

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12285-2022

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

CHRISTOPHER MICHAEL BILMES

Respondent

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Before:

Ms B Forde (in the Chair)

Mrs A Sprawson

Dr S Bown

Date of Hearing: 29 March 2023

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## **Appearances**

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

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## **JUDGMENT ON AN AGREED OUTCOME**

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## Allegations

1. The allegations made against the Respondent by the SRA Ltd in that statement are that, while in practice as a Member of Bilmes LLP, (the Firm):
  - “2.1 By allowing a minimum cash shortage of £1,767,322.15 as at 10 November 2017, to occur on the Firm's client account, he breached all or any of:
    - 2.1.1 Principle 2 of the SRA Principles 2011;
    - 2.1.2 Principle 6 of the SRA Principles 2011;
    - 2.1.3 Principle 8 of the SRA Principles 2011;
    - 2.1.4 Principle 10 of the SRA Principles 2011; and
    - 2.1.5 Rule 20.9 SRA Accounts Rules 2011
  - 2.2 By failing to remedy the minimum cash shortage of £1,767,322.15 on client account as at 10 November 2017 promptly or at all, he breached and / or any of:
    - 2.2.1 Principle 2 of the SRA Principles 2011;
    - 2.2.2 Principle 6 of the SRA Principles 2011;
    - 2.2.3 Principle 7 of the SRA Principles 2011;
    - 2.2.4 Principle 8 of the SRA Principles 2011;
    - 2.2.5 Principle 10 of the SRA Principles 2011; and
    - 2.2.6 Rule 7.1 of the SRA Accounts Rules 2011.
  - 2.3 Between 3 January and 26 October 2017, by improperly withdrawing, or allowing to be withdrawn, the minimum sum of £1,316,146.00 from the Firm's client account, he breached all or any of:
    - 2.3.1 Principle 2 of the SRA Principles 2011;
    - 2.3.2 Principle 6 of the SRA Principles 2011;
    - 2.3.3 Principle 8 of the SRA Principles 2011;
    - 2.3.4 Principle 10 of the SRA Principles 2011;
    - 2.3.5 Rule 1.2(a) of the SRA Accounts Rules 2011;
    - 2.3.6 Rule 1.2(c) of the SRA Accounts Rules 2011;

- 2.3.7 Rule 20.1 of the SRA Accounts Rules 2011; and
  - 2.3.8 Rule 20.3 of the SRA Accounts Rules 2011.
- 2.4 From December 2016 at the latest, by failing to keep accounting records properly written up to show the Firm's dealings with client and office money, and failing to complete client account reconciliations at least every five weeks, he breached any or all of:
- 2.4.1 Principle 6 of the SRA Principles 2011;
  - 2.4.2 Principle 7 of the SRA Principles 2011;
  - 2.4.3 Principle 8 of the SRA Principles 2011;
  - 2.4.4 Rule 29.1 of the SRA Accounts 2011;
  - 2.4.5 Rule 29.2 of the SRA Accounts Rules 2011; and
  - 2.4.6 Rule 29.12 of the SRA Accounts Rules 2011.
- 2.5 Between August 2016 (at the latest) and March 2017 (at the earliest) he made statements to HM Revenue & Customs and / or Client A in respect of a Stamp Duty Land Tax payment on behalf of Client A in respect of their purchase of Property A, which were untrue and which he knew, or ought to have known, were untrue at the time they were made, and thereby breached either or both of:
- 2.5.1 Principle 2 of the SRA Principles 2011; and
  - 2.5.2 Principle 6 of the SRA Principles 2011.
- 2.6 Between 15 September 2017 and 10 November 2017 by failing to redeem the mortgage in the sum of £431,902.13 in respect of Client B in respect of Property B, despite receiving funds to enable him to do so, he breached any or all of:
- 2.6.1 Principle 2 of the SRA Principles 2011;
  - 2.6.2 Principle 4 of the SRA Principles 2011;
  - 2.6.3 Principle 5 of the SRA Principles 2011; and
  - 2.6.4 Principle 6 of the SRA Principles 2011.
- 2.7 Between June 2017 and 10 November 2017 by failing to redeem the mortgage in the sum of £150,433.93 in respect of Client C in respect of Property C, despite receiving funds to enable him to do so, he breached any or all of:

- 2.7.1 Principle 2 of the SRA Principles 2011;
- 2.7.2 Principle 4 of the SRA Principles 2011;
- 2.7.3 Principle 5 of the SRA Principles 2011; and
- 2.7.4 Principle 6 of the SRA Principles 2011.

2.8 Dishonesty was also alleged in respect of allegations 2.1, 2.2, 2.3, 2.4 and 2.5.”

2. Mr Bilmes admitted all the allegations against him set out above.

### **Documents**

3. The Tribunal considered the documents submitted in support of the application for an Agreed Outcome which were contained within an electronic hearing bundle agreed by the parties.

### **Background and Factual Summary**

- 4. The following facts and matters are agreed between the SRA and Mr Bilmes.
- 5. Mr Bilmes was born in December 1977 and was admitted to the Roll of Solicitors on 1 November 2004.
- 6. Mr Bilmes was one of two Members of the Firm from when it started trading on 2 January 2008 until it closed following an intervention by the Solicitors Regulation Authority on 10 November 2017. He specialised in conveyancing, matrimonial and litigation.
- 7. Mr Bilmes was the Firm’s Compliance Officer for Legal Practice (COLP) and Compliance Officer for Finance Administration (COFA).
- 8. There was a second Member at the time the Firm closed, Malcolm Haddow (Mr Haddow), who joined the Firm as an Associate on 17 March 2017 and only became a Member on 29 September
- 9. The SRA investigation revealed no evidence that Mr Haddow was involved with, or aware of, the alleged misconduct.
- 10. Between 1 January 2017 and 26 October 2017, Mr Bilmes was one of two cosignatories on the Firm’s client and office accounts.
- 11. On 2 November 2017 a duly authorised officer of the SRA (“the FI Officer”) commenced an inspection of the books of accounts and other documents of the Firm, on a no notice basis, pursuant to that commission at the Firm’s office in Groombridge, Kent (the Inspection).

12. On arrival at the Firm's office, the FI Officer met with Mr Haddow and established the following:
- Mr Haddow had received a text whilst at the airport on Saturday night (29 October 2017) from Mr (Anthony) Ian Bilmes the Respondent's father who is not a solicitor and who was employed by the Firm as a Consultant and described as a Senior Conveyancing Executive (Mr Bilmes Snr), who stated that *"the firm had hit the buffers and that there was a shortfall in the client account of around £500,000"*;
  - Mr Haddow had met with Mr Bilmes Snr at the Firm's office on 30 October 2017.
  - Mr Bilmes Snr advised Mr Haddow that there was a situation which he described to Mr Haddow as a "discrepancy" on 2 mortgage matters amounting to a shortfall of around £500,000 but would not tell him to which matters those related. Mr Bilmes Snr advised Mr Haddow that as he had given up all interest in the Firm in November 2016 Mr Haddow would have to sort out the problems.
  - Mr Haddow had removed all of the live client matter files and was storing them at his home address and all accounting information that was available had been removed to Mr Haddow's home address and laptop. Passwords had been changed on the case management system so Mr Haddow could not access it. The last client bank account reconciliation had been completed in December 2016.
13. The FI Officer was able to determine a shortage of £409,394.15 on the Firm's client account in respect of two client matters, Client B and the sale of Property B; and Client C and the sale of Property C.
14. On 8 November 2017 a Decision was made by a single Adjudicator to intervene into the practice of Mr Bilmes and into the Firm on the grounds of reason to suspect dishonesty by Mr Bilmes in connection with his practice at the Firm (the Decision).
15. The Firm was subsequently subject to intervention by the SRA on 10 November 2017 (the Intervention).
16. After the Intervention, the FI Officer continued to engage with Mr Bilmes Snr and attempted to engage with Mr Bilmes. An Investigation Officer in the employment of the SRA thereafter continued to investigate the issues that had been identified with the Firm.
17. On 10 April 2018 the FI Officer asked Mr Bilmes Snr to confirm if Mr Bilmes was going to cooperate with the SRA's investigation and provide explanations as to the shortage of £1,767,322.15 on the Firm's client account. Mr Bilmes Snr replied on 12 April 2018 stating he was confident that the Mr Bilmes would do so as soon as he was able.
18. On 31 May 2018 the FI Officer sent an email to Mr Bilmes Snr setting out a number of questions to be answered by Mr Bilmes. Mr Bilmes Snr replied on 8 June 2018 stating *"I am sorry to say that I have been unable to elicit any response from Christopher in either general or specific terms to the questions you have posed. I assume you will now conclude your investigation."*

19. On 14 August 2018 the FI Officer wrote to Mr Bilmes inviting him to attend an interview at the SRA's London office on 30 August 2018.
20. Mr Bilmes replied on 28 August 2018, through Mr Bilmes Snr, stating "*I will not go to the meeting*" with the latter stating, "*I could obtain no more detailed oral response*".
21. The Inspection culminated in a Forensic Investigation Report dated 21 September 2018 (the FI Report). This report identified a minimum client cash shortage of £1,767,322.15 as at November 2017.
22. The FI Report also identified numerous concerns relating to a significant cash shortage on the Firm's client account, unauthorised transfers from the Firm's client account, failing to keep accounts properly written up and failing to redeem the mortgage in respect of at least two properties.
23. The allegations and breaches of the Principles are set out fully in the Agreed Outcome document annexed hereto.

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

24. The parties invited the Tribunal to deal with the Allegations against Mr Bilmes in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions (10<sup>th</sup> Edition/June 2022) ("the Sanctions Guidance").
25. The proposed sanction was that Mr Bilmes be Struck Off the Roll.

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

26. The Applicant was required to prove the allegation on the balance of probabilities. The Tribunal had due regard to Mr Bilmes' rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
27. The Tribunal reviewed all the material before it and the Tribunal was satisfied on the balance of probabilities that Mr Bilmes' admissions were properly made with respect to each allegation, including dishonesty.
28. Having regard to the seriousness of the admitted misconduct the Tribunal was satisfied with the sanction proposed by the parties which it considered was appropriate and proportionate to protect public confidence in the profession and to protect the public against the risk of further harm.
29. The serious circumstances of this case in which there had been a very substantial shortfall on the client account and 5 admitted allegations of dishonesty required no lesser sanction than Strike Off.

**Costs**

30. The parties agreed that Mr Bilmes should pay the Applicant's costs of this matter in the sum of £18,600.00.

**Statement of Full Order**

31. The Tribunal Ordered that the Respondent, CHRISTOPHER MICHAEL BILMES 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 agreed sum of £18,600.00.

Dated this 5<sup>th</sup> day of April 2023  
On behalf of the Tribunal



B Forde  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**6 APR 2023**

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

**Case No: 12285-2021**

**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)**

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

**and**

**CHRISTOPHER MICHAEL BILMES**

Respondent

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**STATEMENT OF AGREED FACTS  
AND INDICATED OUTCOME**

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1. By an application dated 17 December 2021, accompanied by the statement made pursuant to Rule 12(2) of the Solicitors (Disciplinary Proceedings) Rules 2019, the Solicitors Regulation Authority Limited (“SRA Ltd”) brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Mr Christopher Michael Bilmes (the Respondent).
2. The allegations made against the Respondent by the SRA Ltd in that statement are that, while in practice as a Member of Bilmes LLP, whose office was at The Oast, Hending Farm, Groombridge, YN3 9NU (the Firm):
  - 2.1 By allowing a minimum cash shortage of £1,767,322.15 as at 10 November 2017, to occur on the Firm’s client account, he breached all or any of:
    - 2.1.1 Principle 2 of the SRA Principles 2011;
    - 2.1.2 Principle 6 of the SRA Principles 2011;
    - 2.1.3 Principle 8 of the SRA Principles 2011;
    - 2.1.4 Principle 10 of the SRA Principles 2011; and
    - 2.1.5 Rule 20.9 SRA Accounts Rules 2011



## Sensitivity: General

2.2 By failing to remedy the minimum cash shortage of £1,767,322.15 on client account as at 10 November 2017 promptly or at all, he breached and / or any of:

- 2.2.1 Principle 2 of the SRA Principles 2011;
- 2.2.2 Principle 6 of the SRA Principles 2011;
- 2.2.3 Principle 7 of the SRA Principles 2011;
- 2.2.4 Principle 8 of the SRA Principles 2011;
- 2.2.5 Principle 10 of the SRA Principles 2011; and
- 2.2.6 Rule 7.1 of the SRA Accounts Rules 2011.

2.3 Between 3 January and 26 October 2017, by improperly withdrawing, or allowing to be withdrawn, the minimum sum of £1,316,146.00 from the Firm's client account, he breached all or any of:

- 2.3.1 Principle 2 of the SRA Principles 2011;
- 2.3.2 Principle 6 of the SRA Principles 2011;
- 2.3.3 Principle 8 of the SRA Principles 2011;
- 2.3.4 Principle 10 of the SRA Principles 2011;
- 2.3.5 Rule 1.2(a) of the SRA Accounts Rules 2011;
- 2.3.6 Rule 1.2(c) of the SRA Accounts Rules 2011;
- 2.3.7 Rule 20.1 of the SRA Accounts Rules 2011; and
- 2.3.8 Rule 20.3 of the SRA Accounts Rules 2011.

2.4 From December 2016 at the latest, by failing to keep accounting records properly written up to show the Firm's dealings with client and office money, and failing to complete client account reconciliations at least every five weeks, he breached any or all of:

- 2.4.1 Principle 6 of the SRA Principles 2011;
- 2.4.2 Principle 7 of the SRA Principles 2011;
- 2.4.3 Principle 8 of the SRA Principles 2011;
- 2.4.4 Rule 29.1 of the SRA Accounts 2011;
- 2.4.5 Rule 29.2 of the SRA Accounts Rules 2011; and
- 2.4.6 Rule 29.12 of the SRA Accounts Rules 2011.

2.5 Between August 2016 (at the latest) and March 2017 (at the earliest) he made statements to HM Revenue & Customs and / or Client A in respect of a Stamp Duty

## Sensitivity: General

Land Tax payment on behalf of Client A in respect of their purchase of Property A, which were untrue and which he knew, or ought to have known, were untrue at the time they were made, and thereby breached either or both of:

2.5.1 Principle 2 of the SRA Principles 2011; and

2.5.2 Principle 6 of the SRA Principles 2011.

2.6 Between 15 September 2017 and 10 November 2017 by failing to redeem the mortgage in the sum of £431,902.13 in respect of Client B in respect of Property B, despite receiving funds to enable him to do so, he breached any or all of:

2.6.1 Principle 2 of the SRA Principles 2011;

2.6.2 Principle 4 of the SRA Principles 2011;

2.6.3 Principle 5 of the SRA Principles 2011; and

2.6.4 Principle 6 of the SRA Principles 2011,

2.7 Between June 2017 and 10 November 2017 by failing to redeem the mortgage in the sum of £150,433.93 in respect of Client C in respect of Property C, despite receiving funds to enable him to do so, he breached any or all of:

2.7.1 Principle 2 of the SRA Principles 2011;

2.7.2 Principle 4 of the SRA Principles 2011;

2.7.3 Principle 5 of the SRA Principles 2011; and

2.7.4 Principle 6 of the SRA Principles 2011.

2.8 Dishonesty was also alleged in respect of allegations 2.1, 2.2, 2.3, 2.4 and 2.5.

### **Admissions**

3. The Respondent admits all of the allegations against him set out at paragraph 2 above.

### **Professional Details**

4. The following facts and matters are agreed between the SRA and the Respondent.

4.1 The Respondent was born                      December 1977 and was admitted to the Roll of Solicitors on 1 November 2004.

Sensitivity: General

4.2 The Respondent was one of two Members of the Firm from when it started trading on 2 January 2008 until it closed following an intervention by the Solicitors Regulation Authority on 10 November 2017. He specialised in conveyancing, matrimonial and litigation.

4.3 The Respondent was the Firm's Compliance Officer for Legal Practice (COLP) and Compliance Officer for Finance Administration (COFA).

4.4 The Respondent remains on the Roll of Solicitors but does not have a current Practising Certificate. His last Practising Certificate was for the year 2017-2018 and was suspended on 8 November 2017 following the intervention into the Firm.

4.5 There was a second Member at the time the Firm closed, Malcolm Haddow (Mr Haddow), who joined the Firm as an Associate on 17 March 2017 and only became a Member on 29 September 2017. The SRA investigation revealed no evidence that Mr Haddow was involved with, or aware of, the alleged misconduct.

4.6 Between 1 January 2017 and 26 October 2017, the Respondent was one of two co-signatories on the Firm's client and office accounts.

4.7 On 2 November 2017 a duly authorised officer of the SRA ("the FI Officer") commenced an inspection of the books of accounts and other documents of the Firm, on a no notice basis, pursuant to that commission at the Firm's office at The Oast, Hendl Farm, Groombridge, TN3 9NU (the Inspection).

4.8 On arrival at the Firm's office, the FI Officer met with Mr Haddow and established the following:

4.8.1 Mr Haddow had received a text whilst at the airport on Saturday night (29 October 2017) from Mr (Anthony) Ian Bilmes the Respondent's father who is not a solicitor and who was employed by the Firm as a Consultant and described as a Senior Conveyancing Executive (Mr Bilmes Snr), who stated that *"the firm had hit the buffers and that there was a shortfall in the client account of around £500,000"*;

4.8.2 Mr Haddow had met with Mr Bilmes Snr at the Firm's office on 30 October 2017.

## Sensitivity: General

- 4.8.3 Mr Bilmes Snr advised Mr Haddow that there was a discrepancy on 2 mortgage matters totalling around £500,000 but would not tell him which matters those related to.
- 4.8.4 Mr Bilmes Snr advised Mr Haddow that he had given up all interest in the Firm in November 2016 so Mr Haddow had to sort out the problems;
- 4.8.5 Mr Haddow had removed all of the live client matter files and was storing them at his home address and all accounting information that was available had been removed to Mr Haddow's home address and laptop;
- 4.8.6 Passwords had been changed on the case management system so Mr Haddow could not access it; and
- 4.8.7 The last client bank account reconciliation had been completed in December 2016.
- 4.9 The FI Officer was able to determine a shortage of £409,394.15 on the Firm's client account in respect of two client matters, Client B and the sale of Property B; and Client C and the sale of Property C.
- 4.10 On 8 November 2017 a Decision was made by a single Adjudicator to intervene into the practice of the Respondent and into the Firm on the grounds of reason to suspect dishonesty by the Respondent in connection with his practice at the Firm (the Decision).
- 4.11 The Firm was subsequently intervened into by the SRA on 10 November 2017 (the Intervention).
- 4.12 After the Intervention, the FI Officer continued to engage with Mr Bilmes Snr, and attempted to engage with the Respondent. An Investigation Officer in the employment of the SRA thereafter continued to investigate the issues that had been identified with the Firm.
- 4.13 On 10 April 2018 the FI Officer asked Mr Bilmes Snr to confirm if the Respondent was going to cooperate with the SRA's investigation and provide explanations as to the shortage of £1,767,322.15 on the Firm's client account. Mr

Bilmes Snr replied on 12 April 2018 stating he was confident that the Respondent would do so as soon as he was able.

4.14 On 31 May 2018<sup>1</sup> the FI Officer sent an email to Mr Bilmes Snr setting out a number of questions to be answered by the Respondent. Mr Bilmes Snr replied on 8 June 2018 stating *"I am sorry to say that I have been unable to elicit any response from Christopher in either general or specific terms to the questions you have posed. I assume you will now conclude your investigation"*

4.15 On 14 August 2018 the FI Officer wrote to the Respondent inviting him to attend an interview at the SRA's London office on 30 August 2018.

4.16 The Respondent replied on 28 August 2018, through Mr Bilmes Snr, stating *"I will not go to the meeting"* with the latter stating *"I could obtain no more detailed oral response"*.

4.17 The Inspection culminated in a Forensic Investigation Report dated 21 September 2018 (the FI Report).

4.18 The FI Report reports a minimum client cash shortage of £1,767,322.15 as at 10 November 2017.

4.19 The FI Report identifies numerous concerns relating to a significant cash shortage on the Firm's client account, unauthorised transfers from the Firm's client account, failing to keep accounts properly written up and failing to redeem the mortgage in respect of at least two properties.

Allegation 1 - Allowing a Minimum Cash Shortage of £1,767,322.15 as at 10 November 2017 to occur on the Firm's Client Account

4.20 Due to the paucity of the Firm's accounting records, the FI Officer was unable to calculate the full extent of the Firm's liabilities to clients. Lester Aldridge Solicitors, the intervention agents appointed by the SRA, advised the FI Officer on 22 March 2018 that: *"The reconciliation is now complete as best we can. .... There is (sic) now 26 unidentified items remaining which cannot be traced. .... There are 20 matters with debit balances totalling £1,767,694,91..... The Stat Trust balance is £149,458.48*

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<sup>1</sup> By which point the FI Officer had been advised that the Respondent was working, not in a legal position, and commuting to Camden on a daily basis

*(£149,400.45 client account and £56.03 office 2 account). The best list balance is £1,916,77863 which leaves a shortfall of £1,767,322.15".*

4.21 In an email of 31 May 2018, the FI Officer asked the Respondent, via Mr Bilmes Snr, whether he agreed with this shortage, how this shortage arose, who was responsible for this shortage and the date this shortage commenced. No response was received from the Respondent.

Allegation 2- Failing to remedy the shortage on the Firm's client account of £1,767,322.15 as at 10 November 2017, promptly or at all

4.22 No monies have since been repaid and the minimum shortage remains on client account.

4.23 As at 21 September 2018 the SRA Compensation Fund had paid out on 27 matters totalling £1,157,400.20. As at 14 March 2023 the Compensation Fund has paid out a total of £2,739,659.47, which was reduced by subrogation of £135,184.58 from the Statutory Trust to £2,604,474.89

Allegation 3 - Between 3 January and 26 October 2017, improperly transferred or allowed to be transferred the sum of £1,316,146.06 from the Firm's client account to its office account

4.24 Between 3 January and 26 October 2017, the Respondent made, or allowed to be made 175 transfers, the majority of which were round sum transfers, totalling £1,316,146.06 (the Transfers). The largest of these Transfers was for £32,500 on 31 July 2017 and the smallest was £12.14 on 29 September 2017.

4.25 The Intervention Agents have confirmed that they could not find bills of costs to justify these Transfers, and no explanation has been provided by the Respondent in respect of these Transfers.

4.26 Of these Transfers, £657,627.96 was then transferred from the Firm's office account into The Bilmes Organisation LLP, a company of which the Respondent, Mr Bilmes Snr and Mrs Susan Bilmes, the Respondent's mother, were listed as being officers. The Bilmes Organisation LLP went into administration on 23 November 2017.

4.27 An additional £26,207.17 was transferred to Swallows and Daggers, (an entity of which the Respondent and Mr Bilmes Snr were two of its directors and which was described by

Sensitivity: General

the Firm's former Finance Manager as the Respondent's "*pet project*" which specialised in producing hoodies and t-shirts).

4.28 A further £218,508.04 was transferred from the Firm's office account to pay creditors of the Firm.

4.29 These payments were made either on the same day that monies were improperly transferred into the Firm's office account from its client account, or immediately after.

Allegation 4 – From December 2016 at the latest, failed to keep accounting records properly written up to show the Firm's dealings with client and office money, and failed to conduct client account reconciliations at least every five weeks

4.30 When he met with the FI Officer on 2 November 2017, Mr Haddow advised the FI Officer that the last client bank account reconciliation had been completed in December 2016.

4.31 The Firm's former Finance Manager also advised the SRA that no postings had been made for the past two years.

4.32 The FI Officer was not able to find any evidence of the Firm's accounting records.

Allegation 5 - Between August 2016 (at the latest) and March 2017 (at the earliest) he made statements to HM Revenue & Customers in respect of payment of Stamp Duty Land Tax on behalf of Client A and their purchase of Property A, which were untrue and which he knew, or ought to have known, were untrue at the time they were made

4.33 The Firm was instructed to act for Client A and Bank A in relation to the purchase of Property A for £6,650,000 (and the re-mortgage of a separate property) on or around October 2015.

4.34 Payments totalling £423,665 was received into the Firm's client account between 29 July and 19 October 2016 including £288,000 on account of SDLT payment on 18 August 2016.

4.35 The purchase of Property A completed on 29 July 2016. The client matter ledger showed a payment of £288,000 being made to HM Revenue & Customs on 18 August 2016 however the FI Officer could not locate the payment when reviewing the Firm's client account bank statements.

## Sensitivity: General

- 4.36 On 25 August 2016, the Respondent sent a letter to HM Revenue & Customs together with an SDLT1 form and confirmed that the amount shown on the form, £266,000.00, has been paid.
- 4.37 On 12 January 2017, Client A requested that the remaining balance be released from the Firm's client account and asked the Respondent to stop acting for him. Client A made further requests for the balance of funds being held by the Firm to be transferred to it from the Firm's client bank account.
- 4.38 On 23 January 2017 HM Revenue & Customs confirmed that it could not trace the sum of £266,000 from the Firm.
- 4.39 On 1 March 2017, in a separate letter to HM Revenue & Customs the Respondent confirmed again that the relevant payment had been made and attached a banking confirmation from the Firm's bank indicating a payment of £266,000.00 on 18 August 2016.
- 4.40 Client A subsequently instructed Gunner Cooke LLP in relation to the payment of the SDLT. In an email to Gunner Cooke of 17 March 2017, the Respondent stated that HM Revenue & Customs had said that the payment may have "*bounced back*".
- 4.41 The Respondent subsequently advised Gunner Cooke in a second email of 17 March 2017 that he had located the funds as they had been "*allocated to an estate account in the wrong name*".

Allegation 6 - Between 15 September 2017 and 10 November 2017, failed to redeem the mortgage of Client B in respect of Property B despite receiving sale proceeds to enable him to do so

- 4.42 The Respondent acted for Client B in respect of the sale of her property, Property B, for the sum of £973,000.
- 4.43 There was no client matter ledger for the matter and no completion statement, however the FI Officer noted from a review of the client account bank statement that £43,000 was received from Ewan & Co Solicitors on 7 August 2017 and the balance of the completion monies were received on 15 September 2017.
- 4.44 On 25 September 2017 the sum of £514,181,92 was sent to Client B in respect of the proceeds of sale.



## Sensitivity: General

4.45 However, a mortgage redemption statement had been received from Mortgage Lender B, showing an outstanding mortgage in respect of Property B in the sum of £431,902.13. As at the date of the Intervention this balance had not been redeemed, despite Client B chasing the Respondent and Mr Bilmes Snr in respect of the same.

4.46 At the date of the Intervention, there was £172,941.91 on the Firm's client account, which was insufficient to enable the mortgage in favour of Mortgage Lender B to be discharged. The mortgage was ultimately redeemed by Client B on or around 23 March 2018.

### Allegation 7 - Between June 2017 and 10 November 2017, failed to redeem the mortgage of Client C in respect of Property C despite receiving sale proceeds to enable him to do

4.47 The Respondent acted for Client C in respect of the sale of their Property, Property C, for a sale price of £420,000.00. (The transaction was a forced sale due to bankruptcy proceedings in July 2014 issued by Creditor C). Contracts were exchanged on 5 June 2017 with a completion date set for 8 June 2017.

4.48 There was no client matter ledger for the matter and no completion statement, however the FI Officer noted from a review of the client account bank statements that on 5 June 2017, £41,964 was received from Swinburne Maddison LLP on 5 June 2017. The balance of the completion monies of £378,000 was received on 8 June 2017.

4.49 A review of the client matter file by the FI Officer showed a mortgage redemption statement from Mortgage Lender C totalling £150,433.93.

4.50 On 31 October 2017 Client C emailed the Respondent stating that "*I am still receiving letters from my mortgage company informing me that the mortgage has still not been settled and I am behind on my mortgage payments for the last three months*".

4.51 A review by the FI Officer of the client account bank statements established that between 13 June 2017 and 23 October 2017, £151,000.00 of round sums were transferred from client to office account. The reference against each of the transfers was a name similar to that of Creditor C.

4.52 At the date of the Intervention the mortgage had not been redeemed and accordingly should still be retained in client bank account.

- 4.53 On 19 November 2018 an Investigation Officer employed by the SRA (the Investigation Officer) emailed Mr Bilmes Snr asking him to put questions to the Respondent.
- 4.54 After receiving an email from the Investigation Officer chasing a response on 5 December 2018 Mr Bilmes Snr replied on 5 December 2018 stating *"I am afraid that I have received no response from Christopher to your questions"*.
- 4.55 On 30 April 2019 Mr Bilmes Snr advised the Investigation Officer that *"I have put your requests and questions to Christopher but I have only elicited the same responses I have obtained in the past namely none"*.
- 4.56 On 3 September 2019, an Investigation Officer employed by the SRA sent an Explanation With Warning letter (EWW) to the Respondent, asking for his response to the allegation against him by 19 September 2019.
- 4.57 Despite limited correspondence with the Respondent, no substantive response has been received to the EWW.
- 4.58 On 9 November 2019 an Authorised Officer of the SRA decided to refer the conduct of the Respondent to the Tribunal. The proceedings have since been subject to a number of adjournments as a result of criminal proceedings being brought against the Respondent.

### **Mitigation**

5. The following mitigation is advanced by the Respondent, and is not endorsed by the SRA Ltd.
- 5.1 The Respondent has suffered and continues to suffer from a number of complex mental health conditions, details of which have been provided to the Applicant by way of expert medical evidence in the course of these proceedings.
- 5.2 Nevertheless the Respondent does not seek to contest the outcome contended for in para 6 below.

### **Outcome**

6. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions (10<sup>th</sup> Edition), the SRA contends and the Respondent accepts that in light of the seriousness of the allegations against him, which include five admissions of dishonesty, and a significant shortage on the Firm's client account, the proper penalty in this case is that the Respondent is struck off the Roll of Solicitors.

**Costs**

7. The Respondent agrees to pay the SRA costs of the application in the sum of £18,600

\_\_\_\_\_  
Mr Oliver Sweeney

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Mr Christopher Bilmes

Dated 28th March 2023  
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