



Disciplinary Orders and Regulatory Decisions

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Disciplinary orders

Disciplinary Committee tribunal orders

- | | | |
|---|------------------------------------|--------|
| 1 | Mr Owen Francis Finn [FCA] | 3 - 8 |
| 2 | Mr Peter Vernon Charles Cass [FCA] | 9 - 15 |

Investigation Committee consent orders

- | | | |
|---|-----------------------------|----|
| 3 | Mrs Lorna Glenister FCA | 16 |
| 4 | Broadhead Accountants Ltd | 16 |
| 5 | Cloud Genie Ltd | 17 |
| 6 | Mr Michael Raymond Dury FCA | 17 |
| 7 | Mr Richard Hilton Savage | 18 |
| 8 | Mr David John Beeny FCA | 18 |

Regulatory orders

Audit Registration Committee

- | | | |
|----|-----------------------|----|
| 9 | Sheppard & Co Limited | 19 |
| 10 | Attwood & Co | 19 |
| 11 | K.P. Doherty & Co | 19 |

Probate Committee

- | | | |
|----|---------------------------------------|----|
| 12 | DHB Accountants Limited | 20 |
| 13 | A B Accounting and Consulting Limited | 20 |

14	Critchleys Probate Services LLP	20
15	Barber Harrison & Platt	20
16	Kingett's	21
17	CHJ Probates Ltd	21
18	Anderson Musaamil & Co	21

DISCIPLINARY COMMITTEE TRIBUNAL ORDERS

1. **Mr Owen Francis Finn [FCA] of**
Brough, United Kingdom

A tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 27 June 2018

Type of Member Member

Terms of Complaint

Complaint 1

On 10 April 2017 at Kingston- Upon- Hull Crown Court, Mr Owen Finn ACA FCA, was convicted of causing serious injury by dangerous driving on 7 October 2016.

Complaint 2

On 7 October 2016, Mr Owen Finn ACA FCA, was the driver of a vehicle that failed to stop after a road accident.

Complaint 3

On 7 October 2016, Mr Owen Finn ACA FCA, was the driver of a vehicle involved in a road accident and failed to report that accident.

Complaint 4

On 7 October 2016, Mr Owen Finn ACA FCA, drove a motor vehicle with an alcohol level above the legal limit.

Mr Owen Francis Finn is therefore liable to disciplinary action under Disciplinary Bye-laws 4.1e and 4.2g in relation to Complaint 1 and Disciplinary Bye-law 4.1a in relation to Complaints 2, 3 and 4.

Hearing date	27 th June 2018
Previous hearing dates	N/A
Pre-hearing review or final hearing	Final hearing
Heads of complaint found proved	All
Heads of complaint found not proved	N/A
Sentencing order	Exclusion order Costs of £2,500

Procedural matters and findings

Parties and representation	The Investigation Committee ('IC') was represented by Mrs Silpa Tozar The defendant was not 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 regulations 3 and 5 of the Disciplinary Committee Regulations
Documents considered by the Tribunal	The Tribunal considered the documents contained in the Investigation Committee's bundle, the defendant's Regulation 13 answers and correspondence from the defendant's Solicitors dated 19 January 2018 and 20 June 2018.

Preliminary matters

1. Notice of the hearing was sent by post to Mr Owen Francis Finn ('the defendant') on 30 April 2018. The notice was sent to his registered address and to where the defendant is currently serving a sentence of imprisonment. The Tribunal was satisfied that service had been effected in accordance with Regulations 3 and 5 of the Disciplinary Committee Regulations ('DCR').
2. In his Regulation 13 Answers the defendant apologised for the fact that, due to prison rules, he was not able to attend the hearing.
3. The defendant and his Solicitors had provided written submissions. It was clear that he did not dispute the complaint.

4. In the circumstances, the Tribunal was satisfied that no useful purpose would be served by adjourning the hearing. Given the serious nature of the complaints there was a clear public interest in proceeding with the hearing expeditiously. The Tribunal therefore determined that it was in the interests of justice to proceed in the defendant's absence.

The Investigation Committee's case

5. The defendant was admitted as a member of the ICAEW in 1981. He became a Fellow of the Institute in 1991. He was Council Member of the Institute for the 'B' District Society for 12 years.
6. The IC's case against the defendant relates to a road traffic accident on 7 October 2016 and the defendant's conviction for causing serious injury by dangerous driving.
7. The defendant was President of 'C' and attended a dinner for 'C' on 7 October 2016. He was observed to consume a large amount of alcohol during the evening and was almost unable to stand. At the end of the evening he got in his car to drive home.
8. Mr A, who was aged sixteen at the time, left work at a local restaurant just after 11pm. His father collected him and they walked for a while before Mr A decided to cycle on ahead. Mr A's father observed the defendant drive past him at speed. The defendant then made a right turn on to Brantingham Road. Mr A was cycling on Brantingham Road positioned close to the kerb with appropriate lighting on his bike. The defendant drove into the back of Mr A's cycle. The bike was destroyed and Mr A impacted the defendant's windscreen. The defendant did not stop and drove off leaving Mr A seriously injured on an unlit country road. He was found by two members of the public who called the emergency services.
9. The defendant then drove 130 miles to his mother's house in Birmingham. He was subsequently arrested and when initially questioned he denied involvement in the incident, saying that a brick had hit his windscreen. However, when Mr A's hair particles were found in his shattered windscreen, he made admissions.
10. A back calculation showed that the defendant had been driving with twice the legal level of alcohol in his system.
11. Mr A suffered a broken skull, fractured spine, spinal cord injuries and major internal injuries. He underwent surgical treatment including complex, permanent, neurosurgery and the removal of part of his skull. He remained in hospital for nine months. He was left paralysed down his right side. He suffered a brain injury resulting in neurological and cognitive impairments.

12. On 10 April 2017 the defendant pleaded guilty at Kingston-upon-Hull Crown Court to an indictment containing counts of causing serious injury by dangerous driving, failing to stop after a road accident, failing to report a road accident and driving with an alcohol level above the legal limit.
13. On 14 July 2017 the Defendant was sentenced to three years' imprisonment for the offence of causing serious injury by dangerous driving. He received sentences of four months' imprisonment concurrently for each of the other three offences. Therefore the total sentence was three years' imprisonment. He was disqualified from driving for 11 years 6 months with a requirement to pass an extended driving test before regaining his licence.
14. In his sentencing remarks HH Judge Richardson QC said this was an exceptionally serious case. The defendant's behaviour was shameful and his cowardice in leaving his victim maimed in the roadway whilst he made off in an effort to avoid justice was breathtaking. He said Mr A has had his life permanently sabotaged by the defendant's appalling criminal conduct.
15. The judge said the high level of alcohol in the defendant's system and the fact he drove a considerable distance inebriated were aggravating factors. He described the defendant's conduct as having high culpability and referred to the fact that he had attempted to evade justice. He gave the defendant credit for his previous good character and his pleas of guilty.
16. On 13 March 2017, shortly prior to his hearing at the Crown Court, the defendant stepped down from his position on the Institute's Council and the 'B' District Society, saying it had become 'increasingly difficult to attend Local Committee meetings and he is relocating'.

The defendant's case

17. In his Regulation 13 answers the defendant apologised unreservedly for his behaviour. He advanced the following by way of mitigation. The conduct was not committed in a professional capacity. The incident was out-of-character and occurred at a difficult time in his life. He has made a significant contribution to the community and served on the Institute's Council and committees for 12 years. He said he was not in a position to pay a fine or costs.
18. Solicitors engaged by the defendant made written submissions on his behalf on 19 January 2018. In their letter, the solicitors said that none of the facts giving rise to the complaint were disputed. They said that the defendant had acknowledged that in light of the conviction he could not remain a member of the Institute and had tendered his resignation.
19. The Solicitors made further written submissions on 20 June 2018. They submitted that the defendant had already been severely punished for his out-of-character conduct. Though exclusion could not realistically be opposed he has no income from which to pay a financial penalty and he had offered his resignation in order to save unnecessary costs.

Conclusions and reasons for decision

Decision on complaint

20. The Tribunal had sight of a certificate of conviction which established that the defendant had been convicted of the four charges set out in the complaints. The defendant did not dispute that he had been convicted of those offences. Pursuant to Disciplinary Bye-law ('DBL') 7.4.b the conviction is prima facie evidence of the facts underlying the conviction.
21. The offence in the first complaint, namely causing serious injury by dangerous driving, is an indictable offence. Conviction for an indictable offence renders the defendant liable to disciplinary action under DBL 4.1.e.
22. The offences in the second, third and fourth complaint are summary only offences. Therefore the Tribunal had to consider whether those complaints render the defendant liable to disciplinary action under DBL 4.1.a on the basis they bring discredit on the defendant, the Institute or the profession.
23. These were serious offences and, as the judge said in his sentencing remarks, the defendant's culpability was high. There was no doubt in the Tribunal's mind that these offences bring discredit on the defendant, the Institute and the profession.
24. The Tribunal found all four complaints proved.

Matters relevant to sentencing

25. There were no previous disciplinary matters recorded against the defendant.
26. The Tribunal took into account the mitigation referred to in paragraphs 17 to 19 above.
27. The Tribunal had regard to ICAEW's Guidance on Sanctions. The starting point following conviction for an offence which results in a sentence of imprisonment is exclusion from membership. The Tribunal found no reason to depart from this starting point.
28. The Tribunal noted that the defendant's Solicitors accepted exclusion was the only realistic sanction.
29. Aggravating features in this case are that the defendant left his victim in the road as he attempted to evade justice and then he lied to the police. Criminal behaviour of this nature is fundamentally incompatible with membership of a professional association. The public interest could not be met by any sanction other than exclusion.
30. The Tribunal did not consider it either necessary or appropriate to make a recommendation under DBL 22(8) specifying a period in which no application for readmission may be entertained.
31. The Tribunal did not consider that it would be appropriate to additionally impose a fine on the defendant.

32. The IC applied for costs in the sum of £5,274. This was supported by a schedule giving a breakdown of the costs incurred. Mrs Tozar accepted that some reduction on this figure would be appropriate to reflect the fact that the actual length of the hearing was less than estimated on the schedule.
33. The defendant's solicitors' contention that he should have been simply allowed to resign his membership was misconceived. The only process for dealing with members who commit offences of this nature is to bring disciplinary proceedings before this Tribunal.
34. The Tribunal accepted that the defendant had no income, but there had been no disclosure by the defendant as to his means and financial circumstances. The burden of meeting these expenses should, in the Tribunal's view, fall on the member whose conduct had necessitated the proceedings to be brought.
35. Taking all the above factors into account, the Tribunal considered the appropriate award of costs was £2,500. The Tribunal considered it was reasonable to allow the defendant time to pay, and therefore ordered that the costs order should be met within a year of the defendant's release from custody.

Sentencing order

36. Therefore in the Tribunal's view the appropriate and proportionate sanction was to exclude the defendant from membership of the ICAEW.
37. The Tribunal ordered the defendant to pay costs of £2,500 within 12 months of the defendant's release from prison.

Decision on publicity

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

Chairman	Mr Ron Whitfield
Accountant Member	Mr Michael Ranson FCA
Non Accountant Member	Miss Jane Rees

Legal Assessor	Mr Andrew Granville Stafford	038226
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2. Mr Peter Vernon Charles Cass [FCA] of
Middlesex, United Kingdom

A Tribunal of the Disciplinary Committee made the decision recorded below having heard a formal complaint on 3rd July 2018

Type of Member Member

Terms of Complaint

Complaint 1

A. Between April 2009 and 9 July 2009 Mr Peter Vernon Charles Cass FCA instructed 'A' & Co to prepare amended financial statements for 'B' Ltd for the year ended 30 November 2007 on the basis that an advancement of £50,000 from Mr 'C' was a director's loan, in circumstances where he knew the monies had not been received from a director of the company and he deliberately intended that the position should be misrepresented in this way.

And/or

B. Between April 2009 and 9 July 2009 Mr Peter Vernon Charles Cass FCA instructed 'A' & Co to prepare amended financial statements for 'B' Ltd for the year ended 30 November 2007 which misrepresented an advancement of £50,000 from Mr 'C' as a director's loan, in circumstances where he had recklessly failed to take any or any adequate steps to ascertain the monies had been received from a director of the company, and / or as to the terms of the loan.

And/or

C. Between April 2009 and 9 July 2009 Mr Peter Vernon Charles Cass FCA instructed 'A' & Co to prepare amended financial statements for 'B' Ltd for the year ended 30 November 2007 which misclassified or incorrectly classified an advancement of £50,000 from Mr 'C' as a director's loan, and / or subsequently failed to identify and correct such misclassification, when he should have known the monies had not been received from a director of the company.

Complaint 2

A. Mr Peter Vernon Charles Cass FCA, in relation to claim HC13B03486, *Mr James Kowalishin v Mr Jason Roberts and Tech 21 UK Limited*, stated in his second witness statement, dated 24 November 2014, at paragraph 7 that 'the amendment to the stock is evident from even the most cursory inspection of the original and amended 2007 accounts where the balance sheet changes only at the stock and retained profits lines' but deliberately or recklessly omitted to state that other amendments had been made, and / or failed fully to explain such amendments, specifically:

- i. the reclassification of the advancement of £50,000 from Mr 'C' from being a 'loan long term' to being a director's loan; and
- ii. the addition of a going concern note which stated 'Included in creditors is an amount due to the director of £91,208 (£29,513). The director has undertaken to support the company for a period of twelve months from the date of signing these financial statements and furthermore that he will not seek repayment of the monies due to him until either all third-party creditors have been settled or until sufficient investment has been obtained to ensure the continuing viability of the company.'

Mr Peter Vernon Charles Cass is therefore liable to disciplinary action under Disciplinary Bye-law 4.1.a in respect of complaints 1A or 1B and 2 and Disciplinary Bye-law 4.1.b in respect of complaint 1C.

Hearing dates	3 rd July 2018
Previous hearing dates	N/A
Pre-hearing review or final hearing	Final hearing
Heads of complaint found proved	1A and 2
Heads of complaint found not proved	N/A
Sentencing order	Exclusion Costs of £16,000

Procedural matters and findings

Parties and representation	The Investigation Committee ('IC') was represented by Mr Mark Vinall of Counsel and Miss Jessica Sutherland-Mack, Legal Adviser to the IC Mr P V C Cass ('the defendant') was not present and was represented by Mr George Spalton of Counsel and Mr Ivan Wilkinson of Clyde & Co
Hearing in public or private	The hearing was in public
Decision on service	The Tribunal was satisfied that service was in accordance with regulations 3 and 5 of the Disciplinary Committee Regulations
Documents considered by the Tribunal	The Tribunal considered the documents contained in the Investigation Committee's bundle, the defendant's Regulation 13 Answers and written submissions submitted by both parties

The Investigation Committee's case

1. The defendant has been a member of the ICAEW since 1983.
2. The IC alleged that, whilst employed by CD Ltd, the defendant caused a sum of £50,000 to be misrepresented in the company's accounts as a director's loan. The IC further alleged that the defendant failed to properly explain the amendments he had caused to be made to the company's accounts in a statement he made in High Court proceedings. The background to these allegations is as follows.
3. CD Ltd is a company which sells cases for mobile phones and tablets. In May 2007 Mr A, then the sole director of CD Ltd, was introduced to Mr B by a mutual friend. They discussed the possibility of Mr B investing £250,000 in return for a proportion of the company's share capital and, in anticipation of such an agreement, Mr B advanced £50,000 to CD Ltd on 29 August 2007 as a 'down payment'. However no formal agreement setting out the terms on which this money was advanced was ever signed.
4. In early 2009 Mr A secured an investment of £150,000 from two wealthy individuals in return for a 40% share in CD Ltd. The investment was subject to due diligence being carried out on the company. The defendant, who has experience advising technology companies, was recruited by CD Ltd in April 2009 to assist it with that process. On 31st July 2009, he was appointed finance director of the company.
5. As part of the due diligence process, the defendant instructed a firm of accountants, E & Co, to prepare amended accounts for the 2007 year end. The amended accounts contained three important changes from the original accounts that had been prepared by a different firm.
 - (a) The defendant correctly identified that the figure for stock in the 2007 accounts had been overstated by £56,520. This was corrected in the amended accounts.
 - (b) In the original accounts Mr B's £50,000 advance had been written in as a 'long term loan' and included under 'Creditors: amounts falling due after more than one year'. In the amended accounts this sum had been transferred into the balance owed to 'other creditors' under the heading 'Creditors amounts falling due within one year.'
 - (c) The amended accounts included a 'going concern' note. The effect of the note was to reclassify Mr B's £50,000 as a director's loan. The note gave the investors an undertaking that the sole director, Mr A, would not seek repayment of the loan until either all other creditors had been paid or sufficient investment had been obtained to ensure the continuing viability of the company.
6. The IC's case was that these amendments made the company look like a more attractive investment prospect. They falsely represented that the £50,000 sum would not be called in until the continuing viability of the company was assured. They also implied that the director, Mr A, had made a more significant personal investment in the company than was in fact the case. Furthermore, they indicated the company was a going concern, notwithstanding there was a balance sheet deficit of £91,411.

7. The investors went ahead with their investment. CD Ltd's fortunes thereafter improved very rapidly.
8. A dispute arose in 2012 between Mr B and CD Ltd as to the terms of the advance. Mr B alleged that he was entitled to equity in the company in return for his investment or alternatively restitution of the £50,000 with interest. Mr A disputed that. The dispute resulted in Mr B taking proceedings against CD Ltd and Mr A in the High Court. The case was tried by Mr David Halpern QC, sitting as a Deputy High Court Judge, in April and May 2015.
9. The defendant made five witness statements on behalf of CD Ltd and gave evidence at the trial. In his second witness statement made on 24 November 2014 he said as follows:

'In the process of instructing [E & Co] to prepare the accounts to November 2008, it became apparent to me that that stock had been overstated in the November 2007 balance sheet by £56,520 and I therefore instructed [E & Co] to at the same time (2009) prepare amended accounts to November 2007. The amendment to the stock is evident from even the most cursory inspection of the original and amended 2007 accounts where the balance sheet changes only at the stock and retained profit lines.'
10. The IC's case was that the defendant failed to make any reference to the amendments which changed the way the £50,000 was treated in the amended accounts. Furthermore, the assertion that 'the balance sheet changes only at the stock and retained profit lines' was untrue. There were changes to the 'Creditors' lines for both creditors under and over one year.
11. When the defendant was cross examined at the trial about this part of his statement he accepted that it was 'not complete'. The Judge found that Mr Cass 'knew perfectly well that the most important change to the accounts was the "going concern" statement which depended on the reclassification of the loan'.
12. The judge also found that the defendant had altered or procured someone else to alter the director's loan ledger by adding the figure of £50,000, which represented Mr B's advance. He made the following specific findings in paragraph 58 of his judgment:

'58.1 No honest accountant who was told about a material loan would fail to enquire about the terms of that loan.

58.2 No honest accountant would classify a payment as a director's loan when he was told by the director, and could see from the bank statements, that it was a payment from a third party direct to the Company.

58.3 No honest accountant would choose to rely on his predecessor's working papers when these were not consistent with that predecessor's accounts.

58.4 No honest accountant would rely on the working papers of an accountant [ie the firm who prepared the original 2007 accounts] whom he considered incompetent, especially when those papers contradicted all the other evidence.'
13. The judge therefore concluded that the defendant's involvement in the amendment of the 2007 accounts was 'for the purpose of a deliberate misrepresentation'.
14. In light of the judge's findings the IC alleged that the defendant instructed E & Co to amend the accounts to deliberately misrepresent Mr B's £50,000 advance as a director's loan (Complaint 1A). In the alternative, the IC alleged that the same facts amounted to a reckless

misrepresentation (Complaint 1B) or a failure to identify and correct a misclassification (Complaint 1C).

15. The IC further alleged that the defendant had deliberately or recklessly failed to fully explain in his witness statement the amendments that had been made to the 2007 accounts (Complaint 2). Specifically, he had failed to say in his witness statement that Mr B's £50,000 advance had been re-classified as a director's loan and he had failed to refer to the addition of the 'going concern' note.
16. The IC's case was that Complaints 1A, 1B and 2 rendered the defendant liable to disciplinary action under Disciplinary Bye-law 4.1.a on the basis that his conduct has brought discredit on himself, the Institute and the profession. It alleged that Complaint 1C rendered him liable to disciplinary action under DBL 4.1.b on the basis that he has performed his work so inefficiently or incompetently as to bring discredit on himself, the Institute or the profession.

The defendant's case

17. The defendant stated in his Regulation 13 Answers that he did not intend to contest the allegations made against him. Attached to his Regulation 13 Answers was a letter dated 11.6.18 from his solicitors stating that although he did not consider the complaints fair or justified he was not contesting them for two reasons. First was the desirability of saving time and cost. Secondly, he was aware of the uphill battle he faced in disputing the complaints given that they arise from findings made in the High Court case which, by virtue of DBL 7.3.b, are prima facie evidence of the facts underlying those findings.
18. Mr Spalton made it clear at the outset of the hearing that the defendant admitted the complaints in full.

Conclusions and reasons for decision

Decision on complaint

19. Mr Spalton admitted Complaint 1A on behalf of the defendant.
20. DBL 7.3.b (as effective between July 2013 and December 2015) provides that a finding of fact in any civil proceedings before a court of competent jurisdiction in the UK shall be prima facie evidence of the facts found in those proceedings.
21. The Tribunal had regard to the judgment of Mr David Halpern QC. The Judge found as a fact that the defendant had taken the decision to treat Mr B's £50,000 as a director's loan. The judge also found that the defendant had himself altered or had procured someone else to alter the director's loan account by adding this £50,000 to it. The judge concluded that the defendant's involvement in the restatement of the accounts was for the purpose of a deliberate misrepresentation. The Tribunal was satisfied that deliberately misrepresenting a sum of £50,000 in a company's accounts in order to give a misleading impression of the company's financial health is discreditable behaviour and therefore rendered the defendant liable to disciplinary action under DBL 4.1.a.
22. In light of the above the Tribunal was satisfied that it could accept the admission by Mr Spalton of Complaint 1A on behalf of the defendant. The Tribunal therefore found Complaint 1A proved by admission.
23. In light of the admission to Complaint 1A Mr Vinall did not pursue the lesser alternatives in Complaints 1B and 1C.
24. Mr Spalton on behalf of the defendant also admitted Complaint 2.

25. The Judge made the following comments on the defendant's second witness statement at paragraph 58.5 of his judgment:
- 'Mr Cass's witness statement said that the "only" adjustment made to the restated accounts was in relation to stock. In cross-examination he was asked whether that was true. He sought several times to evade the question until I asked him for a direct answer, at which point he reluctantly conceded that this part of his witness statement was not the whole truth. I am satisfied that he knew perfectly well that the most important change to the accounts was the "going concern" statement which depended on the reclassification of the loan, and that he deliberately told an untruth in his statement.'
26. The Tribunal was satisfied that the defendant had deliberately or recklessly omitted to refer to the 'going concern' note and the reclassification of Mr B's £50,000 as a director's loan in his witness statement. Further the Tribunal was satisfied that by doing so he had brought discredit on himself, his profession and the Institute and was therefore liable to disciplinary action under DBL 4.1.a in respect of this complaint.
27. The Tribunal therefore accepted the defendant's admission to Complaint 2 and found this complaint proved on the basis of that admission.

Matters relevant to sentencing

28. There were no previous disciplinary matters recorded against the defendant.
29. The Tribunal took into consideration the following factors in mitigation advanced by Mr Spalton on behalf of the defendant:
- He has had a distinguished career as an accountant and a previously unblemished record.
- He did not make any financial gain and has had to bear significant costs and stress as a result of his actions and the publicity which the High Court case attracted.
- There is no risk of ongoing reputational damage to the ICAEW. The events in question took place nearly a decade ago and there has been no repetition. Furthermore, he is not practising as a chartered accountant.
- He has co-operated with the ICAEW's investigation and has not sought to contest the allegations.
- He expresses regret for the events.
30. Mr Spalton submitted that the appropriate sanction would be a severe reprimand.
31. The Tribunal had regard to ICAEW's Guidance on Sanctions. Section 9.e is concerned with complaints relating to providing false and misleading information. The starting point for very serious conduct falling into this category is exclusion and a fine. Very serious is categorised in the Guidance as conduct which is deliberate, knowing and/or dishonest.
32. The Tribunal was satisfied these were very serious departures from acceptable standards. The public should be able to rely on a company's financial statements and a chartered

accountant who allows misleading accounts to be produced breaches the trust the public places in the profession. Further he then concealed what he had done in his evidence to the High Court.

33. The Tribunal carefully considered whether in light of the mitigation advanced it could depart from the starting point of exclusion.
34. Though the defendant had made full admissions through his counsel at the hearing, it was clear from earlier correspondence that he had been contesting the allegations until shortly before the hearing. His admissions had very much come at the eleventh hour. Though he had a good previous record these were two very serious failings. The Tribunal did not feel that any sanction less than exclusion was proportionate or justified in the circumstances.
35. The Tribunal did not consider it necessary to additionally impose a fine on the defendant.
36. The IC applied for costs in the sum of £17,756.50. The application was supported by a detailed breakdown. The only point taken by Mr Spalton on costs was the cost incurred in instructing counsel. The Tribunal did not consider the IC could be criticised for engaging counsel, particularly given the seriousness of the case and late indication of the defendant's change of position. However, the Tribunal considered it could mitigate the costs award down to £16,000 to reflect the fact that the hearing had not taken a full day.

Sentencing order

37. Therefore, in the Tribunal's view the appropriate and proportionate sanction was to exclude the defendant from membership of the ICAEW.
38. The Tribunal ordered the defendant to pay costs of £16,000 within 28 days.

Decision on publicity

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

Chairman

Ms Mary Kelly

Accountant Member

Mr Ian Walker FCA

Non Accountant Member

Ms Martha Maher

Legal Assessor

Mr Andrew Granville Stafford

028176

INVESTIGATION COMMITTEE CONSENT ORDERS

3. Mrs Lorna Glenister FCA

Consent order made on 16 July 2018

With the agreement of Mrs Lorna Alison Glenister of Bagshot, United Kingdom, the Investigation Committee made an order that she be reprimanded, fined £2,650 and pay costs of £1,565 with respect to a complaint that:

2. Mrs Lorna Glenister FCA acted with bias when dealing with 'X' Ltd, and therefore failed to comply with Section 120 of the Code of Ethics, by:
 - a. Attending a board meeting of 'X' Ltd on 26 November 2012, without making the other directors aware that she was present; and/or
 - b. Providing advice in an email to Mr 'Y' on 27 November 2012 which was not for the benefit of all the directors.

034904

4. Broadhead Accountants Limited

Consent order made on 23 July 2018

With the agreement of Broadhead Accountants Limited of Suite 402, Britannia House, 1-11 Glenthorne Road Hammersmith, London, W6 0LH, the Investigation Committee made an order that the firm be severely reprimanded, fined £8,450 and pay costs of £1,318 with respect to a complaint that:

- 1 Broadhead Accountants Limited issued an accountant's report dated 27 June 2016 in respect of the unaudited financial statements of 'A' Plc for the period ended 31 August 2015 when:
 - a the company was ineligible under section 477 of the Companies Act 2006 to claim exemption from audit because it was a public company during the financial year.
 - b the accounts were prepared in accordance with the FRSSE (2008) when the FRSSE does not apply to public companies.
- 2 Broadhead Accountants Limited failed to comply with paragraph 7 of The Money Laundering Regulations 2007 in that it did not ensure that appropriate and complete customer due diligence measures were applied to the engagement with 'A' Plc.

036926

5. Cloud Genie Ltd

Consent order made on 23 July 2018

With the agreement of Cloud Genie Ltd of 38 Hall Lane, Horsforth, Leeds, LS18 5JF, the Investigation Committee made an order that the firm be reprimanded, fined £3,500 and pay costs of £1,568 with respect to a complaint that:

1. Cloud Genie Ltd failed to comply with Regulation 6 of the Regulations governing the use of the description 'Chartered Accountants' as the firm was not eligible to use the description as:
 - a. between 31 May 2014 and 4 January 2016 Mr 'A' was a director of the entity but was not an ICAEW member nor did he hold affiliate status; and
 - b. between 31 May 2014 and 18 June 2017 Mr 'B' was a director of the entity but was not an ICAEW member nor did he hold affiliate status.
2. Between 19 June 2017 and 6 October 2017 Cloud Genie Ltd failed to comply with Regulation 12 of the Regulations governing the use of the description 'Chartered Accountants' as the firm was not eligible to use the description as Mr 'B' was a director of the entity but was not an ICAEW member nor did he hold affiliate status.

041011

6. Mr Michael Raymond Dury FCA

Consent order made on 23 July 2018

With the agreement of Mr Michael Raymond Dury of Sidmouth, United Kingdom, the Investigation Committee made an order that he be severely reprimanded, fined £6,000 and pay costs of £4,536 with respect to a complaint that:

1. Between 9 October 2007 and 7 February 2014 Mr Michael Dury ACA failed to comply with regulation 10 of the Clients' Money Regulations in that he allowed his firm to receive clients' money totalling £92,325.59 into the firm's office account and which were not immediately paid into a Client Bank Account.
2. Between the following dates, Mr Michael Drury ACA failed to comply with regulation 9b of the Clients' Money Regulations as he did not notify the bank in writing of the terms of the account and did not obtain the bank's acknowledgement in writing:
 - 28 August 2007 and 2 March 2015 for the firm's general client bank account
 - 28 August 2007 and 12 May 2016 for the firm's designated client bank account

029236

7. Mr Richard Hilton Savage

Consent order made on 23 July 2018

With the agreement of Mr Richard Hilton Savage of Prestwich, United Kingdom, the Investigation Committee made an order that he be reprimanded, fined £1,500 and pay costs of £2,361.25 with respect to a complaint that:

Between 14 July 2015 and 22 July 2016, Mr Savage as supervisor of the individual voluntary arrangement of Mr 'X' failed to issue a certificate of completion in a timely manner.

033717

8. Mr David John Beeny FCA

Consent order made on 23 July 2018

With the agreement of Mr David John Beeny of Seaford, United Kingdom, the Investigation Committee made an order that he be reprimanded, fined £2,650 and pay costs of £1,400 with respect to a complaint that:

1B On or around 31 January 2011, Mr D J Beeny acted without integrity in instructing his secretary to type a letter to HMRC declaring an election for a client's principal private residence and to backdate it to November 2005.

015807

AUDIT REGISTRATION COMMITTEE

ORDER – 16 MAY 2018

9. Publicity Statement

Sheppard & Co Limited, West Barn, C/o Down Farm, Hindon, Salisbury, Wiltshire, SP3 5TA, has agreed to pay a regulatory penalty of £2,495, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulations 2.11, 2.03a and 6.06 in that the firm failed to notify ICAEW of a director's appointment within 10 business days, failed to ensure that the new director held affiliate status and for incorrectly completing its 2017 annual return.

043376

ORDER – 13 JUNE 2018

10. Publicity Statement

Attwood & Co, Unit 3, Crescent Industrial Park, Peartree Lane, Dudley, West Midlands, DY2 0QQ, has agreed to pay a regulatory penalty of £1,000, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulation 3.10 for failing to arrange an independent cold file review to be carried out at least once every three years since 2014, as required by ISQC1.

042170

ORDER – 13 JUNE 2018

11. Publicity Statement

K.P. Doherty & Co, 22 Harlesden Walk, Romford, Essex, RM3 9HS, has agreed to pay a regulatory penalty of £1,000, which was decided by the Audit Registration Committee. This was in view of the firm's admitted breach of audit regulation 3.11 for failing to keep audit working papers for a period of at least six years.

043869

PROBATE COMMITTEE

ORDER – 28 JUNE 2018

12. Publicity Statement

DHB Accountants Limited of 110 Whitchurch Road, Cardiff, CF14 3LY, has agreed to pay a regulatory penalty of £500 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

13. Publicity Statement

A B Accounting and Consulting Limited of 22 Malam Garden, London, E14 8AL, has agreed to pay a regulatory penalty of £1000 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

14. Publicity Statement

Critchleys Probate Services LLP of 23-38 Hythe Bridge Street, Oxford, OX1 2EP, has agreed to pay a regulatory penalty of £500 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

15. Publicity Statement

Barber Harrison & Platt of 2 Rutland Park, Sheffield, S10 2PD, has agreed to pay a regulatory penalty of £1000 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

16. Publicity Statement

Kingett's of Carolyn House, 5 Dudley Road, Halesowen, B63 3LS, has agreed to pay a regulatory penalty of £500 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

17. Publicity Statement

CHJ Probates Ltd of 34 Longcrofte Road, Edgware, Middlesex, HA8 6RR, has agreed to pay a regulatory penalty of £1000 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations.

ORDER – 28 JUNE 2018

18. Publicity Statement

Anderson Musaamil & Co of 101 Epsom Road, Sutton, Surrey, SM3 9EY, has agreed to pay a regulatory penalty of £500 which was decided by the Probate Committee for failure to provide diversity data, in accordance with Regulation 2.7(s) of the Probate Regulations

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