

IN THE MATTER OF PETER JOHN HARDMAN  
(NOW CALLED SARAH PETA JOAN HARDMAN), solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr K W Duncan (in the chair)  
Mr J R C Clitheroe  
Lady Bonham Carter

Date of Hearing: 6th August 2009

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## **FINDINGS**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Solicitors Regulation Authority (“SRA”) by Ian Newton Jones a solicitor employed by the SRA on 17<sup>th</sup> December 2008 that Peter John Hardman (now called Sarah Peta Joan Hardman) might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations against the Respondent were that:-

1. He failed to deliver his firm’s accountant's reports for the periods ending 6<sup>th</sup> October 2006 and 6<sup>th</sup> October 2007 in breach of Section 34 of the Solicitors Act 1974.
2. He failed to respond to correspondence from the SRA in breach of Rule 20.03 (1) of the Solicitors Code of Conduct 2007.

The application was heard at the Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 6<sup>th</sup> August 2009 when Ian Newton Jones appeared for the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a Rule 5 Statement dated 17<sup>th</sup> December 2008 and the admissions of the Respondent.

**At the conclusion of the hearing the Tribunal made the following Order:-**

The Tribunal Orders that the Respondent, Peter John Hardman (now called Sarah Peta Joan Hardman), solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 6<sup>th</sup> day of August 2009.

**The facts are set out in paragraphs 1-9 hereunder:-**

1. The Respondent, born in 1953, was admitted as a solicitor in December 1979 and his remained on the Roll of Solicitors. The Respondent was the sole principal of Peter John Hardman until its cessation on 31<sup>st</sup> October 2007.
2. On 13<sup>th</sup> December 2007 the Law Society terminated the Respondent's practising certificate following his failure to renew it. On 10<sup>th</sup> July 2008 an Adjudicator's decision as to the outstanding accountant's reports was sent to the Respondent. The Adjudicator's decision was that the Respondent should deliver the outstanding accountant's reports for the two years ending on 6<sup>th</sup> October 2006 and 2007 respectively within 2 months, failing which he was to be referred to the Tribunal. The Respondent did not respond to a letter dated 28<sup>th</sup> August 2008 from the SRA asking him to confirm within 7 days what steps he had taken or intended to take to comply with the Adjudicator's decision. On 10<sup>th</sup> September 2008 a "failure to reply" letter was sent to the Respondent requiring a response by 19<sup>th</sup> September 2008.
3. On 19<sup>th</sup> September 2008 the Respondent replied stating that after abortive attempts he had arranged with his accountant to carry out the work on 30<sup>th</sup> September 2008.
4. In a letter from the SRA dated 22<sup>nd</sup> September 2008 the Respondent was requested to respond within 14 days confirming when the accountant's reports were expected to be delivered, together with evidence of whether he continued to hold client money. On 8<sup>th</sup> October 2008 a "failure to reply" letter was sent to the Respondent requiring a response within 7 days.
5. By email dated 17<sup>th</sup> October 2008 the Respondent explained that he had had to reschedule the accountant's visit and would advise as to the new date and forward client account statements. By email dated 24<sup>th</sup> October 2008 the Respondent confirmed the accountant's visit for 29<sup>th</sup> October 2008. In response the Respondent was asked to send copies of client account statements "as a matter of urgency" and to request the accountant to email the caseworker to clarify the position and indicate a date for receipt of the reports.
6. By letter dated 20<sup>th</sup> November 2008 from the SRA the Respondent was again reminded of the continuing obligation to file outstanding accountant's reports and the outstanding request for client bank account statements. A response was requested by 27<sup>th</sup> November 2008 but no response was received by mid December 2008.
7. On 10<sup>th</sup> December 2008 the SRA wrote to the Respondent's accountant asking whether he knew if the Respondent continued to hold client money. The

Respondent's accountant replied during a telephone conversation stating that on nine separate occasions he had pre-arranged meetings with the Respondent to audit his accounts. On each occasion the Respondent had refused entry to his house for the work to be undertaken. He stated that a further meeting had been arranged for 22<sup>nd</sup> December 2008.

8. According to a copy NatWest bank statement for the client account dated 25<sup>th</sup> March 2008 the Respondent was holding £20,390.61 of client money. Due to the Respondent's failure to provide up to date bank statements it was not known whether the Respondent continued to hold client money.
9. No accountant's reports had been received from the Respondent as at the date of the Rule 5 Statement.

### **The Submissions of the Applicant**

10. The Applicant acknowledged that the Respondent fully accepted his responsibility for the failings which were the subject of the allegations. He did not underestimate the difficult personal circumstances of the Respondent but since no accounts had ever been filed for the two periods in question the SRA had no idea whether client money still remained in the client account.
11. The Applicant drew the Tribunal's attention to an email dated 3<sup>rd</sup> August 2009 from the Respondent. In that email the Respondent outlined his personal circumstances. He also told the Applicant that he had no means to attend the hearing, neither did he have the means to fund an accountant to finalise his accounts. He took full responsibility for his position.
12. The Applicant sought his costs in the sum of £874.55.

### **The Findings of the Tribunal**

13. The Respondent had admitted the allegations and the Tribunal found them to have been substantiated.
14. The Tribunal had taken into account the findings of the Tribunal dated 13<sup>th</sup> July 2007 in which the Respondent had admitted four allegations of conduct unbecoming a solicitor and had been ordered to pay a fine of £5,000.00 and costs fixed in the sum of £2,000.00. It noted that the Respondent had previously had an unblemished career.
15. The Tribunal found that the Respondent had shown a serious disregard for the Solicitors Accounts Rules and the Solicitors Regulation Authority. In light of the matters that had been brought to the Tribunal's attention, it found that the most appropriate order would be to suspend the Respondent indefinitely. There would be no order as to costs due to the Respondent's current financial circumstances.

16. The Tribunal Ordered that the Respondent, Peter John Hardman (now called Sarah Peta Joan Hardman), solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 6th day of August 2009.

Dated this 23<sup>rd</sup> day of October 2009  
On behalf of the Tribunal

K W Duncan  
Chairman