

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11763-2017

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

DOMINIC JOHN PETER INGLE

Respondent

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Before:

Mr S. Tinkler (in the chair)  
Mrs A. Kellett  
Dr S. Bown

Date of Hearing: 9 May 2018

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## **Appearances**

Jonathan Leigh, solicitor of The Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

The Respondent did not appear and was not represented.

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## **JUDGMENT**

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## **Allegations**

1. The allegation against the Respondent was that:
  - 1.1 On 6 January 2017, the Respondent was convicted of two counts of “dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk” and thereby failed to:
    - 1.1.1 uphold the rule of law and the proper administration of justice in breach of Principle 1 of the SRA Principles 2011 (“the 2011 Principles”); and/or
    - 1.1.2 act with integrity in breach of Principle 2 of the 2011 Principles; and/or
    - 1.1.3 behave in a way that maintained the trust the public placed in him and in the provision of legal services in breach of Principle 6 of the 2011 Principles.

The Respondent admitted the allegation.

## **Documents**

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

### **Applicant:**

- Application dated 7 December 2017 together with attached Rule 5 Statement and exhibits
- Letter dated 23 December 2017 from the Respondent to the Applicant
- Emails between the Applicant and the Respondent dated 2 January 2018, 10 January 2018, 14 February 2018, 15 February 2018, 29 March 2018, 30 March 2018, 11 April 2018 and 12 April 2018
- Applicant’s Statements of Costs dated 7 December 2017 and 1 May 2018

### **Respondent:**

- Personal Financial Statement dated 18 January 2018

## **Service**

3. The Respondent did not attend the hearing. Mr Leigh, on behalf of the Applicant submitted the Respondent had been served with notice of the hearing and was aware of it. Indeed he had confirmed he did not intend to attend the hearing.
4. The Tribunal considered carefully all the documents. A letter dated 12 December 2017 had been sent by the Tribunal to the Respondent by Recorded Delivery which attached a copy of the Tribunal’s Standard Directions. Those directions confirmed the date of this substantive hearing. That letter was not confirmed as delivered, however, on 10 January 2018, the Respondent had written to

the Applicant requesting service of documents by email. He stated that if he missed the post he had no means of transport to collect his letters from the main postal depot which was some distance away.

5. A second letter dated 11 January 2018 was then sent by the Tribunal to the Respondent by email which was a duplicate of the letter of 12 December 2017. The Standard Directions were enclosed again.
6. The Tribunal was satisfied that the Respondent had been served with notice of the hearing in accordance with Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2007 ("SDPR"). He had actually confirmed he was aware of the substantive hearing date by the fact that he had informed the Tribunal in his email dated 12 April 2018 that he would not attend it or file any more documents.

### **Proceeding in Absence**

7. Mr Leigh submitted the Respondent was aware of the hearing and had confirmed he would not be attending. He had also made admissions to the allegation. Mr Leigh submitted the Tribunal should proceed in the Respondent's absence. He reminded the Tribunal that Rule 19 of the SDPR contained provisions for a re-hearing in certain circumstances, if the hearing proceeded in the Respondent's absence.
8. The Tribunal was mindful that it should only decide to proceed in the Respondent's absence having exercised the utmost care and caution. The Tribunal also took into account the criteria set out in the case of R v Hayward and Jones [2001] QB 862 when considering whether it was appropriate to proceed in the Respondent's absence.
9. The Tribunal noted the Respondent, in his letter to the Applicant dated 23 December 2017, had stated:
 

"I do not dispute any of the issues and accept I must be struck from the Roll."
10. The Tribunal also took into account the content of the Respondent's email dated 12 April 2018 to the Applicant in which he had stated:
 

".....I do not intent [sic] to attend the hearing or file any more documents."
11. In an earlier email to the Tribunal and the Applicant dated 15 February 2018, the Respondent had stated:
 

"I confirm I have seen the documents in my case and do not dispute any of them."
12. The Tribunal concluded that the Respondent had voluntarily absented himself from the hearing and indeed was unlikely to attend at a future hearing if the matter were to be adjourned. He had not requested an adjournment or provided any medical documents to suggest he was unable to attend the hearing. He had confirmed he did not dispute any of the documents or the issues, and stated he accepted he must be struck off the Roll.

13. The Tribunal also took into account the serious nature of the allegation which had been made against the Respondent. This was a case involving a conviction for dishonest conduct which was a very serious matter. It was therefore in the public interest that matters should be concluded expeditiously. In all the circumstances, the Tribunal was satisfied that it was appropriate and in the public interest for the hearing to proceed in the Respondent's absence.

### **Factual Background**

14. The Respondent, born in 1974, was admitted to the Roll of Solicitors on 15 March 2001. He did not hold a current practising certificate.
15. At the material time, the Respondent had been working as a self-employed police station representative on behalf of firms in the Manchester/Lancashire area.
16. On 6 January 2017, the Respondent was convicted by North Cheshire Magistrates Court of two counts of "Dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk." He was committed to the Crown Court for sentencing.
17. On 3 February 2017 the Respondent was sentenced to 7 months' imprisonment suspended for 24 months (two concurrent sentences). He was also required to undertake 200 hours of unpaid work before 2 March 2018 (two concurrent sentences), undertake rehabilitation activity requirements as directed for 26 days and pay compensation of £125 to two named persons and a victim surcharge of £140.
18. A copy of the Extract of the Court Register from North Cheshire Magistrates Court stated that the charges were of fraud by dishonestly making false representations, namely receiving payment from law firms for jobs as a legal representative where no such representation had taken place, intending to cause loss to others. The charges were stated to concern matters taking place between 19 April 2016 and 19 July 2016 and were contrary to sections 1 and 2 of the Fraud Act 2006. The statutory provisions confirmed dishonesty was part of the offence.
19. The sentencing hearing transcript provided some further information as follows:
- The Respondent's fee for attendances as a police station representative was around £70 - £100 (travel expenses were also sometimes claimed).
  - In 2016, the Respondent submitted multiple false and fraudulent claims to solicitors' firms, for police station representations that had not taken place with fictitious details entered onto the relevant forms.
  - The amount of losses agreed at trial was a total of £4,103.25 (£2,412.75 from one firm and £1,690.50 from another).
  - When questioned about the fraudulent claims and invoices, the Respondent made admissions.

20. The Respondent's position at trial was that he had a long standing addiction to cocaine which he required funds to maintain. His legal representative stated that when the Respondent received insufficient income, he created fraudulent police station attendances.
21. In a letter to the SRA dated 25 April 2017 in response to the allegation, the Respondent stated:
- For 15 years his conduct had been "exemplary" but he had also been a functioning cocaine addict;
  - When business was slow in 2016 he had falsified 40 invoices for £100 each and submitted them to two firms who were completely unaware of his deception;
  - He had committed the frauds almost entirely to fund his cocaine habit. He was ashamed at his disgraceful behaviour and was completely disgusted with himself;
  - He had let down his family, friends, colleagues and his profession;
  - He accepted his conduct was a serious case for concern and could have no complaints about any decision made. Since his conduct came to light he had been open and honest and was trying to put his life together without cocaine;
  - He begged for the chance to rebuild and repair the damage he had done to his life and to the profession.

#### **Witnesses**

22. No witnesses gave evidence.

#### **Findings of Fact and Law**

23. The Tribunal had carefully considered all the documents provided, and the submissions of the Applicant. The Tribunal confirmed the allegation had to be proved beyond reasonable doubt and that the Tribunal would be using the criminal standard of proof when considering the allegation.
24. **Allegation 1.1: On 6 January 2017, the Respondent was convicted of two counts of "dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk" and thereby failed to:**
- 1.1.1 uphold the rule of law and the proper administration of justice in breach of Principle 1 of the SRA Principles 2011 ("the 2011 Principles"); and/or**
  - 1.1.2 act with integrity in breach of Principle 2 of the 2011 Principles; and/or**
  - 1.1.3 behave in a way that maintained the trust the public placed in him and in the provision of legal services in breach of Principle 6 of the 2011 Principles.**

24.1 The Tribunal had been referred to a letter from the Respondent dated 23 December 2017 to the Applicant in which he had stated:

“I do not dispute any of the issues and accept I must be struck from the Roll.”

24.2 In an email dated 15 February 2018 from the Respondent to the Tribunal and the Applicant, he stated:

“I confirm I have seen the documents in my case and do not dispute any of them.”

24.3 The Tribunal had before it a Certificate of Conviction from the Chester Crown Court dated 7 March 2017 which confirmed that on 6 January 2017, the Respondent was convicted by the North Cheshire Magistrates Court of two counts of “Dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk”.

24.4 The Certificate also confirmed that on 3 February 2017 at the Crown Court at Chester the Respondent was sentenced to 7 months imprisonment suspended for 24 months, required to undertake all Rehabilitation Activity Requirements as directed for 26 days, carry out unpaid work for 200 hours before 2 March 2018, pay compensation of £125 to a named person, pay compensation of £125 to a second named person and to pay a Victim Surcharge of £140.

24.5 The Certificate also confirmed the Respondent was sentenced to 7 months imprisonment suspended for 24 months on the second count (concurrent), to undertake all Rehabilitation Activity Requirements as directed for 26 days (concurrent) and carry out unpaid work for 200 hours before 2 March 2018 (concurrent).

24.6 The remarks of the Sentencing Judge indicated the Respondent had falsely claimed attendance allowance at police stations in his capacity as a solicitor working for two firms, effectively on an agency basis. The remarks also confirmed the Respondent had been using cocaine for about 15 years and when the work started “to dry up”, his cocaine abuse took much more money than he could possibly afford, so he had succumbed to his dishonest behaviour to fund that addiction.

24.7 The Tribunal was satisfied that in light of the Respondent’s conviction, he had failed to uphold the rule of law and the proper administration of justice. He had submitted false claims for police station attendances that had not taken place and had thereby failed to act with integrity. Two firms of solicitors had been taken advantage of and had suffered losses as a result. The Tribunal was satisfied the Respondent’s conduct and subsequent conviction had not maintained the trust the public placed in him or in the provision of legal services. The Tribunal found the allegation proved both on the Certificate of Conviction and also on the Respondent’s admission.

### **Previous Disciplinary Matters**

25. None.

## Mitigation

26. The only mitigation before the Tribunal was that contained in the Respondent's letters and emails to the Applicant. In his letter of 23 December 2017 to the Applicant, the Respondent stated he had already provided his court documentation and personal letters in mitigation and requested these be placed before the Tribunal. He also provided details of his financial circumstances. He accepted he must be struck from the Roll.
27. In his email to the Applicant of 30 March 2018, the Respondent confirmed his financial situation had not changed and he was financially reliant on family and friends.
28. In his letter to the Applicant dated 25 April 2017, the Respondent provided some mitigation. He expressed shame at his conduct, referred to his previously long unblemished career, confirmed he had co-operated with his unpaid work placement and supervision appointments and that he had abstained from cocaine as he was trying to piece his life back together.
29. The Respondent asked the Tribunal to consider all the circumstances and not strike him off although he accepted he could not complain if this was the decision.

## Sanction

30. The Tribunal had considered carefully the Respondent's various communications with the Applicant and all the documents provided. The Tribunal referred to its Guidance Note on Sanctions when considering sanction. The Tribunal also 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.
31. The Tribunal first of all considered the Respondent's culpability. The motivation for his misconduct was to obtain monies to fund his cocaine addiction. The Respondent's conduct was planned and he had acted in breach of a position of trust as the solicitors firms who had instructed him believed he had conducted the work at the police stations as he had claimed. The Respondent had direct control over the circumstances giving rise to the conduct and he was an experienced solicitor, having been admitted in 2001. His conduct had caused harm to the two firms of solicitors who had suffered losses having paid the Respondent's dishonest invoices. That harm could have been reasonably foreseen by the Respondent and, as well as affecting the two firms of solicitors who had instructed him, his conviction had also caused harm to the reputation of the legal profession. The Tribunal concluded that the Respondent's culpability was high.
32. The Tribunal considered the aggravating factors in this case. The Respondent had acted dishonestly on 40 occasions over 3 months with two particular firms of solicitors causing losses of £4,103.25. This was deliberate, planned and repeated conduct over a period of time. He had personally benefited from the fees he had received for work that he had not done and he had abused the trust placed in him by the two firms who had instructed him. The money had been used to fund the

Respondent's cocaine addiction. This had resulted in a criminal conviction involving dishonesty. This was conduct that the Respondent knew or ought to have known was in material breach of his obligations to protect the public and the reputation of the legal profession. These were all aggravating factors.

33. The Tribunal then considered the mitigating factors. Although the Respondent had been ordered to make compensation payments, it was not known whether these had been paid. Nor was it clear whether the Respondent had satisfied the Rehabilitation Activity Requirements or carried out the unpaid work, although he had stated in his letter to the Applicant dated 25 April 2017 that he had been co-operating with his unpaid work placement and supervision appointments.
34. The Respondent had shown insight in his correspondence and indeed had admitted his behaviour immediately when confronted. He had co-operated fully with his regulator and had made open and frank admissions at an early stage of the proceedings. The Respondent's correspondence indicated he was very remorseful. The Tribunal also took into account that he had a previously unblemished career of over 15 years. These were all mitigating factors.
35. The Tribunal took into account the comments of the Sentencing Judge who had stated as follows:

“.... at least in relation to the practice of one of the firms of solicitors, it has had a significant impact on their ability to run their practice, because of the very tight financial restraints that they were having to deal with and the loss you caused to them has made life much more difficult for them and, of course, has imperilled their ability to do their job properly for their clients.....

It is a sad fact that you were a very competent, diligent and hard-working man. I have read the balanced letters that have been placed before me, there are two in particular (I am not going to deal with them in public), but they were moving and they revealed the fact that your loss as a solicitor will be a loss in fact to the public, because you had the ability to do a lot of good and you worked very hard, in order to try to do that, but your life has now crumbled and you have been dragged down, for a period you were homeless and that must have been a very frightening experience for you, but now you have obtained accommodation, albeit of a modest kind, and that is the most important factor in your life. ....

It is important that you have stopped using cocaine, you have not used it now for six months, but I am concerned that it continues to have an attraction to you, indeed, the fact you have been using cocaine for so many years, it would be surprising if it did not have some form of attraction, so you still have a very big struggle ahead of you, if you are going to be able to get over this and have a decent worthwhile life. Actually, I believe that you still have an important and valuable contribution you can make to society. How you will do that, I am not sure, but those personal qualities, that are talked about in those references, can be applied in many ways. You are good at helping people, you need to help yourself at the moment, but then you can go about that task, which obviously gives you a great deal of satisfaction, in helping others again



in the future, you will not be able to do it as a lawyer, but you may be able to use these experiences, which you have accumulated, and still make a very useful and valuable addition to society.”

36. The Tribunal noted that there was no information before it as to how the Respondent had addressed his underlying cocaine issues. Whilst it appeared from the Sentencing Judge’s comments that the Respondent had not used cocaine for a number of months prior to his sentencing hearing, the Tribunal did not know what had happened since that hearing, or what the current position was. As a result of this, the Tribunal concluded that there was a risk that the Respondent’s conduct could be repeated and therefore he continued to present a potential risk to the public and the profession.
37. The Tribunal took into account that in the context of the criminal proceedings, the Respondent had provided a number of character references which spoke very highly of him and his ability as a solicitor.
38. The Tribunal decided that this was not a case where it was appropriate to make no order, or order a Reprimand, or a Fine. These would be insufficient to mark the seriousness of the Respondent’s conduct which involved a conviction for dishonesty.
39. The Tribunal considered whether it should make a Restriction Order but concluded that as the Respondent was not currently in employment and did not hold a practising certificate, this was not appropriate. In any event it was difficult to envisage what type of conditions could address a dishonesty conviction.
40. The Tribunal then considered a Suspension. The Tribunal had already concluded that the Respondent continued to present a potential risk to members of the public and the reputation of the legal profession, as it was not known what his current position was with regard to the cocaine issues. There was therefore a risk that his conduct could be repeated.
41. This case involved very serious misconduct which had resulted in a criminal conviction for two counts of dishonest conduct to obtain funds for the Respondent’s own personal benefit. The Tribunal concluded that this was so serious that public confidence in the profession would not be satisfied by a suspension.
42. The Tribunal also took into account the case of SRA v Sharma [2010] EWHC 2022 (Admin) in which Coulson J stated:
 

“Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the roll”
43. The Tribunal hoped the Respondent would be able to use the skills and experience he had acquired over the years for the benefit of society. However, it was satisfied that there were no exceptional circumstances in this case. Accordingly the appropriate sanction, which was necessary not only to protect the public and the reputation of the profession, but also to maintain public confidence in the profession, was to remove the Respondent from the profession. The Tribunal Ordered the Respondent be struck off the Roll of Solicitors.

## Costs

44. Mr Leigh, on behalf of the Applicant requested an Order for the Applicant's costs in the total sum of £2,882.22 and provided the Tribunal with a breakdown of those costs.
45. Mr Leigh accepted some reduction would need to be made to the costs as the hearing had taken less time than he had anticipated on the schedule. He also stated that within the costs schedule, he had apportioned the disbursements as he had expected another case to proceed before the Tribunal that day. However, that case had not taken place and therefore he wished to claim the full cost of the disbursements, rather than the 50% estimate given on the schedule as these had all been incurred on the Respondent's case.
46. Mr Leigh reminded the Tribunal that the Respondent had provided a Personal Financial Statement dated 18 January 2018. This indicated that the Respondent did not have any assets or income. The Respondent had confirmed this again in his recent communication with the Applicant dated 30 March 2018. Mr Leigh submitted the Respondent was not bankrupt, he was able to work and he had not provided any independent evidence to support his Personal Financial Statement. Mr Leigh submitted it was incumbent on the Respondent to produce all relevant documents. He stated the Respondent did have a conviction for dishonesty and the Tribunal should treat the information he had provided with some care. He stated the SRA would wish to make further enquiries into the Respondent's means.
47. Mr Leigh submitted that the Respondent was relatively young and the regulator had some sympathy for his difficulties. He submitted the SRA would act as a responsible and fair regulator. It had an experienced costs recovery department which may be willing to negotiate a payment plan with the Respondent. Mr Leigh invited the Tribunal to order costs as requested.
48. The Tribunal had considered carefully the matter of costs. The Tribunal made a reduction to the claim for 3 hours of attendance to 1½ hours to reflect the actual hearing time. The Tribunal also allowed the disbursements claimed in full as requested.
49. The Tribunal considered that the amount of time claimed for work done on documents was excessive. There was a claim of 5 hours prior to the issue of the Rule 5 Statement, and there was also a claim for 1½ hours of preparation time for the final hearing. The Tribunal considered these were too high given that this was a straightforward case involving a conviction which had been admitted and not a great deal of correspondence. The Tribunal reduced the time claimed for these items and assessed the Applicant's total costs in the sum of £2,000.
50. The Tribunal then considered the Respondent's ability to pay the costs. It was clear from his Personal Financial Statement that he had little if any means. He did not even appear to be receiving state benefits as he had missed an appointment in relation to pursuing a claim for these. Whilst the Tribunal took into account the case of SRA v Davis and McGlinchey [2011] EWHC 232 (Admin) and that the onus was on the Respondent to put sufficient information before the Tribunal to support his means,

the Tribunal was also mindful that this appeared to be a case where the Respondent did not have any documents that he could provide. He had no income and no assets.

51. The Respondent's Personal Financial Statement indicated he was reliant on third parties and financially impecunious. In his letter of 23 December 2017, the Respondent indicated that he had been working prior to Christmas but had:

“...been laid off from my minimum wage job days before Christmas and am living on the last of my savings .... so will be unable to pay any costs.”

52. The Respondent had confirmed in his email to the Applicant dated 30 March 2018 that his financial situation had not changed, and he was still financially reliant on family and friends. The Tribunal decided that the impact of an order for costs of £2,000 on the Respondent was likely to cause him great hardship. The Tribunal was of the view, however, that the Respondent was young enough to be able to obtain some form of employment and as such there should be some order for costs, especially as Mr Leigh had helpfully indicated the SRA would be amenable to agreeing a payment plan with the Respondent. Accordingly, the Tribunal reduced the order for costs to £1,000 to reflect this and Ordered the Respondent to pay this amount.
53. In relation to the enforcement of that order, in the circumstances, the Tribunal did not consider there was any need to restrict enforcement of the costs order.

#### Statement of Full Order

54. The Tribunal Ordered that the Respondent, DOMINIC JOHN PETER INGLE, 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 £1,000.00.

Dated this 29<sup>th</sup> day of June 2018  
On behalf of the Tribunal



S. Tinkler  
Chairman

Judgment filed  
with the Law Society  
on 02 JUL 2018