

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11555-2016

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

NEIL RICHARD BOLTON

Respondent

Before:

Mr J. A. Astle (in the chair)

Mr J, Evans

Mrs S. Gordon

Date of Hearing: 16 April 2018

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegations made by the Solicitors Regulation Authority against the Respondent were as follows:
 - 1.1 On or around 29 October 2008 he made a personal unsecured loan of £60,000.00 to client LHC who did not obtain independent legal advice and in doing so he breached Rule 3.01 of the Solicitors Code of Conduct 2007 (“the 2007 Code”);
 - 1.2 During the period February 2009 to November 2010 he provided a banking facility through the client account of Harvey Roberts and in doing so he breached Rule 15(2) of the Solicitors Accounts Rules 1998 (“SAR 1998”) and the notes thereto;
 - 1.3 During the period November 2006 to November 2008 he failed to ensure that lender clients were advised of all material facts pertaining to property transactions and in doing so he breached Rules 1, 6(2)(a)(i) and (ii) and 6(3)(b)(ii) of the Solicitors’ Practice Rules 1990 and/or Rules 1.04, 1.05, 1.06, 3.02(1)(b) and 3.18(1)(b) of the 2007 Code;
 - 1.4 That on 23 October 2017 he was convicted of 7 counts of failing to comply with money laundering regulations, contrary to Regulation 45 of the Money Laundering Regulations 2007 and 1 count of failing to disclose information in the Regulated Sector, contrary to sections 330 and 334 of the Proceeds of Crime Act 2002 and thereby failed to:
 - 1.4.1 Uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Principles 2011 (“the Principles”);
 - 1.4.2 Act with integrity contrary to Principle 2 of the Principles;
 - 1.4.3 Behave in a way that maintains the trust the public places in him and in the provision of legal services contrary to Principle 6 of the Principles.

Documents

2. The Tribunal had before it the following documents:-
 - Rule 5 Statement dated 16 September 2016
 - Rule 7 Statement dated 30 November 2017
 - Statement of Agreed Allegations, Admissions, Agreed Facts, Mitigation and Indicated Outcome dated 11 April 2018 (“the Agreed Outcome Document”)

Factual Background

3. The Respondent was born in 1961 and was admitted to the Roll of Solicitors in November 1986. He did not hold a current practising certificate. At all material times he practised at Harvey Roberts in commercial property and residential

conveyancing. The Respondent worked at Harvey Roberts from August 2001 until 3 November 2014, when he was dismissed for breach of duty to act in the client's best interests.

4. On 23 October 2017, in the Manchester Crown Court, the Respondent pleaded guilty to, and was convicted of 7 counts of failing to comply with money laundering regulations, contrary to Regulation 45 of the Money Laundering Regulations 2007 and 1 count of failing to disclose information in the Regulated Sector, contrary to sections 330 and 334 of the Proceeds of Crime Act 2002. On 24 October 2017, he was sentenced to a total of 9 months imprisonment, and was ordered to pay £20,000.00 towards the costs of the prosecution and a victim surcharge of £100.00.

Application for the matter to be resolved by way of Agreed Outcome

5. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Agreed Outcome Document annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

Findings of Fact and Law

6. 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.
7. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made.
8. The Tribunal considered the Guidance Note on Sanction (December 2016). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal considered that striking the Respondent from the Roll was appropriate and proportionate having regard to the seriousness of the admitted allegations. The Tribunal found that such a sanction was necessary to protect the public and the reputation of the profession.

Costs

9. The parties agreed that the Respondent should make a contribution to costs in the sum of £6,000.00. The Tribunal considered that the costs application was appropriate and proportionate, and ordered that the Respondent pay a contribution to the costs in the agreed amount.

Statement of Full Order

10. The Tribunal Ordered that the Respondent, NEIL RICHARD BOLTON, 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 £6,000.00

Dated this 16th day of April 2018
On behalf of the Tribunal



J. A. Astle
Chairman

Judgment filed
with the Law Society
on 24 APR 2018

IN THE MATTER OF THE SOLICITORS ACT 1974 (AS AMENDED)

SOLICITORS REGULATION AUTHORITY

APPLICANT

And

NEIL RICHARD BOLTON

RESPONDENT

**STATEMENT OF AGREED ALLEGATIONS, ADMISSIONS, AGREED FACTS,
MITIGATION AND INDICATED OUTCOME**

1. By its Application dated 16 September 2016, and the Statement made pursuant to Rule 5(2) Solicitors (Disciplinary Proceedings) Rules 2007, which accompanied that Application, the Solicitors Regulation Authority ("SRA") brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of the Respondent. A further Application dated 30 November 2017, and the Statement made pursuant to Rule 7 Solicitors (Disciplinary Proceedings) Rules 2007, which accompanied that Application, was made by the SRA and joined to the proceedings.
2. The allegations made against the Respondent were as follows:
 - 2.1. On or around 29 October 2008 he made a personal unsecured loan of £60,000.00 to client LHC who did not obtain independent legal advice and in doing so he breached Rule 3.01 of the Solicitors Code of Conduct ("the 2007 Code");
 - 2.2. During the period February 2009 to November 2010 he provided a banking facility through the client account of Harvey Roberts and in doing so he breached Rule 15(2) of the Solicitors Accounts Rules 1998 ("SAR 1998") and the notes thereto;
 - 2.3. During the period November 2006 to November 2008 he failed to ensure that lender clients were advised of all material facts pertaining to property transactions and in doing so he breached Rules 1, 6(2)(a)(i) and (ii), 6(3)(b)(ii) of the Solicitors' Practice Rules 1990 and/or Rules 1.04, 1.05, 1.06, 3.02(1)(b) and 3.18 (1)(b) of the 2007 Code;
 - 2.4. That on 23 October 2017 he was convicted of 7 counts of failing to comply with money laundering regulations, contrary to Regulation 45 of the Money Laundering Regulations 2007 and 1 count of failing to disclose information in the Regulated Sector, contrary to sections 330 and 334 of the Proceeds of Crime Act 2002 and thereby failed to:

- 2.4.1 Uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Principles 2011 (“the SRA Principles”);
- 2.4.2 act with integrity contrary to Principle 2 of the SRA Principles;
- 2.4.3 behave in a way that maintains the trust the public places in him and in the provision of legal services contrary to Principle 6 of the SRA Principles.

Admissions

- 3. The Respondent admits each of the allegations made against him.
- 4. The SRA has considered the admissions made by the Respondent and has considered whether, in light of those admissions, the outcome proposed in this document is in the public interest having regard to the seriousness of the matters alleged. The SRA is satisfied that the admissions and outcome proposed are in the public interest.

Agreed Facts

- 5. The following facts and matters, which are relied upon by the SRA in support of the allegations set out within paragraphs 6 - 34 of this Statement are agreed between the SRA and the Respondent.
- 6. The Respondent was born in 1961 [**DATE OF BIRTH REDACTED BY TRIBUNAL PRIOR TO PUBLICATION**], was admitted to the Roll on 1 November 1986 and does not hold a current practising certificate. At all material times, the Respondent practised at the firm Harvey Roberts at Westbourne Chambers, 92 - 94 Gorton Road, Stockport, Cheshire, SK5 6AN. Harvey Roberts was a sole practitioner practice carried on by John Roberts¹. The Respondent practised in commercial property and residential conveyancing.
- 7. The Respondent was employed² at Harvey Roberts from August 2001 until 3 November 2014. On 3 November 2014, the Respondent was dismissed by Harvey Roberts for breach of duty to act in the client's best interests, a conflict of interest when dealing with a conveyancing matter and in light of the evidence of misconduct identified as a result of the SRA's investigation. Harvey Roberts as an entity closed on 5 December 2014.
- 8. On 18 December 2013, the SRA received a report from Harvey Roberts confirming that a Police search had been conducted by Greater Manchester Police at their offices in connection with a money laundering investigation. The search warrant related to conveyancing transactions conducted on behalf of client WB and authorised the seizure of various documentation and items including computers and mobile telephones.

¹ The Respondent asserts that it was a sole practitioner practice. The records held by the SRA record that Harvey Roberts was a partnership law practice at the material time.

² The Respondent asserts that he was never a partner at Harvey Roberts and he was always salaried. The records held by the SRA record that he was a partner at the material time and an employee from 21 December 2013 until 3 November 2014.

9. The Respondent was arrested in connection with money laundering offences and interviewed under caution before he was released on police bail. Subsequently, the Respondent was prosecuted for and convicted of the offences detailed at paragraph 2.4 above.
10. On 20 January 2014, a duly authorised officer of the Applicant ("the FI Officer") commenced an inspection of the books of account and other documents of Harvey Roberts. That inspection culminated in a report dated 9 April 2014 ("the FI Report") and addressed the allegations 2.1 – 2.3 above.
11. On 23 October 2017, in the Manchester Crown Court, the Respondent pleaded guilty to and was convicted of 7 counts of failing to comply with money laundering regulations, contrary to Regulation 45 of the Money Laundering Regulations 2007 ("the Money Laundering offence(s)") and 1 count of failing to disclose information in the Regulated Sector, contrary to sections 330 and 334 of the Proceeds of Crime Act 2002 ("the Proceeds of Crime offence"). An offence under section 328 of the Proceeds of Crime Act 2002 was not proceeded with.
12. On 24 October 2017, the Respondent was sentenced to a total of 9 months imprisonment and ordered to pay £20,000.00 towards the costs of the prosecution and also to pay a victim surcharge of £100.00. The custodial sentence was comprised of 3 months imprisonment concurrent in relation to each Money Laundering offence and 9 months imprisonment in relation to the Proceeds of Crime offence. A further offence under the Proceeds of Crime Act 2002 was to lie on file.

Allegation 2.1 – Client loan

13. The Respondent had acted on a number of property transactions (typically property purchase and re-mortgage matters) for client LHC, members of his family and also for a number of his family companies. The Respondent would speak with LHC nearly every working day.
14. During the interview with the FI officer, the Respondent made admissions concerning unsecured loans and a secured loan made to client LHC and £15,000.00 in cash seized from his home address by the Police.
15. In a subsequent letter dated 20 April 2015 to the SRA, the Respondent admitted that an unsecured loan of £60,000.00 and a secured loan of £50,000.00 was made to the client. The loan of £60,000.00 was made from funds held by a family member but was made with his knowledge and at his direction.
16. The 2007 Code applied at the time of this loan. Rule 3.01(2)(b) of the 2007 Code stated as follows:

(2) There is a conflict of interests if:

...(b) your duty to act in the best interests of any client in relation to a matter conflicts, or there is a significant risk that it may conflict, with your own interests in relation to that or a related matter.
17. Paragraph 41 of the guidance note to Rule 3 stated as follows:

41. *In conduct there is a conflict of interests where you in your personal capacity sell to, or buy from, or lend to, or borrow from, your client. In all these cases you should insist the client takes independent legal advice. If the client refuses you must not proceed with the transaction.*

18. The FI Officer put Rule 3.01(2)(b) of the 2007 Code and the associated guidance note to the Respondent during interview and indicated the conflict. The Respondent replied "*I understand...That's why when I was gonna have the secured charge... I made his son take advice...The other bits were just informal, but obviously I did lend the money*". The Respondent further replied "*I under, I understand what the rules say, and I can't you know say any more than you know, we are where we are*". The Respondent, in light of paragraph 41 of the guidance note to Rule 3 of the 2007 Code, should not have proceeded with the £60,000.00 loan in circumstances where LHC had chosen not to take independent legal advice and, as a consequence, acted where there was a conflict or a significant risk of an own interest conflict.

Allegation 2.2 – Proving a banking facility

19. On reviewing the client ledgers, the FI Officer noted several examples of the Respondent, on instructions, using clients' funds over a period of time following receipt in transactions to make payments which were not dependent on or related to an underlying legal transaction.

20. The review identified that the respective client ledgers for clients RC and WB were being used to pay their respective debts, to make payments back to the clients and to make repayments to himself of amounts previously loaned to the client by him. The FI Report detailed 4 examples of the provision of banking facilities through Harvey Roberts' client account.

21. In relation to one of the matters exemplified, the Respondent said that the money came from another firm of solicitors and the client asked him to "*send here....send it there*" and it would have been better if he'd sent the money to his client but he was "*not thinking*". The Respondent said that it "*...looks like I've acted for a bank, basically I have just paid his debts off*" and "*in hindsight*" it would have been better if the client had paid his own debts. In relation to another matter exemplified, the Respondent said that the client "*would have just asked me to do it (i.e. the payments out) that way*".

22. Rule 15 of the SAR 1998 set out the circumstances in which a client account could be used. Guidance note (ix) to Rule 15 stated as follows:

"In the case of Wood and Burdett (case number 8669/2002 filed on 13 January 2004), the Solicitors Disciplinary Tribunal said that it is not a proper part of a solicitor's everyday business or practice to operate a banking facility for third parties, whether they are clients of the firm or not. Solicitors should not, therefore, provide banking facilities through a client account. Further, solicitors are likely to lose the exemption under the Financial Services and Markets Act 2000 if a deposit is taken in circumstances which do not form part of a solicitor's practice. It should also be borne in mind that there are criminal sanctions against assisting money launderers".

23. Prior to 31 March 2009 the SAR 1998 were to be interpreted in light of the notes. The notes to the SAR 1998 became mandatory from 31 March 2009.

Allegation 2.3 - failing to ensure that lender advised of all material facts pertaining to property transactions

24. The FI Officer reviewed the Respondent's client matter files on a number of property matters where he acted for both buyer and lender and, on occasion, where he acted for lender, buyer and seller. The FI Officer identified a number of matters where there was no evidence that the Respondent had advised his lender client of all material facts. Such material facts would include a connection between the buyer and the seller (and where the Respondent did not have control over the full purchase monies).

25. In relation to 3 matters exemplified in the FI Report the Respondent admitted that lenders were not informed. The Respondent accepted that it was his duty to inform the lenders of material facts. The Respondent confirmed, both in correspondence and during interview, that he had not consistently advised his lender client of material facts pertaining to property transactions stating that, on occasion, such matters "*...been overlooked. Not purposively overlooked*".

26. The Respondent confirmed that he was aware of Rule 3 of the 2007 Code and he knew he had an equal duty to his lender clients and indicated that he forgot to inform lenders. The Respondent acknowledged that there was not consistent evidence of lenders being informed in writing.

27. Rules 1, 6(2)(a)(i) and (ii), 6(3)(b)(ii) of the Solicitors' Practice Rules 1990 were the predecessors to Rules 1.04, 1.05, 1.06, 3.02(1)(b) and 3.18 of the 2007 Code. The Solicitors Practice Rules 1990 were in force until 1 July 2007 from when the 2007 Code was in force. Rule 3.02(1)(b) of the 2007 Code required all clients to have given their written informed consent to the Respondent or his firm when acting for 2 or more clients in relation to a matter in situations of conflict or possible conflict. Rule 3.18 required the Respondent to inform the lender in writing where he proposed to act for the seller, buyer and lender in the same transaction. The failure to advise the lender clients of the material information was not in their best interests (Rule 1.04 of the 2007 Code), not providing a good standard of service (Rule 1.05 of the 2007 Code) and was behaviour likely to diminish the trust the public places in the Respondent or the legal profession (Rule 1.06 of the 2007 Code).

Allegation 2.4 – Convictions

28. The Respondent dealt with many conveyancing transactions for several criminals all of whom were subsequently convicted of serious criminal offences, including drug dealing, mortgage frauds, tax evasion and money laundering.

29. The Respondent dealt with the conveyances in a way that facilitated mortgage frauds, the dishonest acquisition of properties by the clients and money laundering. The Respondent failed to comply with money laundering regulations and failed in his duty as a solicitor to make notifications about various transactions and the activities of all those he acted for.

30. The Respondent was obliged by the Money Laundering Regulations to verify and maintain copies of identity documents of clients which prove both identity

and address. The Respondent also failed in relation to other obligations including issuing client care letters and maintaining a file.

31. The CPS relied on expert evidence and the following issues were identified:
 - 31.1. there were many files with no identity documents, or inadequate evidence of appropriate proof of identity;
 - 31.2. most of the files didn't have sufficient proof of identity;
 - 31.3. there was an absence of "client care" or "terms of business" letters;
 - 31.4. there were no instructions from and no evidence of calls or correspondence with named purchasers;
 - 31.5. in relation to the client ledgers there were an unusually high proportion of credits made by cash³ or banker's draft, 3rd party payments were used to fund or part fund a transaction, inappropriate and abnormal ledger transfers, and in addition there were impermissible general ledgers and accounts that did not relate to any particular transaction.

32. The criminal trial came before HHJ Field QC on 23 October 2017 when the Respondent indicated his guilty pleas. On 24 October 2017 HHJ Field QC sentenced the Respondent. HHJ Field's sentencing remarks included the following:
 - 32.1. *"High, if not the highest, professional standards are expected of solicitors, in particular when it comes to the handling of money and the involvement in financial transactions, where there is an obligation to act with scrupulous probity and there are statutory duties placed upon solicitors by the money laundering regulations designed to make solicitors the gatekeepers to prevent the pollution of legitimate business with tainted money, the proceeds of crime."*;
 - 32.2. *"You fell below the standards required and breached your statutory duties in a number of material respects and as a consequence you plead guilty before me yesterday to 7 separate offences.....notwithstanding that you had reasonable grounds to know or suspect that money laundering was going on and in particular that [BB] was involved in that nefarious activity"*;
 - 32.3. *"To say that you have let yourself down and your profession down is a significant understatement. You allowed yourself and your professional services to be used by [BB] in a whole series of transactions; purchasing a number of individual domestic properties. The plain purpose of the transactions; plain purposes rather of the transactions were to launder criminal funds and to perpetrate various mortgage frauds"*;
 - 32.4. *"Each of the conveyancing files to which I have been taken was seriously deficient. You acknowledged that to be the case yourself"*

³ The Respondent asserts that these were usually for disbursements and fees and were not substantial funds.

when interviewed by the police and to your credit, as I say, you have always done so.

32.5. *The deficiencies however and the irregularities in the files, as catalogued in her reports by Frances Silverman, are legion. There appears, in my judgment, to have been no serious attempt to comply with the regulations. Furthermore, you appear to have ignored, or perhaps closed your eyes to the various warnings highlighted in the Law Society's warning cards on money laundering and mortgage fraud. In passing, I note that the publication date upon each of those documents was 2002, some 5½ years at least before the first of these transactions";*

32.6. *"The consequence of your criminal conduct was that you in fact played a part in allowing [BB] and his confederates to launder the £400,000 odd in cash and banker's drafts introduced by him and Mr. [R] in particular and you also played a part in allowing them to obtain greater funds by deception from mortgage lenders; which funds themselves of course became criminal property.*

Accordingly Count 9 [the Proceeds of Crime Act 2002 offence] is in my judgement, a particularly serious offence given the degree of harm that arises, although of course I acknowledge that there is no evidence that any of the lenders in this case had suffered financial loss. The potential for such loss to lenders and to your former firm however remains; particularly if litigation becomes necessary".

33. HHJ Field QC referred to the CPS's acceptance that the Respondent did not make any substantial gain for himself and he took account of the fact that the Respondent did not attempt to falsify documents in the files and he stated *"..there is no evidence of deliberate dishonesty on your part and it is important that I note and record that"*. However, HHJ Field QC proceeded to comment: *"This was not however a case of mere inadvertence. There were serious irregularities and deficiencies on the files that in certain respects appear systemic and as I have already said, it is plain to me that you ignored significant and serious legal and statutory duties"*.

34. The Respondent's conviction received both local and national press attention.

Submissions by the SRA

35. The failure to comply with Rule 3.01 of the 2007 Code and Rule 15(2) of the SAR 1998 were breaches of fundamental duties as a solicitor not to act in conflict of interests and not to provide banking facilities. The failure to advise the lender clients of material information was not in their best interests (Rule 1.04 of the 2007 Code), not providing a good standard of service (Rule 1.05 of the 2007 Code) and was behaviour likely to diminish the trust the public places in the Respondent or the legal profession (Rule 1.06 of the 2007 Code). The subsequent convictions of the Respondent and the sentencing judge's remarks demonstrated that the *"plain purposes....of the transactions were to launder criminal funds and to perpetrate various mortgage frauds"*. As a result of the misconduct, the Respondent failed in his obligations as a solicitor to act with scrupulous probity and to comply with his statutory duties under the money laundering regulations and the Proceeds of Crime legislation.

36. Solicitors must uphold the rule of law and the proper administration of justice (Principle 1 of the SRA Principles). That requires them, amongst other things, to abstain from criminal behaviour at all times. The Respondent has been convicted of serious criminal offences which arose directly from his practice as a solicitor and so has breached Principle 1.
37. Solicitors must act with integrity (Principle 2 of the SRA Principles). While HHJ Field QC accepted that there was no evidence of deliberate dishonesty, he considered that Respondent's offences did not involve "*mere inadvertence*" but involved systemic serious irregularities and deficiencies on the files which made it plain that the Respondent "*..ignored significant and serious legal and statutory duties*". HHJ Field QC flagged the "*obligation to act with scrupulous probity*" on the part of solicitors when dealing with transactions to ensure compliance with the Money Laundering regulations. A solicitor acting with integrity would not have ignored such duties and engaged in serious criminal activity for which he has been convicted. A solicitor engaging in such criminal activity may properly be said to lack moral soundness, rectitude and steady adherence to an ethical code so as to lack integrity in breach of Principle 2.
38. Solicitors must behave in a way that maintains the trust the public places in them and in the provision of legal services (Principle 6 of the SRA Principles). HHJ Field QC commented in his sentencing remarks that; "*High, if not the highest, professional standards are expected of solicitors...*". The trust that the public places in solicitors, and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member may be trusted to the ends of the earth. A solicitor convicted of the offences of 7 counts of failing to comply with money laundering regulations and a count of failing to disclose information in the Regulated Sector which arise directly from his practice as a solicitor undermines that reputation (Principle 6).
39. The sanction proposed reflects the culpability of the Respondent and the seriousness of and is proportionate to his misconduct.

Respondent's Points of Mitigation

40. The following points are advanced by way of mitigation on behalf of the First Respondent, but their inclusion in this document does not amount to adoption or endorsement of such points by the SRA:
- 40.1. Harvey Roberts was a sole practitioner practice and he was never a partner at the firm but an employee;
 - 40.2. the reasons for his dismissal were spurious and he continued to work at Harvey Roberts for a period of 10 months following the initial Police search;
 - 40.3. he had dealt with the conveyances in a way that unwittingly facilitated mortgage frauds, the dishonest acquisition of properties by the clients and money laundering;
 - 40.4. he had no prior regulatory or disciplinary findings against him prior to these matters;

- 40.5. he co-operated and acknowledged that his files were below standard and deficient throughout the Police and SRA investigations;
 - 40.6. he did not make any substantial gain for himself;
 - 40.7. did not attempt to falsify documents and there was no evidence of deliberate dishonesty on the Respondent's part;
 - 40.8. he was not in control of the money laundering procedures and relied on his Principal, the Money Laundering Reporting Officer ("MLRO") and the cashier e.g. the bankers' drafts were supposed to be checked by the MLRO. This was not done. This would have revealed third party payments of deposits. Further, after the Respondent's arrest, the MLRO recognised the deficiencies in the firm's procedures and a memo was sent to all staff saying these were to be amended but they never were. The Principal of the firm was responsible for reviewing the Respondent's files and never once raised concerns;
 - 40.9. the client BB had previously used several firms of solicitors who must also have been duped by him;
 - 40.10. he had cared for his wife who had been diagnosed with cancer from 2008 until her death 6 days before the Respondent was charged by the Police.
41. The Respondent adopts the general points made under mitigating factors above.

Outcome

42. The case of *Bolton v The Law Society* [1994] 1 WLR 512 sets out the fundamental principle and purposes of the imposition of sanctions by the Tribunal:

"Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal."

"...a penalty may be visited on a solicitor...in order to punish him for what he has done and to deter any solicitor tempted to behave in the same way..."

"...to be sure that the offender does not have the opportunity to repeat the offence; and"

"...the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth...a member of the public...is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A professional's most valuable asset is its collective reputation and the confidence which that inspires." (per Bingham, then Master of the Rolls).

- 43. The Respondent has admitted the allegations against him and given the seriousness of his admitted conduct a reprimand is not a sufficient sanction.
- 44. A fine for the Respondent does not appear to be sufficient sanction to mark the seriousness of the misconduct and to protect the public and reputation of the profession.
- 45. A Restriction Order (restrictions in the form of conditions on continuing practice) does not appear to be a sufficient sanction to mark the seriousness of the misconduct.
- 46. A Suspension, while reflecting serious misconduct, does not address the protection of the public nor the protection of the legal profession which justifies striking off the Roll.
- 47. In the circumstances of this case, the seriousness of the misconduct is so high and the protection of the public and the reputation of the profession requires the Respondent to be struck off the Roll of Solicitors. While there was no evidence of deliberate dishonesty, the Respondent's offences did not involve "*mere inadvertence*" but involved systemic serious irregularities and deficiencies on the files which made it plain that the Respondent "*..ignored significant and serious legal and statutory duties*". The Respondent failed in his "*obligation to act with scrupulous probity*" as a solicitor when dealing with transactions to ensure compliance with the Money Laundering regulations. These systematic failures led to his conviction for criminal offences and a 9 month custodial sentence. In the Respondent's case, there is no truly compelling and exceptional personal mitigation which makes striking off unjust.

Orders sought

- 48. The Respondent acknowledges that he will, with the agreement and consent of the SRA, submit to the Solicitors Disciplinary Tribunal ("SDT") orders that:
 - 48.1. he agrees that the SDT will strike his name off the Roll of Solicitors;
 - 48.2. he agrees that he will be liable to pay the SRA costs of this matter agreed in the sum of £6,000.00 within 21 days of the date on which any order is made following the SDT's approval of the agreed outcome in this matter.

Dated this day of 2018

S.O'MALLEY

 Shaun O'Malley – Legal Adviser
 On behalf of the SRA

N. R. BOLTON

 Neil Richard Bolton, Respondent