



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 17 April 2018

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Mr Robert Sadler**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint, by some creditors that **Mr Sadler** in his role as Supervisor of a Company Voluntary Arrangement (CVA) has breached the fundamental principle of professional competence and due care of The Ethics Code by:

- a) Failing to notify all creditors of the Company's proposals for a CVA in accordance with s3(3) of the Insolvency Act 1986; and*
- b) Failing to consider the convenience of creditors when convening meetings of creditors in accordance with S98 of the Insolvency Act 1986 and R1.13 of the Insolvency Rules 1986.*

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

Summary of sanctions: 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 Ethics Code. The Committee also took into account that the Common Sanctions Guidance provides for a severe reprimand and a fine of between £500 and £7,500 where there is a material failure to comply with the provisions of a SIP.

The Committee took into account prior findings relating to Mr Sadler's communications and also that, in this case, a satisfactory conclusion had only been reached due to the complainants' persistence.

The Investigation Committee decided to impose a disciplinary order that Mr Sadler be a severely reprimanded, fined £2,000; and make a contribution towards the costs.