

# *Disciplinary Orders and Regulatory Decisions*



**DATE PUBLISHED: 6 MAY 2020**

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## DISCIPLINARY COMMITTEE TRIBUNAL ORDERS

1. **Mr Gurgyan Kaley BSc [ACA]** of  
Gerrards Cross, United Kingdom

**A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 3 March 2020**

**Type of Member** Member

### Terms of complaint

On 13 May 2019 at Inner London Crown Court, Mr Gurgyan Kaley was convicted of two counts of fraud by abuse of position.

Mr Gurgyan Kaley is therefore liable to disciplinary action under Disciplinary Bye-law 4.1e and 4.2g

- 4.1 A member, provisional member, foundation qualification holder, provisional foundation qualification holder or CFAB student (all referred to in these bye-laws as 'respondents') shall be liable to disciplinary action under these bye-laws in any of the following cases, whether or not he was a member, provisional member, foundation qualification holder, provisional foundation qualification holder or CFAB student at the time of the occurrence giving rise to that liability:
- e. if any of the circumstances set out in paragraph 2 exist with respect to him.
- 4.2 Those circumstances are:
- g. that he has, in a court of competent jurisdiction, been convicted of an indictable offence (or has, before such a court, outside England and Wales been convicted of an offence corresponding to one which is indictable in England and Wales.)

### Hearing date

03 March 2020

### Previous hearing date(s)

Case Management hearing on 3 January 2020

<b>Pre-hearing review or final hearing</b>	Final Hearing
<b>Complaint found proved</b>	Yes – by admission
<b>All heads of complaint proven</b>	Yes – by admission
<b>Sentencing order</b>	<b>Exclusion</b>
<b>Parties present</b>	Gurgyan Kaley (unrepresented)
<b>Represented</b>	The IC was represented by Mrs Silpa Tozar
<b>Hearing in public or private</b>	The hearing was in public
<b>Decision on service</b>	In accordance with regulations 3-5 of the Disciplinary Regulations, the tribunal was satisfied to service
<b>Documents considered by the tribunal</b>	The tribunal considered the documents contained in the Investigation Committee's (IC's) bundle together with documents relating to Mr Kaley's financial circumstances.

## **The Investigation Committee's (IC's) case**

1. On 13 May 2019 Mr Kaley entered guilty pleas to two counts of fraud by abuse of position. He was employed by 'A' and over a period of about 39 months between 2015-2018, he made false and dishonest claims for expenses of about £95,000.
2. On 10 June 2019 Mr Kaley was sentenced to 24 months imprisonment, suspended for 24 months, 300 hours of unpaid work and 10 days of a rehabilitation requirement. He was also ordered to pay compensation of £75,000 to 'A', with 21 imprisonment in default of payment.

## **Matters relevant to sentencing**

3. Mr Kaley admitted the criminal offences at the first opportunity. He also made full admissions in respect of these proceedings.
4. The criminal offences were committed as a result of [private], which the frauds were committed to fund. Mr Kaley has stopped [private] and has made real efforts to address [private].
5. Mr Kaley has demonstrated insight into his offending and genuine remorse for what he did. He was extremely frank with the Tribunal about [private] and what had caused him to offend. Amongst other things, he has carried out a substantial amount of voluntary work (outside the sentence of the Court) in an effort to make recompense for his actions.
6. The offending was out of character and a number of individuals have spoken highly of Mr Kaley and his previous work. It is clear that Mr Kaley worked very hard to become a Member and achieve what was his dream.
7. As a result of his convictions Mr Kaley has lost his job. He has made efforts to obtain other qualifications so that he can find employment in the future.
8. Mr Kaley has perilous financial circumstances [private].
9. Having regard to the Guidance on Sanctions this is a very serious case of misconduct and the starting point is exclusion (section 4 at page 15). The offending involved a substantial sum of money, aggravated by the fact that it was committed against his employer in breach of trust, over a considerable period of time. There are substantial mitigating factors as set out at §§3-8 above. Taking account of the aggravating and mitigating features, the starting point remains exclusion.
10. In all the circumstances the only sanction open to the Tribunal is exclusion.
11. Given Mr Kaley's financial circumstances there will be no financial sanction and no order for costs.
12. The Tribunal noted that the circumstances of the case, in particular Mr Kaley's insight into his offending and very genuine remorse, were such that he may, following the passage of a suitable period of time, be able to demonstrate that he is beaten [private], such that he might be in a position to be considered for re-admission. The Tribunal of course cannot

make or even indicate what the result of any future application might be but wished to note that given the circumstances of this case that it might be entertained.

### **Sentencing Order**

The Tribunal ordered that Mr Kaley be excluded.

### **Decision on publicity**

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

**Non Accountant Chair**  
**Accountant Member**  
**Non Accountant Member**

Mr Jonathan Kinnear QC  
Mr Martin Ward FCA  
Mr Nigel Dodds

**046814**

**2. Mr Nicholas Anthony Smeed [ACA] of Essex, United Kingdom**

**A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 3 March 2020**

**Type of Member** Member

**Terms of complaint**

1. Between 3 June 2017 and 24 January 2018 Mr Nicholas Anthony Smeed ACA failed to respond to the QAD visit closing meeting notes issued to him on 11 May 2017 following his QAD visit, in breach of the time limits in regulation 15 of the Practice Assurance Regulations.
2. Mr Nicholas Anthony Smeed ACA, on receipt of a visit notice by letter dated 26 October 2018, failed to inform ICAEW in writing within 10 business days, of three further dates (being business days) on which Regulations 13 and 14 could be met, in breach of Practice Assurance Regulation 11.

**Mr Nicholas Anthony Smeed is therefore liable to disciplinary action for both complaints under Disciplinary Bye-law 4.1(c)**

**Hearing date**

03 March 2020

**Previous hearing date(s)**

Case Management hearing on 3 January 2020

<b>Pre-hearing review or final hearing</b>	Final Hearing
<b>Complaint found proved</b>	Yes
<b>All heads of complaint proven</b>	Yes
<b>Sentencing order</b>	Exclusion, financial sanction £5,000, costs £5,488.25
<b>Procedural matters and findings</b>	Proceeded in absence
<b>Parties present</b>	Mr Smeed did not attend and was not represented
<b>Represented</b>	The IC was represented by Miss Vicky Morgan
<b>Hearing in public or private</b>	The hearing was in public
<b>Decision on service</b>	In accordance with regulations 3-5 of the Disciplinary Regulations, the tribunal was satisfied to service
<b>Documents considered by the tribunal</b>	The tribunal considered the documents contained in the Investigation Committee's (IC's) bundle. Mr Smeed had not submitted any other documents

## Issues of fact and law

1. The Tribunal was satisfied that Mr Smeed had been properly notified of the date of the hearing. Having failed to attend it considered it appropriate to proceed in his absence.

## The Investigation Committee's (IC's) case

2. Mr Smeed is a sole practitioner trading through Carl Associates.
3. Carl Associates was selected for a cyclical visit. The visit had to take place onsite as Mr Smeed did not submit the pre-visit information questionnaire.
4. Two areas of action were identified at the visit as requiring action:
  - a. The Client Due Diligence ("CDD") procedures did not include an Anti-Money Laundering ("AML") risk assessment, which meant that higher risk clients may not have been identified and subjected to the necessary enhanced verification.
  - b. Mr Smeed did not carry out periodic reviews of the firm's compliance with AML regulations.
5. Mr Smeed was provided with a report setting out the areas that required action and was asked to respond by 2 June 2017. He failed to provide a response despite a number of reminders and the matter was subsequently referred to the PAC.
6. Upon referral to the PAC Mr Smeed was told to provide a response by 5 January 2018. He was also told that the PAC would meet to consider his case on 25 January 2018. On the 25 January 2018 Mr Smeed provided information by way of two emails. The PAC had already met by the time the emails were processed and had referred the case to the Professional Conduct Committee ("PCD") and decided that Carl Associates should receive a follow up QAD visit to be paid for by Mr Smeed.
7. The follow up visit was arranged for 31 May 2018. In an email dated 25 May 2018, Mr Smeed indicated that he did not agree to the visit as he felt that the issues had been adequately resolved by his 25 January 2018 emails. He was advised that the visit could not be cancelled as he not yet demonstrated compliance, but it was put on hold.
8. A further meeting of the PAC decided that Mr Smeed should provide the requested AML and CDD information by 27 June 2018. Mr Smeed failed to respond and on 19 September 2018 the PAC again referred the matter to the PCD. It also decided that Carl Associates should have a further QAD visit by 31 January 2019.
9. Mr Smeed was informed by way of a letter dated 26 October that the visit would take place on 11 December 2018. No response having been received he was sent a further letter dated 16 November 2018 and further efforts were made to contact him by telephone, to no avail.
10. The QAD reviewer attended the premises of Carl Associates on 11 December 2018 but there was no answer and the visit could not be conducted.
11. Mr Smeed was advised that action was to be taken but he provided no response.
12. Mr Smeed had not acknowledged or responded to any of the communications in respect of the conduct of the proceedings.

## Conclusions and reasons for decision

13. The Tribunal was satisfied that Mr Smeed had failed to respond properly to the QAD meeting notes issued to him on 11 May 2017. As such complaint 1 was proved.
14. The Tribunal was satisfied that Mr Smeed was properly informed by way of a letter dated 26 October 2018 that he was to be the subject of a QAD visit, that he failed to provide any alternative dates and that he subsequently failed to attend the visit arranged for 11 December 2018. As such complaint 2 was proved.

## Matters relevant to sentencing

15. The Tribunal had regard to the Guidance on Sanctions. In respect of complaint 1 the relevant part (at 11i at page 41) suggests a starting point of a Severe Reprimand and a category D financial penalty. In respect of complaint 2 the relevant part (at 11h at page 40), suggests a starting point of exclusion.
16. In respect of both complaints the Tribunal was satisfied that Mr Smeed's failure to respond and engage was wilful and deliberate.
17. Mr Smeed did not advance any mitigation.
18. The Tribunal also took into account the fact that Mr Smeed had failed to engage at all with the Institute during the course of the proceedings and that this was symptomatic of his attitude toward his own professional body.
19. Mr Smeed has previous findings against him, but given their age and type, the Tribunal did not place any weight on them.
20. In all the circumstances the only sanction open to the Tribunal was exclusion. A financial penalty of £5,000 and the full costs were also appropriate, in the absence of any information about Mr Smeed's financial position.

## Sentencing Order

21. The tribunal orders that Mr Smeed:
  - a) Be excluded;
  - b) Pay a financial penalty of £5,000;
  - c) Pay the costs of £5,488.25.

## Decision on publicity

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

**Non Accountant Chair**  
**Accountant Member**  
**Non Accountant Member**

Mr Jonathan Kinnear QC  
Mr Martin Ward FCA  
Mr Nigel Dodds

**046147**

**3. Mr Peter Norman Stewart ACA of  
London, United Kingdom**

**A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 10 March 2020**

**Type of Member** Member

**Terms of complaints**

1. Between 31 January 2013 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2011 to 31 October 2012 in breach of Principal Bye-Law 56c.
2. Between 31 January 2014 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2012 to 31 October 2013 in breach of Principal Bye-Law 56c.
3. Between 31 January 2015 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2013 to 31 October 2014 in breach of Principal Bye-Law 56c.
4. Between 31 January 2016 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2014 to 31 October 2015 in breach of Principal Bye-Law 56c.
5. Between 31 January 2017 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2015 to 31 October 2016 in breach of Principal Bye-Law 56c.
6. Between 31 January 2018 and 7 March 2018 Mr Peter Stewart ACA failed to certify compliance with Continuing Professional Development requirements for the period 1 November 2016 to 31 October 2017 in breach of Principal Bye-Law 56c.

Mr Peter Norman Stewart is therefore liable to disciplinary action under Disciplinary Bye-law 4.1c.

<b>Hearing dates</b>	10 March 2020
<b>Previous hearing dates</b>	Case Management Hearing 3 February 2020
<b>Sanction or final hearing</b>	Sanction hearing
<b>Heads of complaint found proved</b>	1, 2, 3, 4, 5 and 6 by admission
<b>Heads of complaint found not proved</b>	None
<b>Sentencing order</b>	Reprimand Fine of £4,000 Costs of £3,995

**Procedural matters and findings**

**Parties and representation** The Investigation Committee was represented by Mrs Silpa Tozar  
The Respondent was present and was not represented

**Hearing in public or private** The hearing was in public

**Decision on service**

The Tribunal was satisfied that service was in accordance with Regulation 18 of the Disciplinary Committee Regulations

**Documents considered by the Tribunal**

The Tribunal considered the documents contained in the Investigation Committee's bundle

**The Investigation Committee's case**

1. The Respondent has been a member of the ICAEW since 6 August 2007. He had previously been a member between 1997 and 2002.
2. Principal Bye-law ('PBL') 56.c requires members to certify annually to the Institute that they have complied with the CPD requirements. Members are asked in November of each year to make their CPD declarations by the deadline of 31 January.
3. The Respondent submitted his CPD declarations until the year ended 31 October 2011. He did not submit his declarations for the years 2012, 2013, 2014, 2015, 2016 and 2017 by the required deadlines.
4. The Professional Conduct Department chased the Respondent to submit his declarations as set out below.

3 September 2015	Letter and email to the Respondent requesting completion of the 2012, 2013 and 2014 CPD declarations.
25 September 2015	LinkedIn InMail to the Respondent asking him to contact ICAEW.
18 February 2016	Telephone call to the Respondent. He requested that he be called back as he was going into a meeting and gave his work mobile number not held on ICAEW records.
3 June 2016	Letter and email chasing the Respondent for completion of the 2012, 2013, 2014 and 2015 CPD declarations.
27 June 2016	Telephone call to the Respondent's personal mobile number per ICAEW records. No answer and message left requesting he call ICAEW.
3 August 2016	Telephone call to the Respondent's personal mobile number per ICAEW records. No answer and left a message that it was about CPD and requested he provide up to date contact details.
1 December 2016	Telephone call to the work mobile number given by the Respondent in February. No answer and message left requesting he call ICAEW.
28 February 2017	Letter and email to the Respondent chasing for completion of the 2012, 2013, 2014, 2015 and 2016 CPD declarations.
16 May 2017	Letter to the Respondent's employer explaining that ICAEW are trying to contact the Respondent and requesting that he make contact.
28 June 2017	Letter to the Respondent notifying him that the matter was being formally investigated as a complaint and requesting that he submit the 2012 to 2016 declarations.

18 July 2017	Letter and email to the Respondent attaching a copy of the letter dated 28 June 2017 and chasing for a response.
9 August 2017	Letter to the Respondent advising him that the matter would be reported to the Investigation Committee to consider disciplinary action if the outstanding declarations were not submitted by 1 September 2017.
13 November 2017	Telephone call to the Respondent's personal mobile number per ICAEW records. He agreed to submit all declarations by end of the day. Followed up by email to confirm and provide another copy of outstanding documents.
5 December 2017	Email to the Respondent advising no declarations have been received and the declaration for 2017 is also now due. Reminded that deadline is 31 January 2018 and if all declarations are not received by that date, the failure to provide the 2017 declaration will also be reported to the Investigation Committee along with the others years as already advised.

5. As the Respondent failed to certify his compliance with his CPD requirements for the years in question, the matter was referred for an investigation.
6. In a telephone conversation on 28 March 2019 the Respondent apologised for not being in touch and explained that he had been stressed and had buried his head in the sand.
7. The Respondent was again offered the opportunity to certify his CPD for the period 1 November 2011 to 31 October 2017 and on 4 April 2019 he did so.
8. The IC's case is that the defendant has breached Principal Bye-law 56.c which requires members to certify compliance with the CPD requirements set out in that Bye-law. This therefore renders the defendant liable to disciplinary action under Disciplinary Bye-law ('DBL') 4.1.c which imposes liability for disciplinary action where a member commits a breach of any of the ICAEW's bye-laws.

### **The Respondent's case**

9. At a case management meeting on 3 February 2020 the Respondent admitted complaints 1 to 6 inclusive.

### **Conclusions and reasons for decision**

#### Matters proved by admission

10. Complaints 1 to 6 inclusive are proved by admission.

#### **Matters relevant to sentencing**

11. There were no previous disciplinary matters recorded against the Respondent.
12. In mitigation the Respondent accepted his failure to submit the declarations was due to poor personal administration. He told the Tribunal that he was given notice of redundancy in early 2018 and had only taken up new full time employment in September 2019. It had been a stressful time and as a result he had not prioritised this matter. He accepted that failing to comply with CPD requirements causes problems for regulators and he expressed regret for doing so. Although he does not work in private practice he has been working for professional bodies and

the nature of his work means he is required to keep up to date with developments and advances in the profession.

13. The Tribunal had regard to ICAEW's *Guidance on Sanctions* ('GDS'). The starting point where a member fails to submit a CPD declaration is a reprimand and a category F financial penalty (£1,000) for each year up to a maximum of four. The Tribunal considered there was no reason for departing from this starting point. The Tribunal bore in mind that compliance with these requirements was not onerous and there was no good reason why the Respondent had not done so.
14. The GDS says that a discount of up to 30% to any financial penalty should be considered where the Respondent has made a full admission and has fully co-operated with the Institute. The Tribunal noted that the GDS does not make it a mandatory requirement to allow a discount in all cases where there has been an admission. In this case the Tribunal did not consider it appropriate to make any discount on the starting point. In reaching that view the Tribunal took into account that, even though it was limiting the financial penalty to a period of four years in line with the guidance in the GDS, the Respondent had failed to comply with his CPD declaration requirements for a period of six years. Though he had admitted the complaints he had conspicuously failed over a long period of time to fully co-operate with the Institute.
15. The IC applied for costs in the sum of £3,995.00. The Tribunal took into account the information provided by the Respondent about his means. The Tribunal considered that the burden of these costs ought to fall on the Respondent, who has brought this matter upon himself, and it did not find any reason not to make an award of costs in the full amount sought.

### **Sentencing order**

16. Therefore in the Tribunal's view the appropriate and proportionate sanction was to reprimand the Respondent and in addition impose a fine of £4,000.
17. The Tribunal ordered the Respondent to pay costs of £3,995.

### **Decision on publicity.**

18. The Tribunal directed that a record of this decision shall be published and the Respondent shall be named in that record.

**Non Accountant Chair**  
**Accountant Member**  
**Non Accountant Member**

Ms Mary Kelly  
Mr Jon Newell FCA  
Ms Isobel Leaviss

**Legal Assessor**

Mr Andrew Granville Stafford

**029822**

## INVESTIGATION COMMITTEE CONSENT ORDERS

### 4. Mr John Gavin Campbell Abbott of Gloucester, United Kingdom

Consent order made on 20 March 2020

With the agreement of Mr John Gavin Campbell Abbott of Gloucester, United Kingdom the Investigation Committee made an order that he be severely reprimanded, fined £10,000 and pay costs of £4,845 in respect of the complaints that:

1. Between 28 May 2008 and 5 September 2016, Mr John Gavin Campbell Abbott FCA failed to comply with regulation 10 of the Clients' Money Regulations in that he allowed his firm to receive clients' money totalling £233,025.57 into the firm's office account.
2. Between 21 July 2016 and 12 February 2018, Mr John Gavin Campbell Abbott FCA failed to comply with Regulation 22 of the Clients' Money Regulations in that money totalling £4,338.00 was withdrawn from the client bank account for or towards payment of fees, when the precise amount had not been agreed in writing with the client nor had thirty days elapsed since the date of delivery of the invoice.
3. Mr John Gavin Campbell Abbott FCA did not apply customer due diligence measures on all clients between:
  - a. 9 May 2016 and 25 June 2017 contrary to paragraph 7 of The Money Laundering Regulations 2007; and/or
  - b. 26 June 2017 and 8 October 2019 contrary to paragraph 27 of the Money Laundering Regulations 2017".

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038112

### 5. KPMG LLP of London, United Kingdom

Consent order made on 2 April 2020

With the agreement of KPMG LLP of London, United Kingdom the Investigation Committee made an order that it be Reprimanded, fined £3,500 and pay costs of £2,743 in respect of the complaint that:

On 30 September 2016, KPMG LLP issued an audit report on the financial statements of "A" plc for the year ended 30 June 2016 which stated that the audit had been conducted in accordance with International Standards on Auditing (UK and Ireland) when the audit was not conducted in accordance with International Standard on Auditing (UK and Ireland) 230 'Audit documentation' in that the firm failed to prepare audit documentation that is sufficient to enable an experienced auditor, having no previous connection with the audit, to understand the results of the audit procedures performed, and the audit evidence obtained in respect of certain deferred income.

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041691

## **6. Mr Christopher John Wise of Princes Risborough, United Kingdom**

Consent order made on 17 April 2020

With the agreement of Mr Christopher John Wise of Princes Risborough, United Kingdom, the Investigation Committee made an order that he be severely reprimanded, fined £4,250 and pay costs £3,095 in respect of the complaints that:

1. From 11 May 2009 to 31 December 2010 Mr Christopher Wise ACA failed to comply with Paragraph 280.3b of Code of Ethics (effective 1 September 2006 to 31 December 2010) in that he received a loan totalling £25,000 from a client.
2. From 1 January 2011 to 30 March 2018, Mr Christopher Wise ACA failed to comply with section 280 of the Code of Ethics (effective 1 January 2011 to date) as he was in receipt of a loan from a client which created a threat to his objectivity in the professional engagement and he did not implement safeguards to eliminate or reduce the threat to an acceptable level”.

The Committee agreed that the fine and costs may be settled by way of 15 monthly instalments. The first instalment of £499 is due on 1 May 2020 followed by 14 of £489 due on the 1<sup>st</sup> of each consecutive month.

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**044736**

## **7. Mr Simon James Garner of Manningtree, United Kingdom**

Consent order made on 20 April 2020

With the agreement of Mr Simon James Garner of Manningtree, United Kingdom the Investigation Committee made an order that he be reprimanded and pay costs £1,503

On 11 September 2016, Mr Simon James Garner FCA drove a mechanically propelled vehicle on a road without due care and attention.

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**048704**

## 8. Mrs Catherine Louise Steadman of Greatham, United Kingdom

Consent order made on 20 April 2020

With the agreement of Mrs Catherine Louise Steadman of Greatham, United Kingdom, the Investigation Committee made an order that she be severely reprimanded and fined £10,000

### Complaint 1

a. Mrs Catherine Louise Steadman FCA prepared and filed with HMRC a self-assessment tax return on behalf of her client, Mr "X", for the tax year 2015-16 which contained a claim for reinvestment relief when she knew he was not eligible for it, contrary to section 110.2 of the Code of Ethics;

And/or;

b. Mrs Catherine Louise Steadman FCA prepared and filed with HMRC a self-assessment tax return on behalf of her client, Mr "X", for the tax year 2015-16 which contained a claim for reinvestment relief when she should have known he was not eligible for it, contrary to section 130.1 of the Code of Ethics.

### Complaint 2

a. Mrs Catherine Louise Steadman FCA intended to prepare a self-assessment tax return on behalf of her client, Mrs "Y", for the tax year 2015-16 with a claim for reinvestment relief when she knew she was not eligible for it, contrary to section 110.2 of the Code of Ethics;

And/or;

b. Mrs Catherine Louise Steadman FCA intended to prepare a self-assessment tax return on behalf of her client, Mrs "Y", for the tax year 2015-16 with a claim for reinvestment relief when she should have known she was not eligible for it, contrary to section 130.1 of the Code of Ethics.

### Complaint 3

b. Mrs Catherine Louise Steadman FCA prepared and filed with HMRC a self-assessment tax return for the tax year 2015-16 on behalf of her client, Mrs "Y", which omitted to include Capital Gain, when she should have known it should be included, contrary to section 130.1 of the Code of Ethics.

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043680

## INVESTIGATION COMMITTEE FIXED PENALTY ORDERS

### 9. Mr Christopher Barltrop FCA

Penalty order made on 31 January 2020

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 Christopher Barltrop FCA, the Investigation Committee ordered that Mr Christopher Barltrop FCA, of Altrincham, United Kingdom be reprimanded, and a fixed penalty of £487.90 representing a financial penalty of £697 to which a discount of 30% has been applied with respect to a complaint that:

Between 18 March 2014 and 18 July 2018, Christopher Barltrop FCA failed to comply with regulations governing the use of the description 'Chartered Accountants', (being regulation 6 (until 18 June 2017) and regulation 12 (from 19 June 2017)) as his firm Beauchamp Charles Ltd used the description 'Chartered Accountants' when not eligible to do so as he failed to ensure that all non-ICAEW member principals held affiliate status.

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**052074**

### 10. Mr Robert William Yeadsley FCA

Penalty order made on 5 February 2020

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 Robert William Yeadsley, the Investigation Committee ordered that Mr Robert William Yeadsley FCA, of Liverpool, United Kingdom, be reprimanded, and given 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:

1. Between 1990 and 2008 and 2014 to 20 January 2020 Mr Robert William Yeadsley FCA, engaged in public practice without holding a practising certificate contrary to Principal Bye-law 51a.
2. Between 1990 and 2008 and 2014 to 20 January 2020 Mr Robert William Yeadsley FCA, engaged in public practice without professional indemnity insurance as required by Regulation 3.1 of the Professional Indemnity Insurance Regulations.

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**051222**

## 11. Miss Emily Summers ACA

Penalty order made on 24 February 2020

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 Emily Summers ACA, the Investigation Committee ordered that Miss Emily Summers ACA, of Surrey, United Kingdom, be reprimanded, and given 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 28 February 2018 and 10 December 2019 Miss Emily Summers ACA, engaged in public practice without holding a practising certificate contrary to Principal Bye-law 51a.

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052903

## 12. Mr Cheng Wong FCA

Penalty order made on 28 February 2020

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 Cheng Wong FCA, the Investigation Committee ordered that Mr Cheng Wong FCA, of Manchester, United Kingdom be reprimanded, and given 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 Wong FCA, following a QAD visit in April 2011, confirmed:

In respect of performing and documenting client due diligence:

*'Email will be sent to staff to ensure we have carried out due diligence on all clients. This will be done when we prepare the financial statements [between] 2nd May 2011 to 2nd May 2012.'*

however a subsequent QAD review carried out in February 2019, it was found that this matter had not been addressed.

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052095

### 13. Mr Timothy Mynott FCA

Penalty order made on 25 February 2020

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 Timothy Mynott FCA, the Investigation Committee ordered that Mr Timothy Mynott FCA, of Wiltshire, United Kingdom be reprimanded, and given 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 Timothy Mynott FCA, subsequent to a QAD visit on 2011, made the following assurance on behalf of his firm Mynotts Ltd in relation to Anti-Money Laundering procedures:

*“Mr Mynott will draft procedures under the anti-money laundering guidance from the CCAB, ensure due diligence is carried out on all current and new firms, and review on a regular basis keeping a records of such reviews. Due date 30 September 2011”.*

*“Mr Mynott will carry out periodic compliance reviews of all clients under guidance from the CCAB. Due date 30 September 2011”*

but at a QAD desktop review on 6 February 2019, it was found that the assurances had not been complied with.

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**052093**

### 14. Mrs Joanne Dean ACA

Penalty order made on 11 February 2020

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 Joanne Dean, the Investigation Committee ordered that Mrs Joanne Dean, of Luton, United Kingdom be reprimanded, and given 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:

Mrs Dean was engaged in public practice from 30 June 2019 until 2 December 2019 without a Practising Certificate, contrary to Principal Bye-law 51a.

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**051827**

**15. Mr Steven Anthony Baker FCA**

Penalty order made on 12 February 2020

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 Steven Anthony Baker FCA, the Investigation Committee ordered that Mr Steven Anthony Baker FCA, of West Sussex, United Kingdom be reprimanded, and given 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 May 2010 and December 2019, Mr Steven Anthony Baker FCA failed to ensure the Company, 'X' Ltd, was registered with an Anti-Money Laundering Supervisor, as required by The Money Laundering Regulations 2017.

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**053619**

**16. Mr Richard Laking**

Penalty order made on 17 March 2020

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 Richard Laking, the Investigation Committee ordered that Mr Richard Laking, of Hampshire, United Kingdom be reprimanded with respect to a complaint that:

Between 28 February 2018 and 21 November 2019 Mr Richard Laking, engaged in public practice, contrary to Student Regulation 20.

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**052904**

## 17. Mr Tahir Ahmed ACA

Penalty order made on 2 March 2020

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 Tahir Ahmed ACA, the Investigation Committee ordered that Mr Tahir Ahmed, of Southsea, United Kingdom, be reprimanded, and given a fixed penalty of £665 representing a financial penalty of £950 to which a discount of 30% has been applied with respect to complaints that:

1. Mr Tahir Ahmed ACA failed to comply with Regulation 6 of the Regulations governing the use of the description 'Chartered Accountants' as his firm, Business Consulting & Accounting Ltd used the description when it was not eligible to do so for the following reasons:
  - a. Business Consulting & Accounting Ltd was not a member firm during the following periods:
    - between 16 December 2009 and 30 August 2012; and
    - 1 May 2013 and 31 March 2014.
  - and/or
  - b. Between 1 April 2014 and 19 October 2015 Mrs 'X' was a director of Business Consulting & Accounting Ltd but was not an ICAEW members nor did she hold affiliate status.
2. Between 2 February 2019 and 3 November 2019 Mr Tahir Ahmed ACA failed to comply with Regulation 12 of the Regulations governing the use of the description 'Chartered Accountants' (effective from 19 June 2017) as his firm Business Consulting & Accounting Ltd used the description when it was not eligible to do so as it was not a member firm.

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**051994**

## 18. Mr Oscar McGlynn

Penalty order made on 17 March 2020

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 Oscar McGlynn, the Investigation Committee ordered that Mr Oscar McGlynn, of West Midlands, United Kingdom be reprimanded with respect to a complaint that:

On 26 September 2018, at McDonalds, Angel Row, Nottingham Mr Oscar McGlynn assaulted Mr 'X' by beating him.

On 8 April 2019 Mr McGlynn was convicted in Nottinghamshire Magistrates' Court of common assault contrary to section 39 of the Criminal Justice Act 1988.

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**050789**

**19. Mr Isaac Sheng**

Penalty order made on 1 April 2020

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 Isaac Sheng, the Investigation Committee ordered that Mr Isaac Sheng, of London, United Kingdom be reprimanded with respect to a complaint that:

On 28 January 2019, Mr Isaac Sheng entered a compulsory rail ticket area without having with him a valid ticket, contrary to bye-law 17(1) and 23 of the Transport for London Railway Byelaws.

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**054240**

**20. Mr Mark Christopher Cundy FCA**

Penalty order made on 27 March 2020

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 Mark Christopher Cundy FCA, the Investigation Committee ordered that Mr Mark Christopher Cundy FCA, of Bristol, United Kingdom be reprimanded with respect to a complaint that:

Mark Christopher Cundy FCA on 19 February 2018 drove a motor vehicle after consuming alcohol in excess of the prescribed limit.

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**050651**

## AUDIT REGISTRATION COMMITTEE

### ORDER – 11 MARCH 2020

#### 21. Publicity Statement

KPMG Channel Islands Limited, St Helier, Jersey has agreed to pay a regulatory penalty of £1,400, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of Rule 4.01b of the Crown Dependencies' Audit Rules and Guidance (CD Rules), for allowing an audit report to be signed by an individual who had not confirmed, in writing, to the Jersey Financial Services Commission that he agreed to abide by the CD Rules.

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054190

### ORDER – 11 MARCH 2020

#### 22. Publicity Statement

Landau Baker Limited, London, United Kingdom, has agreed to pay a regulatory penalty of £1,988, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulations 2.03b, 2.11 and 2.07, for its failure to ensure that it was eligible to hold audit registration in that the majority of its voting rights were not held by audit qualified individuals or registered auditors, and its failure to notify ICAEW of changes within 10 business days.

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054165

### ORDER – 11 MARCH 2020

#### 23. Publicity Statement

UHY Wingfield Slater Limited, Sheffield, United Kingdom has agreed to pay a regulatory penalty of £3,924, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulations 3.03 and 2.03a for its failure to agree an extension with an AIM listed client that the Responsible Individual could continue to act for a total period of seven years and for its failure to ensure regulated affiliate status was held by a director since appointment.

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052358

# INVESTMENT BUSINESS COMMITTEE

## ORDER – 27 FEBRUARY 2020

### 24. **Publicity Statement**

Arnold Hill & Co LLP, London, United Kingdom, has agreed to pay a regulatory charge of £1,530, which was decided by the Investment Business Committee. This was in view of the firm's admitted breach of regulations 2.03b and 4.04 of the Designated Professional Body (Investment Business) Handbook 2018 for failing to apply for the required dual affiliate status for a partner when he became a partner on 1 May 2017 and for failing to ensure that an annual DPB compliance review was carried out in 2017, despite having been advised in its two previous QAD visits of the need to do so.

**052936**

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## **PRACTICE ASSURANCE COMMITTEE**

### **ORDER – 19 MARCH 2020**

#### **25. Publicity statement**

Thompson Wright Limited of Newcastle, United Kingdom has agreed to pay a practice assurance penalty of £266, which was decided by the Practice Assurance Committee. This was in view of the firm's admitted breach of Regulation 12 of the Regulations governing the use of the description Chartered Accountants and ICAEW general affiliates; in that the firm failed to obtain general affiliate status for a principal of the firm and used the description 'Chartered Accountants' between 18 June 2018 and 4 September 2019 when not eligible to do so.

**053342**

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### **ORDER – 19 MARCH 2020**

#### **26. Publicity statement**

Connelly & Co Limited of Huddersfield, United Kingdom has agreed to pay a practice assurance penalty of £700, which was decided by the Practice Assurance Committee. This was in view of the firm's admitted breach of Practice Assurance Regulation 4 (2008 Regulations); in that it failed to comply with a written assurance to document a risk assessment and check the information held to confirm the identity of all existing clients, as required by the Money Laundering Regulations 2007.

**052392**

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## CESSATION OF MEMBERSHIP

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

**Mr John Gardner of Prestbury, United Kingdom**

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

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