



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 20 August 2018

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Mr Gordon Simmonds**, of **Stockport**, Cheshire an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint that Mr Simmonds, in his role as administrator of a company breached SIP16 by;

- 1) Failing to include the level of detail provided for in the disclosure requirements of the SIP in relation to the marketing and valuation of the business and assets.
- 2) Failing without reasonable explanation, to issue the Administrator's proposals as soon as practicable after appointment.

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

Mr Simmonds acknowledged that there were deficiencies in the SIP 16 report and that the details were provided in the proposals, however these were issued sometime after the issue of the report. The Committee considered that the information in the proposals was inadequate and there was no explanation for the delay in issuing them.

The Common Sanctions Guidance provides for a reprimand and a fine of £1,500 where there is a failure to comply with the principles of a SIP, the Insolvency Act and rules and regulations thereunder.

In mitigation, the Committee noted that Mr Simmonds accepted the allegation, the pre-pack pool was approached and a viability statement was obtained. The Committee did not find there had been any attempt to conceal or deliberately omit information.

The Investigation Committee decided to impose a disciplinary order that Mr Simmonds receive a Reprimand and a fine of £1,000.