



DISCIPLINARY CONSENT ORDER

04 October 2016

PURSUANT TO RULE 5 OF THE IPA INVESTIGATION COMMITTEE RULES

Miss Patricia Marsh, of **London**, England, an IPA member and Licensed Insolvency Practitioner.

This Order is made in relation to a complaint from a creditor that Miss Marsh, in her role as Liquidator, breached the fundamental principle of Professional Competence and Due Care when she,

- a) Inappropriately admitted a claim for voting purposes at the S98 creditors' meeting, and
- b) Failed to
 - a. adequately consider or pursue a preference claim;
 - b. arrange a meeting of creditors on request from the creditors
 - c. comply with R4.138 of the R4.138 of the Insolvency Rules 1986 and release company papers to the successor liquidator in a timely manner
 - d. provide information relating to the costs of the liquidation and a report to creditors pursuant to R4.49C(3)(a) of the Insolvency Rules 1986

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

The Common Sanctions Guidance provides for a Severe Reprimand and fine commensurate with the breach where there has been a material breach of the fundamental principles of the Insolvency Ethics Code. The sanction reflects the fact that there were some grey areas surrounding the claim and that Miss Marsh correctly sought legal advice. However, an aggravating factor was her failure to follow the advice sought, delaying the administration of the estate which could have resulted in a potential loss of over £20,000. Miss Marsh's failure to co-operate with the Secretariat in its investigations was also taken into account.

The Investigation Committee has decided to impose a disciplinary order that Miss Marsh be severely reprimanded and pay a fine of £2,500.