

On 15 July 2011, Ms Afolabi appealed against the Tribunal's decision on findings and sanction. The appeal was allowed by Mr Justice Holman in part and the findings on allegation I and sanction were quashed and remitted to the Tribunal for rehearing, which took place on 12 January 2012. Afolabi v Solicitors Regulation Authority [2011] EWHC 2122 (Admin.)

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF AMINAT ADEDOYIN AFOLABI, Solicitor, [RESPONDENT 2]
(name redacted), Solicitor, AUGUSTINE JESSA OTAH, Solicitor, OLUDAYO
OGUNJEBE, Registered Foreign Lawyer (The Respondents)

Upon the application of Peter Cadman
on behalf of the Solicitors Regulation Authority

Mr. A. N. Spooner (in the chair)
Mr. R. Prigg
Mr. S. Howe

Date of Hearing: 17th and 18th June 2010

FINDINGS & DECISION

Appearances

Mr Peter Harland Cadman of Russell Cooke LLP, 8 Bedford Row, London WC1R 4BX for the Applicant.

Mrs Aminat Adedoyin Afolabi appeared in person and represented herself.

[RESPONDENT 2] and Olodayo Ogunjebe did not appear and were not represented.

Augustine Jessa Otah did not appear but was represented by Richard Miles of Counsel, but only in relation to his application to adjourn.

The application was dated 21st July 2008.

Allegations

The allegations against the first three Respondents, Aminat Adedoyin Afolabi,

[RESPONDENT 2] and Augustine Jessa Otah, in relation to Ann Francis & Company were that:

- A. The Respondents, [RESPONDENT 2], Augustine Jessa Otah and Aminat Adedoyin Afolabi provided misleading publicity with regard to the firm of Ann Francis & Co contrary to Rule 1 Solicitors Practice Rules 1990 and Section 1(a) of the Solicitors Publicity Code 2001 (and/or Rules 1 and 7 Solicitors Code of Conduct 2007).
- B. The firm of Ann Francis & Co was improperly described as a Solicitors partnership when it was in fact a business carried on by the First Respondent Mrs Afolabi as her business throughout and even before she was admitted to the Roll of Solicitors.
- C. The books of accounts of Ann Francis & Co were not properly written up contrary to Solicitors Accounts Rules.
- D. Client's funds were utilised for other clients.
- E. Monies were transferred from client account to office account other than permitted by the Solicitors Accounts Rules.
- F. The firm's Bank accounts were used where there was no underlying legal transactions.
- G. They failed to disclose relevant information to their lender clients.
- H. Client's funds were improperly transferred for the benefit of other clients.
- I. The First Respondent Mrs Aminat Adedoyin Afolabi gave evidence to an Employment Tribunal that the Employment Tribunal considered not to be honest.
- J. Clients' funds were used for the benefit of the first three Respondents.

The allegations against the Third and Fourth Respondents, Augustine Jessa Otah and Oludayo Ogunjebe in relation to Austin and Jedd were that:

- K. They failed to provide the firm's books of accounts for inspection.
- L. They failed to keep books of accounts properly written up.

By a Supplementary Statement dated 3rd December 2008, a further allegation against the Third and Fourth Respondents, Augustine Jessa Otah and Oludeyo Ogunjebe in relation to Austin and Jedd was that:

- M. They failed to comply with the directions of an Adjudicator made on 15th January 2008.

By a Second Supplementary Statement dated 6th February 2009, a further allegation against the Third Respondent, Augustine Jessa Otah, in relation to Austin and Jedd was that:

- N. He failed to comply promptly or at all with a professional undertaking.

Allegations C, D, E, F, G and H were all admitted by the Second Respondent, [RESPONDENT 2].

Augustine Jessa Otah's Application for an Adjournment

1. Mr Miles confirmed he had been instructed to deal only with the application for an adjournment on behalf of Mr Otah. Issues relating to the funding of Mr Otah's case had been raised at the hearing on 9th February 2010 when the Tribunal had been advised that Mr Otah's insurers, Quinn, had informed Mr Otah's solicitors that they would fund the matter providing Mr Otah used Quinn's own solicitors. However, Mr Otah wished to use his own solicitors and Quinn agreed they would fund some of the hearings, including Counsel's fees, and would allow Mr Otah's own solicitors to act. Subsequently Quinn went into administration and as a result had not paid any of Mr Otah's Counsel's fees and had not sent a contract to Mr Otah's solicitors. The understanding was that Quinn would honour existing claims but not new claims. As this was an existing matter, Mr Otah was advised to apply for an injunction to force Quinn to honour the agreement as he had a right to be funded for these proceedings.
2. Mr Miles requested the Tribunal to adjourn the hearing for as long as possible in order to allow the matter to be resolved, and indicated that it was likely an adjournment of at least four months would be necessary. He submitted there would be no prejudice in any further delay caused by the adjournment.
3. Mr Miles was unaware of the Tribunal's Practice Note dated 4th October 2002 relating to adjournments. He submitted that the Practice Note envisaged circumstances where a respondent through his own lack of finances could not afford representation. He submitted that it did not cover a situation where the respondent's own insurer was able to finance the proceedings but refused to do so. Mr Miles did not have any instructions as to why Mr Otah was not appearing before the Tribunal today.
4. The Applicant confirmed Mr Otah was not currently practising as a solicitor and therefore was not a risk to the public. However, he had not complied with any of the Tribunal's directions. He had not provided the Tribunal with any response to the Rule 5 Statement, despite having been ordered to do so on 1st December 2009 and 15th March 2010. It appeared Mr Otah had not issued any proceedings against Quinn to progress matters. The Applicant submitted that the public interest required misconduct matters to be dealt with promptly. The Applicant had arranged for a number of witnesses to attend the hearing today, a considerable amount of time had passed already and memories were fading.
5. The Applicant had been advised that morning that papers served on Mr Otah had been returned marked "gone away". The applicant requested the Tribunal should proceed in Mr Otah's absence. A letter had been sent to Mr Otah on 26th May 2010 to his address at 57 Oakland Rise, and he had replied to that letter on 28th May 2010, which indicated he had received it. Furthermore, it was clear Mr Otah was aware of today's proceedings as he had arranged for Mr Miles of Counsel to represent him on his application to adjourn. He had seen all the Forensic Investigation Reports as they were disclosed during the intervention proceedings and indeed, Mr Otah had been a party to the challenge against the intervention. The Applicant submitted Mr Otah had chosen not to attend today and the Tribunal should proceed in his absence.

6. The Applicant referred the Tribunal to a letter dated 1st June 2010 from Mr Otah's solicitors, Messrs Shuttari Paul & Co to the Applicant. This letter indicated they were instructed by Mr Otah, but that Mr Otah could not fund the matter on a private fee-paying basis and was dependent on cover being provided by Quinn. That letter stated Mr Otah was in the process of issuing proceedings against Quinn to enforce their agreement and requested an adjournment for these issues to be dealt with.

The Tribunal's Decision on Mr Otah's Application to Adjourn

7. The Tribunal had carefully considered the submissions of both parties and the documents provided. No formal application for an adjournment had been made by Mr Otah and there was no evidence before the Tribunal in accordance with the provisions of the Tribunal's Practice Direction on Adjournments dated 4th October 2002. Mr Otah had not attended before the Tribunal today, and he had not provided any statement indicating the full reasons why an adjournment was sought, or provided any documentary evidence in support. Furthermore, the Tribunal's Practice Note clearly stated that the inability of the Respondent for financial or other reasons to secure the services of a representative at the hearing were not generally regarded as providing justification for an adjournment.
8. The Rule 5 application had been issued in July 2008 and related to matters from 2006 to 2008. The Tribunal had taken into account Mr Otah's individual needs and had also considered the public interest for matters to be dealt with promptly. In the absence of any formal application supported by evidence Mr Otah's application to adjourn was rejected.
9. The Tribunal noted Mr Otah's solicitors, Shuttari Paul & Co had written to the Applicant on 1st June 2010 in relation to today's hearing. Furthermore, Mr Otah was represented by Mr Miles of Counsel today and accordingly, the Tribunal were satisfied that as there had been communication between the Applicant, and the Respondent and his solicitors, Mr Otah was aware of today's hearing and the matter should proceed in his absence.

Aminat Adedoyin Afolabi's Application for an Adjournment/Disclosure

10. Mrs Afolabi had written to the Applicant on 14th June 2010 requesting disclosure of a number of documents which had not been provided. She had been given that morning copies of some correspondence, but submitted there were a further two emails that she had given to Sarah Taylor, the Forensic Investigation Officer, which she required. Mrs Afolabi also submitted that communications between the SRA, the police and Russell Cooke LLP were all highly relevant to the case, and she required disclosure of those. Mrs Afolabi submitted the SRA were not part of the police, they were her regulatory body, and it was important that the Tribunal should see all communication between the SRA and the police. The SRA should not rely on the police but should conduct their own inspection.
11. Mrs Afolabi had also written to the Tribunal on 16th June 2010 requesting authority for her to appoint her own forensic accountant. She submitted that at the time the breaches of the Solicitors' Accounts Rules had taken place, she was not a solicitor and therefore should not be liable for those breaches. She submitted that at the date of the

intervention all the accounts were balanced.

12. The Applicant submitted that these matters had been raised very late in the day. He had received Mrs Afolabi's letter of 14th June 2010 and had produced the emails she requested. He would certainly ask Miss Taylor to try and locate the additional emails requested, although he reminded the Tribunal that those emails were Mrs Afolabi's own emails in any event.
13. In relation to the communication between the SRA and the police, Mrs Afolabi had advised the Applicant during discussions that the police officer concerned was of a view, and had passed those views to the police and the SRA. The Applicant submitted this was not relevant to proceedings today and that the Investigation Officers had carried out a proper investigation and relied upon their own evidence and documents. Furthermore, the Applicant reminded the Tribunal that any communication between the police and the SRA were intelligence documents. It was accepted that causationally there was a link between the SRA, the police and these proceedings, but there was no evidential link. There was also an issue of confidentiality and public interest to consider in that communications between the SRA and the police were not disclosable.
14. The Applicant submitted Mrs Afolabi did not need any authority from the Tribunal to instruct a forensic investigation accountant had she wished to do so. In any event, the authority's case was that she had control of the practice and on that basis the allegations had been brought against her.

The Tribunal's Decision on Mrs Afolabi's Application to Adjourn/Disclosure

15. The Tribunal had listened carefully to the submissions of both parties and considered the documents provided. So far as the communications between the SRA and the Metropolitan Police, and communications between Russell Cooke and the Metropolitan Police were concerned, the Tribunal did not accept those were relevant to the proceedings before the Tribunal. The allegations arose out of a stand-alone investigation by the SRA into the documents and people involved in the practice of Ann Francis & Co Solicitors. The Tribunal also took note of the confidential aspects of any communications outlined by the Applicant on behalf of the SRA.
16. In relation to the email communication referred to by Mrs Afolabi, the Tribunal were satisfied that these had been produced by the SRA. Necessary enquiries had been made and what existed had been produced to Mrs Afolabi. It was also relevant that certain documents that had been requested were Mrs Afolabi's own documents in any event.
17. In relation to Mrs Afolabi's request to appoint her own forensic accountant, the Rule 5 application had been in existence since 2008 and if Mrs Afolabi had wanted a forensic accountant's report, that application should and could have been made much earlier. For those reasons Mrs Afolabi's application for an adjournment/disclosure was refused.

Factual Background

18. In the absence of Mr Ogunjebe, the Tribunal were satisfied that he had been properly

- served by substituted service as ordered by the Tribunal on 12th February 2009.
19. The First Respondent, Mrs Aminat Adedoyin Afolabi, born in 1958, was admitted as a solicitor on 16th April 2007.
 20. The Second Respondent, [RESPONDENT 2], born in 1968, was admitted as a solicitor on 1st May 1996.
 21. The Third Respondent, Mr Augustine Jessa Otah, born in 1968, was admitted on 1st July 1999.
 22. The Fourth Respondent, Mr Oludayo Ogunjebe, was a registered foreign lawyer.

Ann Francis & Co

23. The firm of Ann Francis & Co (“the firm”), commenced on the 1st July 2005. The First Respondent Mrs Aminat Adedoyin Afolabi (“Mrs Afolabi”) was viewed by the Law Society’s Investigation Officer (“IO”) as the founder of the firm even though at the time of the IO’s inspection in March 2007 she was a trainee solicitor. She became a partner of the firm on the day that she qualified on 16th April 2007. The firm was intervened on 15th October 2007. That intervention was unsuccessfully challenged.
24. The Second Respondent [RESPONDENT 2] was held out as a partner of the practice. At the time of the IO’s inspection it was stated that he received no salary and profits. However, during the contested intervention proceedings it was stated that he received £650 per month. A letter dated 3rd January 2006 from “Ann Francis & Co” to him notified him of an increase in his salary due to his hard work and contribution. This letter was inconsistent with [RESPONDENT 2]’s alleged status as Senior Partner.
25. The Third Respondent Augustine Jessa Otah (“Mr Otah”) was held out as a partner in the practice from October 2006. However he did not attend the office, received no remuneration and no profits.
26. The information provided to the Law Society by Ann Francis & Co was as follows:

01/07/05	Ann Francis & Co set up. Partners were Mr Okeimnie Ohre-Emuobasa (Managing Partner) and Mr Stephen Kajo Baidoe-Ansah. Authorisation sought to take trainee solicitors.
14/07/05	Mr Ohre-Emuobasa resigns.
15/08/05	[RESPONDENT 2] joins the firm.
13/02/06	Mr Michael O Idowu became a registered foreign lawyer in the firm.
01/03/06	Mr Baidoe-Ansah ceased to be a partner in the firm. The letter to the Law Society dated 27/02/06 from Ann Francis & Co stated Mr Baidoe-Ansah’s “contract of employment with the firm” terminated on 28/02/06.
20/10/06	Mr Idowu left the firm.

- 23/10/06 Mr Otah became a partner at the firm.
- 16/04/07 Mrs Afolabi was admitted as a solicitor and immediately became a partner of the firm.

Allegations A and B

27. The firm's notepaper was misleading and contrary to Rule 1 Solicitors Practice Rules 1990 and Section 1(a) of the Solicitors Publicity Code 2001 (and/or Rules 1 and 7 Solicitors Code of Conduct 2007).
28. The firm of Ann Francis & Co was controlled by and run for the benefit of Mrs Afolabi even before she was admitted as a Solicitor. By way of example:
- (i) In evidence at contested intervention proceedings, [RESPONDENT 2] confirmed that he understood that Mrs Afolabi provided the money to get the business going including the cost of professional indemnity insurance and all costs incurred in establishing the firm's status with the Law Society.
 - (ii) Mrs Afolabi provided information to a security alarm company identifying herself as the only named key holder.
 - (iii) A former employee of the firm, Miss S, confirmed that she had been introduced to Mrs Afolabi in January 2006 and told by Mrs Afolabi that Ann Francis & Co was Mrs Afolabi's firm. Further, throughout her employment, it was made clear to Miss S that it was Mrs Afolabi's firm and "she was the boss".
 - (iv) When Mr Otah joined the practice, his introduction was through Mrs Afolabi who introduced Mr Otah as a partner in the practice of Ann Francis & Co to [RESPONDENT 2] at a time when [RESPONDENT 2], according to the Law Society records, would have been the sole remaining principal in the firm of Ann Francis & Co.

Allegations C, D and E

29. The books of account of the firm were not in compliance with the Solicitors Accounts Rules in the following particulars:
- (i) Ledgers were only being produced when a conveyancing transaction had been completed. No client ledger cards were being maintained in connection with immigration matters. The office account of client ledgers were incomplete as no bills of costs had been posted.
 - (ii) There was a minimum cash shortage on client account of £8,279.30 caused by debit balances on eleven client matters with the amounts varying from between £15 and £1,059. Inevitably therefore clients' funds were being used for the benefit of the wrong clients.
 - (iii) There were unallocated transfers from client account to office account. Three transfers from client account to office account in the sum of £250, £1,900 and

£2,929.50 totalling £5,079.50 had not been allocated to any individual client ledger.

Allegation F

30. The firm had involvement with Sunrise Global Organisation Limited (“Sunrise”). A director of the firm was Mr Afolabi, the husband of Mrs Afolabi. Sunrise was a client of the firm.
31. Mr Afolabi was a convicted criminal with a conviction for fraud offences. This information would have been known to Mrs Afolabi. Further, the firm was acting for Mr Afolabi in contested immigration proceedings where one of the grounds for attempting to remove Mr Afolabi from the country was on the basis of his previous convictions.
32. There was no evidence of money laundering checks in relation to Sunrise to confirm the activities of that company or the provenance of its funds.
33. On 15th December 2006 £25,000 was lodged in the firm’s client bank account. There was no legal work at that stage being undertaken on behalf of Sunrise to necessitate this receipt of funds. It was suggested to the IO this was to cover a shortfall in the conveyancing matter on behalf of a client called G. However, there were already sufficient funds on that client matter.
34. The client matter listing as at 31st December 2006, however, showed the firm was only holding £18,085.98 on behalf of Sunrise. A discrepancy of £6,914.02.
35. On 12th December 2005 £20,000 was received for the firm from Sunrise Global. On 15th December this was transferred for the client matter of JES. The firm suggested that the £20,000 was a loan to JES. However, there was no documentary evidence to support that. Further, there was a conflict of interest between Sunrise Global as lender and JES as borrower.

Allegation E, G, H and J

36. The firm acted in various conveyancing transactions with regard to a property at 25 D Road. The firm acted for Sunrise in the purchase of this property on 15th March 2006 at a purchase price of £123,000. The director of Sunrise was Mr A. The firm later acted for Mr A in his purchase of the same property on 22nd September 2006 from Sunrise at a purchase price of £195,000 (an increase in the price of £73,000). The firm also acted for the lender. Completion took place on 13th October 2006 but the property was not registered with HM Land Registry until 22nd February 2007.
37. On 12th February 2007 the firm acted for Mr K, Mrs Afolabi’s son, in the purchase of the same property for a price of £230,000 (a further increase in the purchase price of £35,000). Austin & Jed Solicitors, in whom Mr Otah was also a partner, acted for the seller Mr A. Mr K obtained a mortgage in this matter and the lender provided funds in the sum of £206,955 based on the purchase price of £230,000. The firm failed to inform the lender of the increase in the purchase price between October 2006 and February 2007. Further, the lender for whom the firm also acted was not informed that the property had only been registered 22 days prior to the date of completion

which took place on 16th March 2006.

38. The firm was instructed with regard to premises at 1A D Road. Initially the firm seemed to be acting for somebody by the name of Williams, who was sent a client care letter dated 29th March 2006. However, subsequently the firm was acting for a purchaser by the name of Philips, who faxed an authorisation dated 12th May 2006 to exchange contracts. The records showed that both Mr Williams and Mr Philips had given the same home address. The file contained inadequate information with regard to client identification. Contracts were exchanged on 15th May 2006 when the sum of £14,000 was also received from a third party.
39. The matter was being dealt with by Miss S. She informed the firm that she was unhappy about the client identity documents and wished to be relieved of conduct of the file. Despite the above, the firm continued to act.
40. The firm was also retained by the Nationwide Building Society in this matter who had agreed to lend £132,976 on this purchase. The firm did not disclose to the lender the matters of concern on this file. Further, the firm failed to inform the Building Society that the purchaser had not provided the balance of the purchase funds.
41. The firm acted for KD Ltd in transactions with regard to 42 M Road, which was a property converted into six flats which were sold between 16th March and 28 April 2006. The ledger showed that on 17th March 2006 the sum of £6,485 was transferred to office account. There was no reason within the Solicitors Accounts Rules for the transfer of this sum. The completion statement showed that £1,962.36 should have been returned to the client. This was not returned to the client but transferred from client account to office account.
42. There were also overpayments on this matter creating a debit on client account in the sum of £837.61. On 31st August 2006 the client ledger received three credit transfers from other clients of the firm. Those transfers should not have taken place and there was no reason for those sums being credited to this ledger.

Allegation I

43. The firm was involved in an Employment Tribunal matter as a result of a claim brought against them by a former solicitor (struck off) by the name of G O. During an application before the Employment Tribunal Mrs Afolabi gave evidence. The Chairman of the Employment Tribunal found that the evidence of Ms Afolabi was not considered to be honest.

Allegation K and L

44. Mr Otah and Mr Ogunjebe were partners in the firm of Austin & Jed of 6 Marble House, Grosvenor Terrace, London SE5. The Law Society commenced an inspection of the books of accounts of that practice on 18th October 2007. Despite repeated requests, the books of accounts were never provided to the IO. A further inspection of the books of accounts commenced on 13th November 2007. Again no books of accounts were provided to The Law Society. Austin & Jed were intervened on 12th November 2007.

Allegation M

45. LJE Ltd lodged a complaint against the Respondents in relation to professional services provided. These were referred to an Adjudicator on 15th January 2008 who directed:

“5.1 I therefore direct Austin & Jed to pay to [LJE Ltd] the sum of £7,057.81 made up as to £1,000 general compensation and £5,572.84 compensation in respect of the administrative charge and professional indemnity contribution of £502.97 in lieu of payment of interest.

5.2 I further direct that Austin & Jed limit their fees charged in respect of Plot [X] to the sum of £600 plus VAT, a reduction of £200 plus VAT, and that they refund to [LJE Ltd] the sum of £200 plus VAT.”

46. On the same day the Adjudicator directed Austin & Jed to pay to the Legal Complaints Services the fixed cost in the sum of £840 in connection with the investigation and adjudication.

Allegation N

47. On 26th October 2007 by letter Mr Otah gave a professional undertaking to A & Co, Solicitors, in the following terms:

“We undertake to pay and forward the receipt to you the sum of £3,686.47 being the current outstanding service charge arrears”.

The Third Respondent failed to comply with this.

48. The Tribunal reviewed all the documents submitted by the Applicant which included:
- (i) Rule 5 Statement, together with all Exhibits;
 - (ii) Supplementary Statement dated 3rd December 2008, together with all Exhibits;
 - (iii) Second Supplementary Statement dated 6th February 2009, together with all Exhibits;
 - (iv) Applicant’s opening note dated 14th June 2010;
 - (v) Witness statement of Stephen Wallbank dated 27th May 2010;
 - (vi) Witness statement of Andrew Beconsall dated 1st June 2010;
 - (vii) Applicant’s Schedule of Costs;
 - (viii) Witness statement of Sarah Taylor dated 27th May 2010;
 - (ix) Witness statement of Adam Howells dated 27th May 2010;
 - (x) Applicants bundle of documents containing the witness statements of

[RESPONDENT 2] dated 22nd October 2007, 25th October 2007 and 15th November 2007, witness statements undated of Mrs Afolabi, witness statement of Mr Otah dated 17th October 2007 and a number of other documents.

49. The Tribunal reviewed all the documents submitted by the Respondents which included;
- (i) Witness statement of Aminat Adedoyin Afolabi provided to the Tribunal on 17th June 2010;
 - (ii) Witness statement of [RESPONDENT 2] dated 23rd May 2009;
 - (iii) Letter dated 15th June 2010 from [RESPONDENT 2] to the Tribunal;
 - (iv) Email dated 6th February 2007 from Pina Silvio to Mrs Afolabi;
 - (v) Email dated 7th February 2007 from Mrs Afolabi to Pina Silvio;
 - (vi) Letter from Mrs Afolabi to Mrs Selina Kardam provided by Mrs Afolabi on 17th June 2010;

Witnesses

50. The following persons gave oral evidence:
- (i) Sarah Jane Taylor (Forensic Investigation Officer with SRA);
 - (ii) Stephen John Wallbank (Senior Forensic Investigation Officer with SRA);
 - (iii) Adam Howells (Investigation Officer with SRA);
 - (iv) Andrew Stephen Beconsall (Forensic Investigation Officer with SRA);
 - (v) Aminat Adedoyin Afolabi, the First Respondent.

Mrs Afolabi's Application for a Finding of No Case to Answer

51. After the Applicant had presented his case and Mrs Afolabi had given her evidence, she submitted an application of no case to answer on the basis that the Applicant had not made out his case and the case should be dismissed. She stated that most of the allegations made against her related to the time before she qualified as a solicitor, and that she could not be held liable for those breaches when she was only a trainee solicitor/practice manager of the firm. Mrs Afolabi submitted Ann Francis & Co was run according to the regulations. She referred the Tribunal to the cases of Ammarah Nisa Ali and Mohammed Shabir [9339-2005], and Alan Jonathan Saunders and Zahir Ahmed Aziz [9032-2004]. She submitted in both cases the Tribunal had found that unadmitted staff could not be held responsible for breaches of the Code. Mrs Afolabi also referred the Tribunal to the case of Re A Solicitor (Mr Ofosuhene) QBW CO/2860/96 [1997]. Mrs Afolabi submitted that under the previous code of conduct the Tribunal did not have jurisdiction over non-admitted staff.

52. The Applicant opposed Mrs Afolabi's application and reminded the Tribunal that they had always had jurisdiction over unadmitted staff by virtue of Section 43 of the Solicitors Act 1974. Furthermore, the case of *Re A Solicitor* made it clear the Tribunal did have jurisdiction over solicitors who were not solicitors at the time of the conduct.

The Tribunal's Decision on Mrs Afolabi's Application of No Case to Answer

53. The Tribunal had already heard all the evidence of the Applicant, had also heard evidence from Mrs Afolabi, and there had been cross-examination of witnesses. The Tribunal was satisfied that there was a case to answer by Mrs Afolabi. The Tribunal had considered the cases referred to them by Mrs Afolabi. In case of *Ali and Shabir (9339-2005)*, Ms Ali had submitted she had no case to answer as she had no vicarious responsibility for the actions of her partner. However, in that case, Ms Ali was a solicitor and a partner of the practice and the Tribunal had taken the view that she was able to rely on her partner to deal properly with management and recruitment.
54. The Tribunal had also considered the case of *Saunders and Aziz [9032-2004]*. Again, in that case, the Tribunal had accepted a partner was not responsible for the supervision of another partner and, that a partner was entitled to trust a partner. Both cases were different on their facts when compared to the case before the Tribunal today, as Ms Afolabi was not herself a partner in the practice at the time of the conduct complained of.
55. Finally, the Tribunal considered the case of *Re A Solicitor (Ofosuhen)*. In that case, Lord Justice Rose stated:
- “...if, in the past, one who is now a solicitor has behaved in a way which is incompatible with such standards, it is, and should be, open to the Tribunal to say so and to control the circumstances in which, if at all, he or she should continue to practice in the future. It is entirely consonant with this purpose, that the Tribunal should exercise jurisdiction over one who is a solicitor by reference to past behaviour, whatever his or her status at the time of that behaviour.”
56. The Tribunal would normally have expected a submission of no case to answer to be made at the end of the Applicant's evidence. However, the Tribunal were satisfied in any event that, having heard the parties, there was a case to answer and Mrs Afolabi's application was therefore rejected.

Findings as to Fact and Law

57. The Tribunal had carefully considered the evidence, the submissions of all parties and all of the documents provided. This was a complex case where the underlying facts took place between 2005 and 2007. So far as Mrs Afolabi, [RESPONDENT 2] and Mr Otah were concerned, allegations A to J related to the firm of Ann Francis & Co Solicitors. So far as these allegations were concerned, the Tribunal considered the documents filed by the SRA relating to those matters. The Tribunal also heard evidence from Sarah Taylor, the Forensic Investigation Officer who investigated this matter, and Mr Wallbank who accompanied Mrs Taylor when Mrs Afolabi and

[RESPONDENT 2] were interviewed on 9th May 2008. The Tribunal had also heard evidence from Stephen John Wallbank, Adam Howells and Andrew Stephen Becconsall who were all Forensic Investigation Officers with the SRA.

58. The Tribunal heard the evidence of Mrs Afolabi and had a witness statement from [RESPONDENT 2] dated 23rd April 2009. Mrs Afolabi denied all the allegations A to J. [RESPONDENT 2] admitted allegations C, D, E, F, G and H, but denied allegations A, B and J. Mr Otah had not filed any evidence or made clear his points despite being ordered to do so by the Tribunal on 8th October 2009. Accordingly, the Tribunal proceeded on the basis that he denied the allegations against him.
59. The allegations effectively broke down into three main areas:
 - Allegations A and B concerned the structure of the practice;
 - Allegations C, D, E, F, G, H and J related to accounting matters;
 - Allegation I concerned evidence given by Mrs Afolabi at an Employment Tribunal on 2nd February 2007 where that Tribunal considered her evidence before that Tribunal not to be honest.
60. So far as allegations A and B were concerned, and which related to Mrs Afolabi, [RESPONDENT 2] and Mr Otah, the Applicant in his opening note dated 14th June 2010 outlined the case and made detailed reference to the points that the Applicant relied upon to support his contention that Ann Francis & Co Solicitors was under the control of Mrs Afolabi. The Tribunal had heard evidence from Ms Taylor, and Mr Wallbank for the SRA. Mrs Taylor was questioned by Mrs Afolabi. The Tribunal also heard detailed evidence from Mrs Afolabi and her comments on the points outlined in the opening note from the Applicant.
61. Put simply, Mrs Afolabi denied that she, [RESPONDENT 2] and Mr Otah provided misleading publicity concerning the firm of Ann Francis & Co Solicitors, or that it was her business even before she became a partner on admission to the Roll on 16th April 2007.
62. The Tribunal, having heard evidence from Mrs Afolabi, found her to be an unreliable witness and did not accept her explanation as to how the practice was run, and that she had no control over it. The Tribunal found that she did start the practice, and that it was under her control, and that she did this even before she was admitted as a solicitor. Mrs Afolabi was more than just the Practice Manager, she was making all the main decisions of the firm, and was in a different position to [RESPONDENT 2]. She made the decisions, for example she appointed Mr Otah as a partner, and only told [RESPONDENT 2] about this afterwards. Mr Otah was appointed as a partner on 23rd October 2006, but did not meet [RESPONDENT 2] until August 2007. This was at a time when [RESPONDENT 2] was apparently the only partner of the practice, and therefore a sole practitioner.
63. The evidence of the Applicant that Mrs Afolabi was running the firm was, in the Tribunal's view, overwhelming, and the Tribunal noted in particular the following matters:

- (a) [RESPONDENT 2] confirmed in his evidence before the High Court that he first met Mr Otah in 2007. Given that [RESPONDENT 2] was a sole practitioner from March 2006 until 23rd October 2006 when Mr Otah became a partner, it was surprising he did not meet Mr Otah until 2007.
 - (b) [RESPONDENT 2] told Ms Taylor that he was a salaried partner, he had no part in the firm, he was not paid a salary, and he never came to the firm. He also told her that he came to the firm as a partner in order to gain panel status for lenders.
 - (c) [RESPONDENT 2] also told Ms Taylor that Mr Otah played no role in the running of the firm, he had no conduct of any files, he did not come to the office, and that it was good to have two partners because “it assists in conveyancing matters...”.
 - (d) Mrs Afolabi in her evidence before the Tribunal accepted on cross-examination that she and Mr Otah had agreed he would become a partner before Mr Otah met [RESPONDENT 2]. She said she acted as agent of Mr Baidoe - Ansah who was a “silent partner”.
 - (e) Mrs Afolabi also agreed on cross-examination that Mr Otah never participated in the practice after he became a partner.
 - (f) [RESPONDENT 2], in his evidence on oath in the High Court stated he understood Mrs Afolabi had raised the finance to set up the practice. She had put the money in to get the business going.
 - (g) Ms Taylor stated she never met Mr Otah during the investigation in March 2007.
 - (h) Mrs Afolabi in her evidence before the Tribunal stated “I started Ann Francis as Practice Manager” and “any profit was shared between [RESPONDENT 2], Mr Steve Baidoe and me”. Mrs Afolabi also stated to Sarah Taylor during the Forensic Investigation interview that “I started the firm”, and she also stated in her evidence before the Tribunal “I was doing all the preparatory work from June”.
 - (i) Mrs Afolabi in her evidence before the Tribunal confirmed she invited Mr Otah to the partnership.
 - (j) Mrs Afolabi stated in her evidence that Mr Baidoe Ansah was a silent partner and that he was in lots of firms he funded. She claimed he was a silent partner after he left the firm in March 2006 and that he appointed her as a partner, even though she accepted his name was not on the notepaper.
64. It was clear to the Tribunal that this was effectively a sham partnership, and one of the main reasons for it operating in this way was to gain lender panel status. Having heard the evidence and considered the documents, the Tribunal found allegations A and B to be proved against Mrs Afolabi, [RESPONDENT 2] and Mr Otah.

65. So far as the financial and conveyancing allegations were concerned, these were allegations C, D, E, F, G and H, these were all admitted by [RESPONDENT 2] in his statement dated 22nd October 2007, and his further statement dated 23rd April 2009. Accordingly the Tribunal found these allegations proved against [RESPONDENT 2].
66. In relation to Mrs Afolabi, she denied allegations C, D, E, F, G, H on the basis that the conduct complained of took place before she became a solicitor, and that she could not be held responsible for breaches of the Solicitors' Accounts Rules 1998 as she had not been a partner in the practice. She was only a trainee solicitor when the breaches took place. Her evidence was that the breaches were committed by [RESPONDENT 2] and that she was not responsible.
67. The Tribunal considered the Solicitors' Accounts Rules 1998 and in particular Rule 4 which related to persons governed by the rules. The Tribunal also looked at the Forensic Investigation Report in detail and found that all these allegations related to transactions that arose before Mrs Afolabi became a solicitor on 16th April 2007. As she was a trainee solicitor prior to 16th April 2007, Rule 4 made it clear that she was not covered by those Accounts Rules. Accordingly, the Tribunal found that allegations C, D, E, F, G and H were not proved against Mrs Afolabi.
68. So far as Mr Otah was concerned, the Tribunal found that as he became a partner of the practice on 23rd October 2006, a number of the allegations were proved against him as he was a partner when many of the transactions took place.
69. Allegation C. The reconciliation statement dated 28th February 2007 showed the books of account of Ann Francis & Co were not properly written up as there were incomplete conveyancing ledgers, there were no client ledgers on immigration matters and no bills of costs had been posted on the office account of client ledgers. The Tribunal found this allegation proved against Mr Otah.
70. Allegation D. The reconciliation statement of 28th February 2007 confirmed there was a minimum cash shortage of £8,279.30 caused by debit balances on 11 client matters which inevitably meant client funds were being used for the benefit of the wrong clients, and as such this allegation was found to be proved.
71. Allegation E. The Tribunal found this allegation was not proved against Mr Otah. He became a partner on 23rd October 2006. On 17th March 2006 the sum of £6,485 was transferred from client to office account when there was no reason for that transfer to take place. However, these transfers happened before Mr Otah became a partner, and accordingly the Tribunal found this allegation was not proved.
72. Allegation F. On 15th December 2006, £25,000 was lodged in client account by Sunrise when no legal work was being carried out for that client. That money was not utilised until March 2006. Accordingly, the Tribunal found this allegation was proved against Mr Otah.
73. Allegation G. The firm acted for Sunrise on the purchase of a property at 25 D Road on 15th March 2006, and again acted on the sale of that property from Sunrise to Mrs Afolabi's son in February 2007. The firm failed to inform the lenders involved of the increases in the purchase price from October 2006 to February 2007 and also failed to inform the lender that the property had only been registered for 22 days prior to completion of the second transaction. Furthermore, in relation to the transaction of

1A D Road, the firm failed to disclose to the lender that the purchaser had not provided the balance of the purchase funds, or that there were other matters of concern on that particular file. Accordingly, the Tribunal found that allegation was proved against Mr Otah.

74. Allegation H. On 31st August 2006 there were three credit transfers into the client ledger from other clients of the firm. Those transfers should not have taken place. However, at the time of this allegation Mr Otah was not a partner so the Tribunal found the allegation not proved. (See also paragraph 87 below)
75. Allegation J. This allegation was denied by all three Respondents. The allegation was that client funds had been used for the benefit of the first three Respondents. [RESPONDENT 2] became a partner of the practice on 15th August 2005. On 17th March 2006, £6,485 was transferred from K D Ltd client account to office account for no reason. This was prior to Mr Otah and Mrs Afolabi becoming partners of the practice. As there was no reason within the Solicitors' Accounts Rules 1998 for the transfer of this sum, it was inevitable [RESPONDENT 2], as the only partner in the practice at that time, used it for his benefit. Accordingly, the Tribunal found this allegation proved against [RESPONDENT 2] but not proved against Mrs Afolabi or Mr Otah.
76. Turning to Allegation I, this allegation was against Mrs Afolabi only, and the Applicant relied on the finding of the Chairman of the Employment Tribunal in a judgment dated 2nd February 2007, where he stated in relation to Mrs Afolabi's evidence:
- “So for all these matters and especially as I consider the Respondent's witness was not honest in her evidence before the Tribunal, I decline to review the default judgment.
- I am saddened to so conclude in relation to Ms Afolabi's conduct especially as I note from the papers she is a trainee solicitor.”
77. Mrs Afolabi's explanation was that this was the first employment tribunal she had attended. She claimed not to know the difference between ACAS and the Tribunal, and had thought that two calls from ACAS were from the Tribunal. However, she claimed to have been told by Ms Silvio to say that the Tribunal had contacted them, and she gave evidence to this effect. She said “it was a mistaken belief”, and that the Tribunal Chair had said she was mistaking ACAS for the Tribunal. However, despite knowing that this evidence was wrong, Mrs Afolabi did not correct it, either at the hearing when this was pointed out to her, or indeed afterwards. She claimed in evidence that she discussed the matter with [RESPONDENT 2] who told her to forget it. The Tribunal had already indicated that it found Mrs Afolabi to be an unreliable witness. She said in evidence that before entering the legal profession she had held a senior position in a bank. At the time she gave evidence to the Employment Tribunal she had significant business experience. She knew that the evidence that she had given to the Employment Tribunal was wrong, even while she was giving that evidence, yet had not sought to correct it. The Tribunal accepted the Chairman of the Employment Tribunal's conclusion that Mrs Afolabi was not honest in her evidence before the Tribunal. The Tribunal was satisfied that reasonable and honest people would consider that conduct to be dishonest. Furthermore the Tribunal were satisfied that Mrs Afolabi herself realised that her conduct was dishonest. Accordingly, the

Tribunal found Allegation I to be proved.

78. Allegations K, L and M related to the practice of Austin & Jedd Solicitors, and concerned Mr Otah and Mr Ogunjebe. The Tribunal had heard evidence from Mr Adam Howells of the SRA who confirmed the contents of his Report dated 31st October 2007 were accurate. Mr Otah and Mr Ogunjebe filed no evidence in rebuttal, and accordingly the Tribunal accepted Mr Howells' evidence and found allegations K and L to be proved.
79. Concerning allegation M, the Tribunal were satisfied that Mr Otah and Mr Ogunjebe had failed to comply with the directions of an adjudicator made on 15th January 2008. There was no evidence or explanation from either Mr Otah or Mr Ogunjebe and it appeared that the award was still outstanding. Accordingly, the Tribunal found allegation M proved against Mr Otah and Mr Ogunjebe.
80. Lastly, concerning allegation N, this was against Mr Otah only, and related to his failure to comply promptly or at all with a professional undertaking. Having read the documents concerning this allegation, and having received no evidence or explanation in rebuttal from Mr Otah, the Tribunal noted the undertaking was still outstanding and had not been paid, and accordingly found allegation M to be proved against Mr Otah.

Mitigation of Mrs Afolabi

81. Mrs Afolabi accepted fully the Tribunal's findings but submitted the partnership was not a sham. She was desperate for a training contract, and if she knew then what she knew now, she would have done things differently. She was really sorry. In relation to allegation I, concerning the Employment Tribunal, she said she had relied on [RESPONDENT 2], who she said was an experienced litigator, and accepted she should have corrected her evidence but did not do so. Despite the findings of the Chairman of the Employment Tribunal, Mrs Afolabi denied she was dishonest.
82. She was currently working for a firm of solicitors as an assistant in employment law, and provided the Tribunal with her personal background. Ann Francis & Co had been a successful firm in Brixton, there had been no complaints from clients, or problems, and they had been providing valuable legal training to trainees. Mrs Afolabi submitted that although the structure of the firm was defective, there had been no ulterior motive to harm the public or clients.

Costs Application

83. The Applicant provided the Tribunal with a schedule of costs in the total sum of £62,828.06. The costs had been broken down between Ann Francis & Co and Austin & Jedd, and the Tribunal were reminded that [RESPONDENT 2] had made some admissions reasonably early in the proceedings. The Tribunal were asked to assess the costs today, although it was confirmed that the schedule had only been provided to Mrs Afolabi. The other Respondents had not seen it. The Applicant requested the Tribunal apportion the costs between the Respondents and make an Order for an interim payment to be made.
84. Mrs Afolabi indicated she could pay £250 per month, and reminded the Tribunal that all the monies of the firm had been taken by the SRA when the firm was intervened.

She had children and mortgages, and creditors, and could not afford extra costs.

Previous Disciplinary Sanctions Before the Tribunal

85. None.

Sanction and Reasons

86. The Tribunal had considered the submissions of the parties, and all the documentary evidence before it.

Augustine Jessa Otah

87. When considering the Tribunal's written findings, it came to the Tribunal's attention that Mr Otah was not in fact a partner at the time when the matters set out in paragraph 42 arose, and the Tribunal's findings in respect of allegation H were incorrect. The Tribunal had found this allegation was proved against Mr Otah. The Tribunal should have found this allegation not proved. This finding does not affect the sanction that the Tribunal imposed against Mr Otah at the end of the hearing and the Tribunal hereby confirms that the sanction that it imposed remains the proper sanction.

88. Having clarified this point, Mr Otah had shown a complete disregard of the Authority's regulatory powers over him, and the Tribunal found a significant number of breaches to have been proved against him. He had allowed himself to be held out as a partner when it was quite clear that he played no role in the running of the firm, he had no conduct of any files, and did not attend the office. He had effectively allowed a sham partnership to take place, and the Tribunal took a very dim view of such behaviour.

89. By failing to provide the books of accounts for Austin & Jedd, it was not known what the position of the client account was, and whether any clients had suffered or were at risk. This was not acceptable behaviour, and prevented the Authority from carrying out its regulatory function in ensuring the proper protection of clients. Accordingly, the Tribunal were of the view that the appropriate sanction was an indefinite suspension. Furthermore, the Tribunal would not consider lifting that suspension until Mr Otah:

- (a) complied with the directions of the Adjudicator made on 15th January 2008;
- (b) complied with the professional undertaking given to A & Co Solicitors on 26th October 2007;
- (c) produced the books of account for Austin & Jedd and showed that these had been properly written up;
- (d) demonstrated that he had received appropriate training in the Solicitors' Accounts Rules 1998.

Oludeyo Ogunjebe

90. Mr Ogunjebe had also failed to provide the firm's books of accounts for Austin &

Jedd, and he had also failed to comply with the Directions of an Adjudicator made on 15th January 2008. His failure to provide the books of accounts prevented the Authority from carrying out its regulatory function and, again, it was not known whether client funds were at risk. He had also failed to comply with the directions of an Adjudicator, as a result of which clients had suffered. The Tribunal Ordered that he should be indefinitely suspended, and that the suspension would only be lifted if Mr Ogunjebe:

- (a) complied with the Directions of the Adjudicator made on 15th January 2008;
- (b) produced the books of account for Austin & Jedd, and showed they had been properly written up;
- (c) demonstrated he had received appropriate training in the Solicitors' Accounts Rules 1998.

[RESPONDENT 2]

91. [RESPONDENT 2] had allowed himself to be held out as a partner of a practice, and had admitted to the FI Officer that he was a salaried partner, but played no part in the firm, did not receive a salary, and never came to the firm. By allowing himself to be held out as a partner of the practice, the firm had been able to gain panel status for lenders, and the public had been misled as to the true nature of the firm. There had been a number of Accounts Rules breaches, although the Tribunal noted these had been accepted fairly early in the proceedings, and gave [RESPONDENT 2] credit for his early admissions. However, his conduct had brought the profession into disrepute and clients had suffered as a result. The Tribunal noted this was his first appearance before the Tribunal. The Tribunal considered the appropriate sanction was a fine of £10,000.

Aminat Adedoyin Afolabi

92. Allegations A, B and I had been proved against Mrs Afolabi. Allegations A and B related to the sham partnership, and effectively, the Tribunal had found that Mrs Afolabi was carrying on a business as a solicitor's practice before she was admitted to the Roll of Solicitors. Although [RESPONDENT 2] and Otah were held out as partners, they played a subordinate role to Mrs Afolabi in the firm. It was clear to the Tribunal that this was Mrs Afolabi's practice. She had raised the finance to set up the practice, she had appointed the partners, she signed office and client cheques, and she controlled the firm of Ann Francis & Co when she had not been admitted as a solicitor. It was also clear to the Tribunal that whilst Mr Baidoe-Ansah had been a partner in the practice up to 28th February 2006, thereafter he was, in Mrs Afolabi's words, a "silent partner". She also confirmed "he was in lots of firms he funded". Solicitors' practices which were operated in such a manner were completely unacceptable and the Tribunal had no doubt that clients were at risk where such arrangements were in place, and there was not a suitably qualified solicitor supervising the practice properly. Whilst the Tribunal had found the breaches of the Solicitors' Accounts Rules 1998 were not proved against Mrs Afolabi, this was simply on the basis that she could not be held responsible for them as a trainee solicitor. However, it was clear to the Tribunal that such breaches had been allowed to take place as a result of the fact that the business was being run by a person who

was not a qualified solicitor, and as a result of the sham partnership arrangements that were in place.

93. The Tribunal had found Mrs Afolabi's evidence to be unreliable, inconsistent, and was of the view that she gave whatever answer she thought suited her cause. As an example, during the interview with Ms Taylor on 30th May 2007, Mrs Afolabi stated: "I started the firm", but yet in her evidence before the Tribunal she claimed she was the one who did the administration of the firm.
94. Furthermore, allegation I was the most serious allegation against Mrs Afolabi, and it had been found that her evidence before an Employment Tribunal had been considered by the Chairman of that Employment Tribunal as not to be honest. This Tribunal accepted the Finding of the Chairman of the Employment Tribunal, and whilst Mrs Afolabi had submitted it was a mistaken belief, and that she did not correct it as she was shocked, she had also confirmed in her evidence that she was a mature woman with much business experience and indeed, confirmed she had been a Managing Director of a bank at the age of 32 years old, and had always been in positions of responsibility. The Tribunal did not accept that an honest person, given her experience and maturity, would not have corrected the position on realising her evidence was wrong.
95. The Tribunal were mindful of the case of *Bolton v The Law Society* [1994] CA, and particularly the guidance provided by Sir Thomas Bingham MR, who stated:
- "It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness.....
- Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal....."
96. The Tribunal were also mindful of the case of *Re A Solicitor (Ofosuhene)*, where Lord Justice Rose had made it clear that if, in the past, one who was now a solicitor had behaved in a way which was incompatible with the standards laid out in *Bolton v The Law Society*, then it was open to the Tribunal to say so and to control the circumstances in which such a solicitor should continue to practice in the future, if at all. The Tribunal should exercise jurisdiction over one who was a solicitor, by reference to past behaviour, whatever his or her status at the time of that behaviour.
97. Having taken all the circumstances into account, the Tribunal were of the view that Mrs Afolabi's conduct had caused serious damage to the profession and that she was not fit to be a solicitor. Accordingly, the Tribunal ordered she be removed from the Roll of Solicitors.

Decision as to Costs

98. On the question of costs, given the substantial amount claimed by the Applicant, the Tribunal Ordered that the costs be subject to detailed assessment, if not agreed. The Tribunal were not prepared to make any Order for an interim payment of costs.

99. In relation to apportionment, the Tribunal Ordered that the costs incurred in relation to allegations A to J and relating to the practice of Ann Francis & Co be apportioned as to one-third be payable by Mrs Afolabi, one-third payable by [RESPONDENT 2], and one-third payable by Mr Otah to include the costs of investigation and these proceedings, such liability to be payable severally.
100. Concerning the costs in respect of allegations K, L, M and N, these were to be paid equally by Mr Otah and Mr Ogunjebe such liability to be several.
101. The Tribunal did consider the cases of William Arthur Merrick v The Law Society [2007] EWHC 2997 (Admin) and the case of Frank Emilian D'Souza v The Law Society [2009] EWHC 2193 (Admin) in relation to the Respondents' means and ability to pay the costs. However, none of the Respondents had provided the Tribunal with a schedule of their income, expenditure, capital, assets, debts or liabilities, and in the absence of these, the Tribunal Ordered that the costs were payable as apportioned.

Mrs Afolabi's Application for a Stay

102. Mrs Afolabi requested a stay of the Order and indicated she wished to appeal the decision of the Tribunal. She wanted to be able to continue practising, and reminded the Tribunal that this conduct had taken place in 2007, she had been practising since then, there had been no complaints made against her, and she had not been a threat to the public.
103. The Applicant opposed Mrs Afolabi's application for a stay. The Tribunal had made serious findings against Mrs Afolabi and the public needed to be protected. There were other matters that were pending which he had not mentioned during these proceedings which were highly relevant.

The Tribunal's Decision on Mrs Afolabi's Application for a Stay

104. The Tribunal had considered the application for a stay made by Mrs Afolabi. However, they had given a final decision and had been provided with no reason to stay the Order for her to be removed from the Roll of Solicitors. The reputation of the profession had to be protected and was more important than the individual fortunes of a solicitor. The Tribunal had found proved serious regulatory breaches relating to Mrs Afolabi, and was not prepared to grant her application. Accordingly, her application for a stay was refused.
105. The Tribunal ORDERED that the respondent, AMINAT ADEDOYIN AFOLABI of 102 Downton Avenue, London, SW2 3TS, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment if not agreed, to include the costs of the investigation and proceedings. Aminat Adedoyin Afolabi is to pay one third of the costs relating to allegations A to J.
106. The Tribunal ORDERED that the respondent, [RESPONDENT 2] of London, W13, solicitor, do pay a fine of £10,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment if not agreed, to include

the costs of the investigation and proceedings. [RESPONDENT 2] is to pay one third of the costs relating to allegations A to J.

107. The Tribunal ORDERED that the respondent, AUGUSTINE JESSA OTAH of c/o 6 Marble House, Grosvenor Terrace, London, SE5 0DD, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 18th day of June 2010 and it further Ordered that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment if not agreed, to include the costs of the investigation and proceedings. Augustine Jessa Otah is to pay one third of the costs relating to allegations A to J and half the costs relating to allegations K to N.
108. The Tribunal ORDERED that the respondent, OLUDAYO OGUNJEBE of 28 Maxim Apartments, Wheeler Place, Bromley, Kent, BR2 9EZ, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 18th day of June 2010 and it further Ordered that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment if not agreed, to include the costs of the investigation and proceedings. Oludayo Ogunjebe is to pay half of the costs relating to allegations K to N.

Dated this 14th day of September 2010
On behalf of the Tribunal

A. N. Spooner
Chairman