



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 07 November 2017

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Mr Gerard Rooney, of Merseyside, an IPA member and Licensed Insolvency Practitioner.**

Summary of complaint: This Order is made in relation to a complaint that Mr Gerard Rooney, in his role as Liquidator of a Company,

1. failed to submit progress reports to the Registrar of Companies within the requisite timescale, in breach of Section 104A of the Insolvency Act 1986 and Rule 4.49C of the Insolvency Rules 1986.
2. failed to respond to a letter from the liquidator of an unsecured creditor, within a reasonable timescale, in breach of the fundamental principle of professional behaviour of the Ethics Code.

Summary of sanctions: Accordingly, Mr Rooney was found liable to disciplinary action under the IPA's Articles of Association.

The Common Sanctions Guidance provides for a severe reprimand and a fine of between £500 and £7,500 where there is a major failure to submit returns. In addition where there has been a material breach of the fundamental principles of the Insolvency Code of Ethics, a severe reprimand and fine commensurate with the breach.

When considering sanction the Committee noted that Mr Rooney had a previous disciplinary finding for failure to respond to correspondence. However, the sanction also reflects the fact that he has ceased to practice and going forward there is no risk of recurrence.

The Investigation Committee decided to impose a disciplinary order that Mr Rooney receive a Severe Reprimand and pay the associated costs incurred by the IPA.