

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11199-2013

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

TEVFICK SOULEIMAN

Respondent

Before:

Mr A. N. Spooner (in the chair)

Miss N. Lucking

Mr G. Fisher

Date of Hearing: 10 February 2014

Appearances

Mark Gibson, solicitor of The Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant

The Respondent did not appear and was not represented.

JUDGMENT

Allegations

1. The allegations made against the Respondent were that:

By virtue of his conviction for the various offences described in paragraphs 5 and 6 of the Rule 5 Statement:

- 1.1 The Respondent failed to uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Code of Conduct 2011;
- 1.2 The Respondent failed to act with integrity contrary to Principle 2 of the SRA Code of Conduct 2011; and
- 1.3 The Respondent failed to behave in a way that maintained the trust the public placed in him and in the provision of legal services contrary to Principle 6 of the SRA Code of Conduct 2011.

The Respondent admitted the allegations.

Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent which included:

Applicant:

- Application dated 12 November 2013 together with attached Rule 5 Statement and all exhibits
- SRA Bundle of Documents
- Statement of Costs dated 31 January 2014

Respondent:

- Letters dated 13 December 2013 and 10 January 2014 from Guney Clark & Ryan Solicitors
- Email from FS, the Respondent's wife, to the Applicant dated 6 February 2014 together with attached letter from the Legal Aid Agency to the Respondent dated 29 January 2014

Application to Amend the Allegations

3. Mr Gibson, on behalf of the Applicant, made an application to amend the first paragraph of the allegations so as to insert the words "and 6" after the words "described in paragraph 5". There were three convictions referred to in the Rule 5 Statement. Two convictions were set out at paragraph 5. The third conviction was set out at paragraph 6. The Applicant had omitted to refer to paragraph 6 in the allegation itself. The Respondent was aware the Applicant relied on all the convictions. Mr Gibson confirmed the Respondent had admitted the facts and

allegations in his letter to the Applicant dated 20 January 2014 although he had indicated that he intended to appeal the convictions. The current convictions stood until a successful appeal.

The Tribunal's Decision on the Application to Amend the Allegation

4. The Tribunal considered carefully the submissions of the Applicant and all the documents provided. The Respondent, in his letter to the Applicant dated 20 January 2014, had accepted the statements and allegations made and had referred specifically to all of the convictions set out at paragraphs 5 and 6 of the Rule 5 Statement. He had also stated that he did not feel the need to attend any proceedings whatsoever and requested matters be dealt with as quickly and simply as possible. The Tribunal was satisfied there was no prejudice to the Respondent in allowing the amendment sought and accordingly granted the application to amend the allegations as requested.

Factual Background

5. The Respondent was born on 7 November 1973 and admitted to the Roll of Solicitors on 15 July 1998.
6. At the material time the Respondent practised as Souleiman SGA.
7. On 14 February 2013, at the Crown Court at the Central Criminal Court, the Respondent was convicted on indictment of conspiracy to do an act to facilitate the commission of a breach of UK immigration law by a non EU person and possessing criminal property.
8. On 18 February 2013, at the Crown Court at the Central Criminal Court, the Respondent was convicted on indictment for conspiracy to cheat the Public Revenue. The Respondent was also sentenced to 10 years imprisonment.

Witnesses

9. No witnesses gave evidence.

Findings of Fact and Law

10. The Tribunal had carefully considered the submissions of the Applicant and all the documents provided. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

By virtue of his conviction for the various offences described in paragraphs 5 and 6 of the Rule 5 Statement:

Allegation 1.1: The Respondent failed to uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Code of Conduct 2011;

Allegation 1.2: The Respondent failed to act with integrity contrary to Principle 2 of the SRA Code of Conduct 2011; and

Allegation 1.3: The Respondent failed to behave in a way that maintained the trust the public placed in him and in the provision of legal services contrary to Principle 6 of the SRA Code of Conduct 2011.

- 11.1 The Tribunal had been provided with a Certificate of Conviction from the Crown Court at the Central Criminal Court dated 27 February 2013. This confirmed the Respondent had been convicted on 14 February 2013, on his own confession upon indictment of:

“Conspire to do an act to facilitate the commission of a breach of UK immigration law by a non EU person
Proceeds of Crime – possess criminal property”.

The Certificate of Conviction also confirmed on 18 February 2013 the Respondent had been convicted on his own confession upon indictment of:

“Conspiracy to cheat the Public Revenue”.

The Certificate of Conviction confirmed the Respondent was sentenced on 18 February 2013 to 10 years imprisonment.

- 11.2 The Respondent had written to the Applicant on 20 January 2014. In that letter the Respondent stated the following:

“In relation to the facts and allegations set out in the Rule 5 statement, I would like to state that I accept the statements and allegations.....”

- 11.3 The Respondent further stated he had renewed his application for leave to appeal against the convictions and sentence, even though leave to appeal had already been refused by the “Single Judge”. He accepted in the letter “...as it stands, all three convictions stand”. The Respondent stated he did not agree with the sentencing remarks of the Trial Judge and nor did he agree with the contents of the media articles, particularly in relation to figures concerning the amount of money generated by the fraud and the number of people who benefited.

- 11.4 Principle 1 of the SRA Code of Conduct 2011 stated solicitors must uphold the rule of law and the proper administration of justice. Principle 2 stated solicitors must act with integrity. Principle 6 of the SRA Code of Conduct 2011 stated solicitors must behave in a way that maintained the trust the public placed in them and in the provision of legal services. By virtue of the nature of the convictions, which involved conspiracy to facilitate a breach of UK immigration law and cheat the Public Revenue, the Respondent had failed to uphold the rule of law and the proper administration of justice, he had acted with a lack of integrity and he had behaved in a way that did not maintain the trust placed in him or in the provision of legal services. The Respondent had admitted all the allegations in his letter of 20 January 2014 in any event. The Tribunal was satisfied all the allegations were proved.

Previous Disciplinary Matters

12. None.

Mitigation

13. The Tribunal had before it the letter from the Respondent to the Applicant dated 20 January 2014 stating he had not been subject to previous disciplinary action. He confirmed he was under no illusions that the Tribunal would proceed to strike his name off the Roll of Solicitors and he offered his sincere apologies for bringing the profession into disrepute. He stressed that he was in the process of appealing the convictions. The Respondent had provided information regarding his financial circumstances and some of his personal family circumstances.
14. The Tribunal also had before it a letter dated 13 December 2013 from Messrs Guney Clark & Ryan Solicitors, who were assisting the Respondent. This letter provided further details of the Respondent's financial circumstances and brief details of his family personal circumstances. The letter made a request that any decision be kept private until the conclusion of the Respondent's appeal.

Sanction

15. The Tribunal had considered carefully the Respondent's documents. The Tribunal referred to its Guidance Note on Sanctions when considering sanction.
16. The Tribunal had considered very carefully the Sentencing Remarks of His Honour Judge J Bevan QC. Although the Respondent had stated in his letter of 20 January 2014 that he did not agree with these remarks, his application for leave to appeal had been refused and therefore the sentencing remarks stood. The convictions related to immigration applications concerning at least 63 sham marriages between 2004 and 2011. His Honour Judge Bevan QC had stated the following:

“This is in my judgment a very serious case and a bad example of a trend which demonstrates increasing prevalence of this type of offending....

.....defendants have devoted themselves to fraud and corruption on an industrial scale.....

...A heavy responsibility for upholding the rule of law rests with the lawyers. If the public cannot trust the professional integrity of the lawyers who can they trust?

..... you, Souleiman you were in charge and the use of your firm's name lent, deliberately, authenticity to what was going on. You betrayed your profession. You have done it for five years, including organising the move from Antonio House to Lodge Drive and carrying on.”

17. It was clear to the Tribunal from the sentencing remarks, and from fact of the Respondent's convictions, that the Respondent had abused his position of trust over a lengthy period of time. As His Honour Judge Bevan QC stated, the Respondent had

driven “a coach and horses through the immigration rules” by taking advantage of opportunities created by complex immigration rules. Many vulnerable men and women had been exploited for commercial motivation. They had married complete strangers and no doubt suffered consequences as a result.

18. The Tribunal had considered other aggravating and mitigating factors. These were offences involving conspiracy to facilitate commission of breaches of the immigration rules and cheat the public revenue. The Respondent’s conduct had been pre-meditated in the scheme employed, it was deliberate and calculated. The conduct took place over a lengthy period of time from 2004 to 2011 and was repeated at least 63 times with large sums of money involved. The Respondent ought reasonably to have known that his conduct was in material breach of his obligations to protect the public and the reputation of the profession. There were few mitigating factors. In his letter of 20 January 2014, the Respondent had apologised and admitted the allegations, however, he had also indicated his intention to appeal the convictions. His insight was therefore limited.
19. The Respondent’s behaviour involved very serious misconduct at the highest level and the Respondent was clearly a risk to the public. He had caused immense damage to the reputation of the profession. This was evident from the numerous media articles drawn to the Tribunal’s attention. The Respondent was a disgrace to the profession and was not fit to be a solicitor. The Tribunal was satisfied that the appropriate sanction was to strike the Respondent off the Roll of Solicitors.
20. The Tribunal considered the Respondent’s solicitor’s request in their letter of 13 December 2013 to the Applicant for the Tribunal’s decision to be kept private pending conclusion of his appeal proceedings. The criminal proceedings appeared to have taken place in public and the Respondent’s convictions were in the public domain. The Respondent’s application for leave to appeal had already been refused at first instance. Furthermore the Tribunal hearing had taken place in public. Given the serious nature of the allegations, and the necessity to protect the public and the reputation of the profession, the Tribunal considered it was not appropriate, nor in the public interest, to embargo the Tribunal’s judgment.

Costs

21. The Applicant requested an Order for his costs in the total sum of £2,665.54. He provided the Tribunal with a breakdown of those costs. In his letter of 20 January 2014 to the Applicant, the Respondent had submitted the Tribunal should not make any order for costs or otherwise keep the costs to an absolute minimum.
22. The Tribunal had considered carefully the matter of costs and was satisfied that the amount of costs claimed was reasonable taking into account there had been an earlier case management hearing. Accordingly, the Tribunal made an Order that the Respondent should pay the Applicant’s costs in the sum of £2,665.54.
23. In relation to the enforcement of those costs, the Tribunal noted the Respondent had provided details of his financial circumstances together with supporting evidence. He had a number of debts. He was currently serving a prison sentence and provided details of his income as a Support Worker at the prison. His income was low. The

Respondent had provided information about his assets and clearly had interests in a number of properties. He stated the rental income belonged to his wife, that he did not have any savings, and that he was currently subject to a Confiscation Order amounting to over £3million.

24. In his letter dated 29 January 2014 the Respondent attached documentary evidence in support of his finances. He stated he was in a very difficult financial position and could not make any contribution to costs. He did not anticipate being in a position to do so in the foreseeable future. The Tribunal had also received an email from the Respondent's wife dated 6 February 2014 which attached a letter from the Legal Aid Agency confirming the Respondent was indebted to them in the sum of £160,043.84.
25. Mr Gibson, on behalf of the Applicant, submitted the Respondent had an interest in the equity in various properties owned jointly by him and his wife. Mr Gibson had been informed by the Crown Prosecution Service ("CPS") on 7 February 2014 that the Confiscation Order application was still proceeding at the moment. Mr Gibson stated the lawyer dealing with matters at the CPS had stated he was 99% certain that a restraint order was in place so assets could not be dealt with without the permission of the Crown. If this was the position, then the Applicant would need permission from the Crown before enforcing any costs order.
26. The Tribunal was mindful of the cases of William Arthur Merrick v The Law Society [2007] EWHC 2997 (Admin) and Frank Emilian D'Souza v The Law Society [2009] EWHC 2193 (Admin) in relation to the Respondent's ability to pay the costs ordered. Although the Respondent had stated he could not afford to pay any costs, he appeared to have an interest in the equity in various properties amounting to over £367,000. The exact position concerning the Confiscation Order was not absolutely clear. If a Confiscation Order was in place, the Applicant would need to obtain permission from the Crown before enforcing any order for costs. In such circumstances, the Tribunal did not consider this was a case where there should be any deferment of the costs order.

Statement of Full Order

27. The Tribunal Ordered that the Respondent, TEVFICK SOULEIMAN, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,665.54.

DATED this 19th day of March 2014
On behalf of the Tribunal

A. N. Spooner
Chairman