious”.
9. The Tribunal concluded that the correct sanction was a severe reprimand and a financial penalty of £2,500. The financial sanction was reduced from £3,000 to reflect a discount for the defendant’s late admission of the complaint (about 3 weeks before a listing for a fully contested hearing).
10. The IC applied for costs in the sum of £16,666. The Tribunal considered it appropriate to make an order in the sum of £15,500. Details of the defendant’s income were provided and taken into account in deciding the financial elements.

Sentencing Order

11. The Tribunal ordered that:
 - a. the defendant be severely reprimanded;
 - b. the defendant pay a financial penalty of £2,500;
 - c. the defendant pay costs of £15,500;
 - d. the total financial element of £18,000 to be paid monthly in 12 equal instalments of £1,500. First payment by 1 May 2019.

Decision on publicity

12. An application was made for the Tribunal’s decision to be withheld from publication. The Tribunal was satisfied that there were no exceptional circumstances to make such an order.
13. The Tribunal directs that a record of this decision shall be published and the defendant shall be named in that record.

Non Accountant Chairman
Accountant Member
Non Accountant Member

Mr Jonathan Kinnear QC
Mr Mike Ranson FCA
Mr Nigel Dodds

031457

2. Mr Ricky Vadera [ACA] of
London, United Kingdom

A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 18 March 2019

Type of Member Member

Terms of complaint

1A Between 09 June 2015 and 28 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for meals, as set out in Appendix 1.

And/or

1B Between 09 June 2015 and 28 September 2015, Mr Ricky Vadera ACA, claimed expenses for meals, as set out in Appendix 1, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

2A Between 09 June 2015 and 18 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for snacks, as set out in Appendix 2.

And/or

2B Between 09 June 2015 and 18 September 2015, Mr Ricky Vadera ACA, claimed expenses for snacks, as set out in Appendix 2, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

And/or

3A Between 09 June 2015 and 28 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for alcoholic drinks, as set out in Appendix 3.

And/or

Between 09 June 2015 and 28 September 2015, Mr Ricky Vadera ACA, claimed expenses for alcoholic drinks, as set out in Appendix 3, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

And/or

4A Between 09 June 2015 and 18 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for personal items, as set out in Appendix 4.

And/or

4B Between 09 June 2015 and 18 September 2015, Mr Ricky Vadera ACA, claimed expenses for personal items, as set out in Appendix 4, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

And/or

5A Between 03 July 2015 and 28 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for travel, as set out in Appendix 5.

And/or

5B Between 03 July 2015 and 28 September 2015, Mr Ricky Vadera ACA, claimed expenses for travel, as set out in Appendix 5, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

And/or

6A Between 31 July 2015 and 20 August 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for coffee and tea, as set out in Appendix 6.

And/or

6B Between 31 July 2015 and 20 August 2015, Mr Ricky Vadera ACA, claimed expenses for coffee and tea, as set out in Appendix 6, in breach of the principle of integrity, as set out in section 110 of the Code of Ethics.

And/or

7A On 28 September 2015, Mr Ricky Vadera ACA, dishonestly claimed expenses for a counselling lunch, as set out in Appendix 7.

And/or

7B On 28 September 2015, Mr Ricky Vadera ACA, claimed expenses for a counselling lunch, as set out in Appendix 7, in breach of the principle of integrity as set out in section 110 of the Code of Ethics

Mr Ricky Vadera is therefore liable to disciplinary action under Disciplinary Bye-law 4.1a

4.1a states that a member shall be liable to disciplinary action under these bye-laws: if in the course of carrying out professional work or otherwise he has committed any act or default likely to bring discredit on himself, ICAEW or the profession of accountancy.

Hearing date

18 March 2019

Previous hearing date(s)

None

Pre-hearing review or final hearing Final Hearing

Complaints found proved Yes

All heads of complaint proven Yes

Sentencing order

Exclusion with no financial penalty. Mr Vadera is to pay the costs of the Investigation Committee ('the IC') in the sum of £13,000. The costs are to be paid by eleven monthly instalments of £1,100 and a final instalment of £900, the first instalment to be paid on 1st May 2019.

Procedural matters and findings

Mr Vadera applied for the hearing to take place in private. This application was opposed by the IC. The Tribunal ruled, having regard to Regulation 7 of the Disciplinary Committee Regulations, that the particular circumstances of the case did not outweigh the public interest in holding a public hearing. The application was accordingly refused.

Parties present

Mr Ricky Vadera was present and represented himself

Represented

The IC was represented by Ms Sutherland-Mack

Hearing in public or private

The hearing was in public

Decision on service

In accordance with regulations 3-5 of the Disciplinary Regulations, the tribunal was satisfied to service

Documents considered by the tribunal

The tribunal considered the documents contained in the IC's bundle together with written materials supplied by Mr Vadera.

The Investigation Committee's (IC's) case

1. Mr Vadera was employed by 'A' as an audit manager in their London office between 13 December 2010 and 20 November 2015. Following an internal investigation by them into Mr Vadera's conduct when he was so employed it is alleged that Mr Vadera had breached 'A's travel and expenses policy. 'A' dismissed Mr Vadera on 10 December 2015 and the amount said to have been improperly re-claimed by him totalled £2,564.82 between June 2015 and October 2015. This amount is broken down as follows:

Meals - £796.51 (**Appendix 1**)

Snacks - £141.43 (**Appendix 2**)

Alcoholic drinks - £858.38 (**Appendix 3**)

Personal items - £93.45 (**Appendix 4**)

Travel - £254.38 (£232 was disallowed by 'A') (**Appendix 5**)

Mobile telephone - £95.07 (Disallowed in full by 'A') (**No Appendix**)

Coffee and tea - £15.60 (**Appendix 6**)

Counselling lunch - £78.00 (**Appendix 7**)

2. After adjusting for totals disallowed, the total value of over claimed expenses amounted to £2,237.75. This sum has been repaid. Expense claims made by 'A' staff are submitted using 'A's on line self-service expenses system and should be made in accordance with the firm's Travel and Expenses policy. Employees should identify the relevant approver for each expense and ensure that they comply with the travel and expenses policy. If an expense is not permitted by the policy, a pre-approval process should be followed. The system operates on a basis of trust, the expense must be appropriate and within the policy. Claim types and expense descriptions are reviewed, but not the actual receipts submitted with the expense report.
3. A high level of expenses being claimed by Mr Vadera against a particular client code was noticed, and attempts were then made to validate the expenses against the accompanying receipts. During this comparison exercise, it was also noticed that the description of the expenses provided by Mr Vadera did not match receipts, and expenses that would be considered outside the remit of the policy were 'bundled' with other receipts. Additional information was sought from Mr Vadera regarding these expenses, and a substantial investigation was carried out. On 13 November 2015, a further meeting was held with Mr Vadera where he provided explanations for certain expenses he had claimed. It was discussed at this meeting that many of the expenses claimed by Mr Vadera had been bundled together in one claim making it difficult to review the underlying receipts. Further, the descriptions included on the expense claims did not match many of the accompanying receipts. This meeting led to Mr Vadera being invited to attend a disciplinary meeting.
4. The disciplinary hearing took place on 20 November 2015 and some of the expenses claimed were discussed in detail. These are set out in the Appendix referable to each complaint. Amalgamation of receipts is contrary to the firm's policy, and the firm's expectations are that an employee would split expenses per type or engagement accurately. Mr Vadera confirmed that he understood the firm's travel and expenses policy. Ultimately Mr Vadera was found to have over claimed expenses of £2,564.82 and the sums said to be due were deducted from Mr Vadera's final salary. Mr Vadera did not appeal the decision.

5. The Appendices set out the full details of the claims improperly made for expenses, for snacks, for alcoholic drinks, for personal items, for travel, for coffee and tea, and for a counselling lunch. In the case of the claim for counselling lunch in the sum of £378, this was initially rejected as being in excess of the permitted amount per head. Mr Vadera then stated (falsely) that eight people, rather than six, had attended, to obtain approval and payment.
6. The IC's case is that while Mr Vadera contended that the bundling of his receipts was a consequence of time pressure, the number of times on which it happened goes further than carelessness or mistakes. When coupled with the mis-description of items and incorrect allocation to client engagement codes, it is evidence of deliberate attempts by Mr Vadera to claim expenses which required pre-approval or which he was not permitted to claim. In any event, in order to calculate the amount of the claim sought, Mr Vadera would still have had to add up the receipts in the bundle and in doing so would have known that much of what he was calculating was wrong.
7. Mr Vadera was an experienced employee and in a position of responsibility. Mr Vadera confirmed during the meetings with 'A' that he knew and understood the firm's travel and expenses policy. Given Mr Vadera's accepted knowledge and understanding of the policy and expense process, Mr Vadera cannot be said to have been careless or ignorant of what he was doing. Taking all of the above submissions into account, it is said that Mr Vadera's actions were dishonest.
8. If the Tribunal does not accept the argument that Mr Vadera was dishonest, the alternative allegation is that that Mr Vadera's actions breached the fundamental principle of integrity.
9. Section 110.1 of the Code of Ethics imposes an obligation on all professional accountants

"...to be straightforward and honest in all professional and business relationships. Integrity also implies fair dealing and truthfulness."

10. Section 110.2 of the Code of Ethics states that:

"A professional accountant shall not knowingly be associated with reports, returns communications or other information where the professional accountant believes that the information:

- (a) Contains a materially false or misleading statement;*
- (b) Contains statements or information furnished recklessly; or*
- (c) Omits or obscures information required to be included where such omission or obscurity would be misleading.*

When a professional accountant becomes aware that the accountant has been associated with such information, the accountant shall take steps to be disassociated from such information."

11. Applying this principle, Mr Vadera has not been straightforward, open or transparent in his handling of his expense claims and would have known the importance of doing so for the purpose of claiming money back from his employer. Indeed, it was his duty to be so.
12. The IC submits that limb (a) of section 110.2 is fulfilled. This is on the basis that Mr Vadera prepared his expense claims knowing that they would contain claims that were not compliant with the firm's policy and therefore would contain materially false or misleading statements.
13. In the alternative limb (b) of section 110.2 is also said to be fulfilled. This is on the basis that he would have known that he was submitting his expense claims in a reckless manner that would be more likely than not to result in misstatements and incorrect claims being made.
14. Notwithstanding the above submissions on integrity, the principle submission of dishonesty is made out regarding all complaints. However, the IC also submits that it is open to the tribunal to make findings of dishonesty on some complaints and Integrity on others.

The Defence

15. Mr Vadera made full admissions in respect of all the allegations made against him, and in respect of each of the counts of dishonesty accepted that he had been dishonest. Mr Vadera made certain observations about what he stated to be the culture of expense claims and other issues within 'A'. We heard no evidence to support these observations.

Issues of fact and law

16. There were no factual disputes requiring a decision. The Tribunal was particularly concerned to ensure that there was no misunderstanding on the part of Mr Vadera that he was admitting dishonesty. He had made admissions of dishonesty in his Regulation 13 Answers, and repeated those admissions in email correspondence with the IC. He orally confirmed to the Tribunal, which raised the issue directly with him, that he admitted dishonesty in respect of each and all of the complaints made against him. Accordingly there were no disputes of fact or law for resolution, on the basis of full admissions. The only issue for the tribunal, given the admissions made, was whether the Tribunal was satisfied that Mr Vadera's actions were likely to bring discredit on himself, the Institute, or the profession of accountancy.
17. We were referred to the ICAEW Code of Ethics. Section 110.1 and 110.2 set out above.

Conclusions and reasons for decision

18. We unhesitatingly conclude that the claiming and receipt of expenses in the total sum of £2,237.75 were carried out dishonestly, as Mr Vadera has admitted. A total of 64 separate claims were made over a period of time and Mr Vadera was in clear breach of (a) the obligation to be straightforward and honest and (b) the obligation of not knowingly to be associated with communications where he believed the information contained a materially false or misleading statement.

19. We accordingly conclude that Mr Vadera's actions were likely to bring discredit on himself, the Institute, or the profession of accountancy, and we find complaints 1A, 2A, 3A, 4A, 5A, 6A and 7A proved. In the light of those findings, we dismiss the alternative allegations in respect of the breach of the principle of integrity.

Matters relevant to sentencing

20. Mr Vadera has no disciplinary record. We considered the Guidance on Sanctions, and concluded that in the light of the deliberate and dishonest conduct over a period of time, the correct category for the complaints was Very Serious. The starting point is therefore exclusion and a category C financial penalty and/or order for remedial training. The aggravating features were the repetition of the conduct over a period of time, breach of a position of trust, carrying out deliberate acts to gain personal advantage, and the public interest in ensuring members of the profession behave honestly. The mitigating features are the fact that all sums had been repaid and so there was no loss to 'A' or its client, and the full and unequivocal admissions made.
21. We considered Mr Vadera's statement to us, including the impact of exclusion upon him, together with his financial information.

Sentencing Order

22. Having considered all matters put before us, we conclude that the proportionate and fair sanction is one of exclusion. We make no direction in respect of the length of time of the exclusion or the time before which any application for re-admission may be made. In the light of all the circumstances, we make no order for a financial penalty.
23. An application was made by IC for an order for costs. We decided that Mr Vadera should pay the cost of the IC in the sum of £13,000, an amount we assessed to be reasonable after inviting and hearing submissions. Those costs are to be paid by eleven monthly instalments of £1,100 and a final instalment of £900, the first instalment to be paid on 1st May 2019.

Decision on publicity

24. Publication with name.

Non Accountant Chairman
Accountant Member
Non Accountant Member

Mr Richard Jones QC
Mr Mike Ranson FCA
Mrs Jane Rees

031887

3. Mr Christopher David Salmon ACA of
Leigh-on-Sea, United Kingdom

A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 3 April 2019

Type of Member Member

Terms of complaint

1. Between 28 July 2004 and 31 August 2006, Mr Christopher Salmon ACA acted contrary to section 6.10 of Statement 1.201 Integrity, Objectivity and Independence of the Guide to Professional Ethics in that he received gifts from his client Mr 'A'.
2. Between 1 September 2006 and 27 November 2009, Mr Christopher Salmon ACA acted contrary to section 260 (Gifts and Hospitality) of the Code of Ethics in that he received gifts from his client Mr 'A'.
3. In or around June 2009, Mr Christopher Salmon ACA acted contrary to section 280.3.a (Objectivity) of the Code of Ethics when he advised his client, Mr 'A', to transfer his ownership of 'B' to 'C' LLP, an LLP in which Mr Salmon was a member.

Mr Christopher David Salmon is therefore liable to disciplinary action under Disciplinary Bye-law 4.1a.

Disciplinary Bye-laws 4.1a at the relevant times states:

- 4.1 'A member, or provisional member, shall be liable to disciplinary action under these bye-laws in any of the following cases, whether or not he was a member or provisional member at the time of the occurrence giving rise to that liability:
 - a if in the course of carrying out professional work or otherwise he has committed any act or default likely to bring discredit on himself, the Institute or the profession of accountancy.'

Hearing date

03 April 2019

Previous hearing date(s)

None

Pre-hearing review or final hearing Final Hearing

Complaint found proved Yes, by admission

Sentencing order Severe reprimand
Fine of £4,000
Costs of £19,314

Parties present Christopher David Salmon (“the defendant”)

Represented The Investigation Committee was represented by Vicky Morgan The defendant was represented by Phillip Dayle

Hearing in public or private The hearing was in public

Decision on service In accordance with regulations 3-5 of the Disciplinary Regulations, the tribunal was satisfied to service

Documents considered by the tribunal The tribunal considered the documents contained in the Investigation Committee’s (IC’s) bundle (pages 1-323), a statement from the defendant, dated 2 April 2019 and a character reference from Dr ‘D’, dated 1 April 2019.

The Investigation Committee’s (IC’s) case

1. As part of his practice the defendant represented a client called Mr ‘A’, originally assisting him with the preparation of his tax returns and later with the organisation of his general financial affairs.

2. Mr 'A' suffered from [private]. As a result, the defendant gave Mr 'A' considerable help and assistance outside the normal accountant/client relationship and they became friends. He also provided Mr 'A' with considerable assistance in respect of his financial affairs.
3. Between July 2004 and November 2009, the defendant received gifts totalling £89,000 from Mr 'A'. These gifts were the basis for complaints 1 and 2.
4. Mr 'A' owned a commercial property at 'B' which had a value of approximately £600,000. In 2010 Mr Salmon proposed a scheme, the background to and purpose of which is not completely clear, by which 'B' would be transferred into the name of 'C' LLP, of which the defendant was a member. The rent was collected by 'C' LLP, with part paid weekly to Mr 'A' and the balance retained in the account of 'C' LLP to be paid to him at some time in the future. Shortly before his death Mr 'A' instructed the defendant and Mr 'E', his solicitor, not to register the transfer. Mr 'E' went ahead and did it in any event. The defendant had failed to advise Mr 'A' to take independent legal advice in respect of the transaction and had failed to maintain any note or record of the advice that had been given. This was the basis of complaint 3.
5. The gifts made to the defendant and the scheme relating to 'B' were only discovered after Mr 'A' had passed away in June 2010.
6. In accepting the gifts the defendant was in breach of the Code of Ethics (the format of which changed in September 2006, hence the need for two separate complaints) and he was well aware of the of his obligations at the time of accepting them.
7. In acting in the way in which he had, the defendant had breached the position of trust that he found himself in and his independence and objectivity had fallen well below the standard expected of someone in his position. His conduct in respect of both the gifts and the 'B' transaction had clearly breached the Code of Ethics.

Matters relevant to sentencing

8. Mr Dayle mitigated on behalf of the defendant and advanced the following matters that were accepted and taken into account by the Tribunal:-
 - a. The defendant had admitted the complaints;
 - b. The defendant and Mr 'A' had become very close and the defendant had provided him with great help and assistance, both in a professional and personal capacity;
 - c. Over a number of years the lines between the professional and personal relationship had become blurred and the defendant had acted inappropriately in accepting the gifts and the dealings in respect of 'B' should have been dealt with in a more appropriate and transparent manner;
 - d. At all times Mr 'A' had been of sound mind and remained "as sharp as a tack" right up until the time of his death. The gifts had been given freely and the decisions in respect of 'B' were made by Mr 'A', though it was accepted that he was never advised to take independent legal advice, when he should have been;

- e. There had been no loss to the estate of Mr 'A'. All the gifts had now been repaid and the affairs in respect of 'B' had been untangled and it had been returned to the estate of Mr 'A';
 - f. The defendant now, though somewhat belatedly, had an insight into his own behaviour and expressed remorse for his clearly inappropriate conduct.
 - g. The defendant had been a member for over 20 years and was of positive good character.
9. The Tribunal had regard to the ICAEW's *Guidance on Sanctions* which came into effect on 1 April 2019. It concluded that the most appropriate guideline was to be found at paragraph d of the section on Ethics entitled "Failure to comply with the Fundamental Principle of Objectivity" (see pages 32-33 of the Guidance).
10. The Tribunal took the view that the conduct fell somewhere between "very serious" and "serious", but given the mitigating factors set out above, it was satisfied that it could proceed to deal with the matter as "serious". The Tribunal was satisfied that there was no dishonesty on the part of the defendant, but rather that his judgment had become clouded by the way in which the relationship with Mr 'A' had developed.
11. The defendant had one previous finding against him in 2016, which related to a failure to provide information in respect of the investigation of the current complaints. The Tribunal did not consider that this previous finding was relevant when considering the appropriate sanction.
12. The Tribunal concluded that the correct sanction was a severe reprimand and a financial sanction of £4,000. The financial sanction was reduced from £5,000 to reflect a discount for the defendant's late admission of the complaints (a discount of 20%).
13. The IC applied for costs in the sum of £19,314. No submissions were advanced on behalf of the defendant in respect of this figure and the Tribunal considered it appropriate to make an order in that sum.
14. Details of the defendant's income were provided and taken into account in deciding the financial elements.

Sentencing Order

15. The Tribunal ordered that:
 - a. the defendant be severely reprimanded;
 - b. the defendant pay a financial sanction of £4,000;
 - c. the defendant pay costs of £19,314;

Decision on publicity

16. The Tribunal directs that a record of this decision shall be published and the defendant shall be named in that record.

Non Accountant Chairman
Accountant Member
Non Accountant Member

Mr Jonathan Kinnear QC
Mr Jon Newell FCA
Mrs Jane Rees

005480

CESSATION OF MEMBERSHIP

4. The following individual has ceased to be a member because of failure to pay outstanding fines and costs:

Mr Christopher James Lloyd of Tring, United Kingdom
Mr Michael Raymond Watson of Alcester, United Kingdom
Mrs Hilary Steele of Peterborough, United Kingdom

The ICAEW takes all necessary steps including legal proceedings to recover the money it is owed.

INVESTIGATION COMMITTEE CONSENT ORDERS

5. **Mr David Emanuel Merton Mond FCA**

Consent order made on 29 April 2019

With the agreement of Mr David Emanuel Merton Mond FCA of Altrincham, United Kingdom the Investigation Committee made an order that he be severely reprimanded and pay costs of £2,124 with respect to a complaint that:

1. Mr D E M Mond FCA is a director of 'X' Ltd, a body corporate engaged in public practice, which entered into creditor's voluntary liquidation on grounds of insolvency on 5 August 2016.

037780/MATT

INVESTIGATION COMMITTEE FIXED PENALTY ORDERS

6. Mr Roland J Boggon BA

Penalty order made on 4 March 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of Mr Roland J Boggon BA, the Investigation Committee ordered that Mr Roland J Boggon, of Stroud, United Kingdom, be reprimanded, and a fixed penalty of £700 representing a financial penalty of £1,000 to which a discount of 30% has been applied with respect to a complaint that:

Mr Roland J Boggon BA FCA, following a QAD visit in 2010, confirmed in respect of documenting the risk assessment for all clients, that:

“I have a client list in excel so will add relevant columns of Risk level, and ID type within the next 2 weeks. 6/10/10”

but at a QAD desktop review on 3 May 2018, it was found that the assurance had not been complied with.

046124

7. Mrs Kate Rebecca Heaney ACA

Penalty order made on 12 February 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of Mrs Kate Rebecca Heaney ACA, the Investigation Committee ordered that Mrs Kate Rebecca Heaney ACA, of Surry, United Kingdom, be reprimanded, and a fixed penalty of £700 representing a financial penalty of £1,000 to which a discount of 30% has been applied with respect to a complaint that:

Between 17 December 2017 and 27 September 2018 Mrs Kate Rebecca Heaney ACA, engaged in public practice without holding a practising certificate contrary to Principal Bye-law 51a.

046517

8. Miss Lisa Justice FCA

Penalty order made on 5 April 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of Miss Lisa Justice FCA , the Investigation Committee ordered that Miss Lisa Justice FCA, of Devon, United Kingdom, be reprimanded, and a fixed penalty of £700 representing a financial penalty of £1,000 to which a discount of 30% has been applied with respect to a complaint that:

Between 1 July 2017 and 11 February 2019, Miss Lisa Justice FCA engaged in public practice, without holding a practising certificate contrary to Principal Bye-law 51a.

047676

9. PK Audit LLP

Penalty order made on 5 April 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of PK Audit LLP, the Investigation Committee ordered that PK Audit LLP, of 1 Parkshot, Richmond, Surrey, TW9 2RD, United Kingdom, be reprimanded, and a fixed penalty of £1,179.64 representing a financial penalty equal to the fees saved of £1,679.48 to which a discount of 30% has been applied with respect to a complaint that:

Between 8 January 2008 and 10 August 2018, PK Audit LLP failed to comply with Regulation 6 governing the use of the description 'Chartered Accountants', as it described itself as a firm of Chartered Accountants when not eligible to do so because a member of the LLP, Mr X, was neither a member nor affiliate member of ICAEW.

045430

10. Horsfield-Smith Limited

Penalty order made on 5 April 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of Horsfield-Smith Limited, the Investigation Committee ordered that Horsfield-Smith Limited, of Tower House, 269 Walmersley Road, Bury, Lancashire, BL9 6NX be reprimanded, and a fixed penalty of £700 representing a financial penalty of £1,000 to which a discount of 30% has been applied with respect to a complaint that:

Horsfield-Smith Limited, following a QAD visit in September 2014, confirmed in respect of completing risk assessments for all clients, that:

“The firm will complete the Risk Assessment template provided by SWAT for all new clients, and will update records for existing clients over the next year or so as we deal with those clients”

but at a QAD visit in February 2018, it was found that the assurance had not been complied with.

046122

11. Charles William & Siddiqui Limited

Penalty order made on 16 April 2019

Under Disciplinary Bye-law 14A the Investigation Committee has exercised its powers under delegation to consider this complaint by way of fixed penalty.

With the agreement of Charles William & Siddiqui Limited, the Investigation Committee ordered that Charles William & Siddiqui Limited, of 183 – 189 The Vale, London, W3 7RW, United Kingdom, be reprimanded, and a fixed penalty of £1,332 representing a financial penalty of £1,903 to which a discount of 30% has been applied with respect to a complaint that:

Charles William Siddiqui Ltd failed to comply with the following regulations as the firm used the description ‘Chartered Accountants’ when it was not entitled to do so as two directors of the firm were not ICAEW members or affiliates:

- a. Between 1 January 2013 and 18 June 2017, regulation 6 of the Regulations governing the use of Chartered Accountants and ICAEW general affiliates; and
- b. Between 19 June 2017 and 26 November 2018, regulation 12 of the Regulations governing the use of Chartered Accountants and ICAEW general affiliates.

047009

AUDIT REGISTRATION COMMITTEE

ORDER – 13 MARCH 2019

12. Garrod Beckett & Company Ltd

Garrod Beckett & Company Ltd, 10 Town Quay Wharf, Abbey Road, Barking, Essex, IG11 7BZ, has agreed to pay a regulatory penalty of £6,300, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breaches of Audit Regulations 3.01, 6.06 and 3.10, in that the firm:

- conducted an audit in circumstances where there was an insurmountable threat to independence due to fee dependency;
- disclosed incorrect fees received from its largest audit client on its 2015 to 2017 annual returns; and
- failed to arrange an independent cold file review since 2014, contrary to the requirements of ISQC 1.

045714

ORDER – 13 MARCH 2019

13. Cobham Murphy Limited

Cobham Murphy Limited, 116 Duke Street, Liverpool, L1 5JW, has agreed to pay a regulatory penalty of £5,685, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulations 2.11a, 2.03a and 6.06, in that the firm failed to notify ICAEW of the appointment of two directors within 10 business days, failed to ensure that the new directors held affiliate status and for incorrectly completing its 2016-2018 ICAEW annual returns.

047684

ORDER – 13 FEBRUARY 2019

14. The Waterfront Accountancy Group Limited

The Waterfront Accountancy Group Limited, 7 Raleigh Walk, Brigantine Place, Cardiff, CF10 4LN, has agreed to pay a regulatory penalty of £8,340 which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of Audit Regulations 2.11 and 2.03a in that the firm failed to notify ICAEW of a director's appointment within 10 business days and failed to ensure that the director held audit affiliate status.

046751

ORDER – 10 APRIL 2019

15. Wilkinson and Partners

Wilkinson and Partners, Fairfax House, 6a Mill Field Road, Cottingley Business Park, Cottingley, Bingley, West Yorkshire, BD16 1PY, has agreed to pay a regulatory penalty of £500, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breaches of:

- audit regulations 2.03b and 2.03c for failing to ensure that a majority of the firm's voting rights were held by appropriately qualified individuals; and
- audit regulation 6.06 for incorrectly completing its 2017 and 2018 ICAEW annual returns.

047606

All enquiries to the Professional Conduct Department, T +44 (0)1908 546 293