

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12286-2021

## BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

HASHOK PARMAR

Respondent

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Before:

Mr P Lewis (in the chair)

Mr P Jones

Dr S Bown

Date of Hearing:

11 April 2022

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## Appearances

Cameron Scott, barrister of Capsticks LLP for the Applicant.

The Respondent did not appear and was not represented.

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## JUDGMENT

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## **Allegations**

1. The allegations against the Mr Parmar, were that:
  - 1.1. On dates between 1 October 2014 and 30 November 2016 he conspired with others to commit fraud, by falsely representing that the sales of certain properties were genuine transactions conducted on behalf of their true owners, when in fact such sales involved a false and/or stolen identity to represent those persons. In doing so, he breached Principles 2 and 6 of the SRA Principles 2011 (“the 2011 Principles”). (On 5 March 2020, the Respondent was convicted on indictment of two counts of conspiracy to commit fraud in respect of the above conduct).
  - 1.2. On dates between 1 October 2014 and 28 February 2015 he conspired with others to convert criminal property, namely the proceeds of fraudulent property transactions, by moving the said proceeds through diverse bank accounts and converting the same to cash. In doing so, he breached Principles 2 and 6 of the 2011 Principles. (On 5 March 2020, the Respondent was convicted on indictment of one count of conspiracy to convert criminal property in respect of the above conduct.)
2. Mr Parmar’s criminal conduct resulting in each of his convictions for conspiracy to commit fraud was dishonest because dishonesty is an essential ingredient of fraud and a conspiracy to commit fraud is simply an agreement with others to commit that offence.

## **Documents**

3. The Tribunal considered all of the documents in the case which were contained in an agreed electronic bundle.

## **Preliminary Matters**

### Application to proceed in absence

4. Mr Scott applied for the matter to proceed in the absence of Mr Parmar, who was not in attendance and was not represented.
5. Mr Parmar was a serving prisoner at the time of the hearing. He had indicated in writing to the Applicant and the Tribunal that he did not wish to attend. In his letter to the Applicant dated 30 March 2022 he had explained that he had considered whether to participate by video link and had decided not to. He cited reasons connected to his health, lack of ability to pay for legal representation, lack of confidence in his own ability to present his own case and overall costs for this decision.
6. Mr Scott submitted that Mr Parmar had voluntarily absented himself, having been properly served and made aware of the hearing date.

### The Tribunal’s Decision

7. The Tribunal considered the representations made by the Applicant. Mr Parmar was aware of the date of the hearing and SDPR Rule 36 was therefore engaged. The Tribunal

had regard to the criteria for exercising the discretion to proceed in absence as set out in R v Hayward, Jones and Purvis [2001] QB 862 and to GMC v Adeogba [2016] EWCA Civ 162, which specifically related to regulatory proceedings.

8. The Tribunal was satisfied that the Mr Parmar had taken a considered decision not to participate in the hearing. In his correspondence he had raised health issues but had made clear that he did not wish the hearing adjourned. The Tribunal had regard to the short letter prepared by the GP based at the prison and saw nothing there that would justify an adjournment in any event.
9. There was nothing to suggest that a delay in the hearing would result in the Mr Parmar changing his mind. There was a public interest in proceeding with the matter and the Tribunal therefore granted Mr Scott's application.

### **Factual Background**

10. Mr Parmar was admitted to the Roll of Solicitors on 17 February 1992. At all material times he practised at Sterling Law (later known as Kings Law Solicitors) High Street Chambers, 22 High Street, Loughborough, LE11 2PZ ("the Firm"). The Firm was Mr Parmar's sole practice, and he was its COLP, COFA and MLRO. At the time of the hearing Mr Parmar did not hold a practising certificate.
11. On 5 March 2020, Mr Parmar had been convicted following a trial in the Crown Court at Leicester on the following Counts:

Count 1:

"CONSPIRACY TO COMMIT FRAUD contrary to section 1(1) of the Criminal Law Act 1977.

#### **PARTICULARS OF OFFENCE**

[SA] and HASHOK PARMAR between the 1st day of October 2014 and the 30th day of November 2016 with a view to a gain or to expose others to a risk of a loss conspired together and with others to obtain £240,000 from [Person A] by falsely representing that the sale of [Address A] was a genuine transactions conducted on behalf of the true owner of that property [Person B] when in fact it involved a false and/or stolen identity to represent that person."

Count 2:

"CONSPIRACY TO COMMIT FRAUD contrary to section 1(1) of the Criminal Law Act 1977.

#### **PARTICULARS OF OFFENCE**

[SA] and HASHOK PARMAR between the 1st day of October 2014 and the 28th day of February 2015 with a view to a gain or to expose others to a risk of a loss conspired together and with others to obtain £2,350,000 from a genuine buyer by falsely representing that the sale of [Address B] was a genuine

transaction conducted on behalf of the true owner of that property [Person C] when in fact it involved a false and/or stolen identity to represent that person.”

Count 4:

“CONSPIRACY TO CONVERT CRIMINAL PROPERTY contrary to section 1(1) of the Criminal Law Act 1977.

#### PARTICULARS OF OFFENCE

[SA], HASHOK PARMAR, [CD], [MS], [IP] and [JS] between the 1st day of October 2014 and the 28th day of February 2015 conspired together and with others to convert criminal property, namely the proceeds of fraudulent property transactions, by moving the said proceeds through diverse bank accounts and converting the same to cash.”

12. On 1 June 2020 he was sentenced to six years imprisonment on Count 2 and four years imprisonment on Counts 1 and 4, all to run concurrently with the sentence on Count 1, making a total sentence of six years imprisonment.
13. The offences had been committed when Mr Parmar and SA had worked together at the firm and became involved in a series of sophisticated frauds. While most of the frauds were unsuccessful, one of them was not, resulting in actual loss.
14. The Sentencing Remarks recorded that the offence that was the subject of Count 2 fell within the highest bracket of the Sentencing Guidelines.

#### Findings of Fact and Law

15. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with Mr Parmar’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.
16. **Allegation 1.1 - On dates between 1 October 2014 and 30 November 2016 he conspired with others to commit fraud, by falsely representing that the sales of certain properties were genuine transactions conducted on behalf of their true owners, when in fact such sales involved a false and/or stolen identity to represent those persons. In doing so, he breached Principles 2 and 6 of the SRA Principles 2011 (“the 2011 Principles”). (On 5 March 2020, the Respondent was convicted on indictment of two counts of conspiracy to commit fraud in respect of the above conduct).**

**Allegation 1.2 - On dates between 1 October 2014 and 28 February 2015 he conspired with others to convert criminal property, namely the proceeds of fraudulent property transactions, by moving the said proceeds through diverse bank accounts and converting the same to cash. In doing so, he breached**

**Principles 2 and 6 of the 2011 Principles. (On 5 March 2020, the Respondent was convicted on indictment of one count of conspiracy to convert criminal property in respect of the above conduct.)**

**Allegation 2 - Mr Parmar's criminal conduct resulting in each of his convictions for conspiracy to commit fraud was dishonest because dishonesty is an essential ingredient of fraud and a conspiracy to commit fraud is simply an agreement with others to commit that offence.**

### Applicant's Submissions

16.1 Mr Scott submitted that by conspiring with others to commit fraud and/or to covert criminal property in the manner described above, Mr Parmar had failed to act with integrity and had undermined public trust in himself and the profession. He had therefore breached Principles 2 and 6. Mr Scott reminded the Tribunal that dishonesty was a necessary ingredient of the offences of which Mr Parmar had been convicted.

### Respondent's Submissions

16.2 Mr Parmar had stated in his Answer that he did not seek to go behind the convictions. However, he had proceeded to advance arguments which would have amounted to defences to the allegations, had they been accepted by the jury. This included blaming his co-defendant for taking advantage of his good nature. Mr Parmar stated in his Answer that "I have throughout this matter maintained my innocence and I will until my demise, despite being convicted", having set out a detailed account of his version of events. The details of those explanations are not set out here for reasons set out below.

16.3 Mr Parmar also referenced a number of health issues that had arisen as a result of the investigations and his subsequent imprisonment.

### The Tribunal's Findings

16.4 The Solicitors (Disciplinary Proceedings) Rules 2019 (SDPR) at Rule 32 stated as follows:

"Previous findings of record

32.— (1) A conviction for a criminal offence in the United Kingdom may be proved by the production of a certified copy of the certificate of conviction relating to the offence and proof of a conviction will constitute evidence that the person in question was guilty of the offence. The findings of fact upon which that conviction was based will be admissible as conclusive proof of those facts save in exceptional circumstances."

16.5 The Tribunal had sight of the certified copy of the certificate of conviction in this matter, together with the Judge's sentencing remarks and the prosecution's opening statement. This was conclusive proof of the underlying facts, save in exceptional circumstances.

- 16.6 The Tribunal read carefully the Answer and correspondence provided by Mr Parmar. The account that he had provided had been put before the jury during the trial and had been rejected. The Judge had not identified any exceptional circumstances when passing sentence and nothing the Tribunal had read indicated the presence of any exceptional circumstances. It was therefore neither necessary or appropriate to address the particular points raised by Mr Parmar in detail in this Judgment as there was no basis to go behind the convictions.
- 16.7 The Tribunal therefore found the Allegations proved in full on the balance of probabilities.

### Principles 2 and 6

- 16.8 In Wingate and Evans v SRA and SRA v Malins [2018] EWCA Civ 366. At [100] Jackson LJ had stated:

“Integrity connotes adherence to the ethical standards of one’s own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse”.

- 16.9 The Tribunal was satisfied that committing offences of conspiracy to defraud demonstrated a clear lack of integrity and it found the breach of Principle 2 proved on the balance of probabilities. The trust the public placed in the profession was shattered when a solicitor engaged in serious criminal activity, particularly in the course of his work. The Tribunal therefore also found the breach of Principle 6 proved on the balance of probabilities.

### Dishonesty

- 16.10 The test for considering the question of dishonesty was that set out in Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 at [74] as follows:

“the test of dishonesty is as set out by Lord Nicholls in Royal Brunei Airlines Sdn Bhd v Tan and by Lord Hoffmann in Barlow Clowes: ..... When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledgeable belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

16.11 The Tribunal applied the test in Ivey and in doing so, when considering the issue of dishonesty adopted the following approach:

- Firstly the Tribunal established the actual state of Mr Parmar’s knowledge or belief as to the facts, noting that the belief did not have to be reasonable, merely that it had to be genuinely held.
- Secondly, once that was established, the Tribunal then considered whether that conduct was honest or dishonest by the standards of ordinary decent people.

16.12 The jury at the Crown Court had found Mr Parmar guilty of offences that required the Prosecution to prove dishonesty beyond reasonable doubt. This included determining Mr Parmar’s state of knowledge and the convictions reflected the finding that Mr Parmar had conspired to defraud and to convert criminal property.

16.13 The Tribunal was satisfied that this would be considered dishonest by the standards of ordinary decent people, as indeed it had been by the jury at the Crown Court. The Tribunal found the Allegation of dishonesty proved on the balance of probabilities.

### **Previous Disciplinary Matters**

17. There was one previous finding at the Tribunal in respect of Mr Parmar. On 24 February 2017 the Tribunal had made the following Order:

“Statement of Full Order

37.1 The Tribunal ORDERED that the Respondent, HASHOK KUMAR PARMAR, solicitor, be suspended from practice as a solicitor for the period of 18 months to commence on the 24 February 2017 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,000.00.

37.2. Upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions imposed by the Tribunal as follows:

37.2.1 The Respondent may not:

37.2.1.1 Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body;

37.2.1.2 Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS);

37.2.1.3 Be a Compliance Officer for Legal Practice or a Compliance Officer for Finance and Administration;

37.2.1.4 Be employed as a solicitor otherwise than in employment which has been approved by the Solicitors Regulation Authority.

37.3 There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 37.2 above.”

18. This followed Mr Parmar admitting the following Allegations:

“1.1 The Respondent failed to supervise Mr GA, the Head of Operations of Sterling Law Solicitors, in his performance of his duties as such and thereby breached:

- 1.1.1 Principle 2 of the SRA Principles 2011;
- 1.1.2 Principle 6 of the SRA Principles 2011;
- 1.1.3 Principle 8 of the SRA Principles 2011;
- 1.1.4 Principle 10 of the SRA Principles 2011; and further failed to achieve;
- 1.1.5 Outcome O(7.1) SRA Code of Conduct 2011; and
- 1.1.6 Outcome O(7.3) SRA Code of Conduct 2011.

It was alleged the Respondent had acted recklessly in relation to Allegation 1.1.

1.2 From 9 December 2013 onwards the Respondent knew that Mr GA had been convicted of criminal offences but did not report the fact to the SRA and thereby breached:

- 1.2.1 Principle 7 of the SRA Principles 2011; and further failed to achieve;
- 1.2.2 Outcome O(10.4) SRA Code of Conduct 2011.

1.3 Between 31 December 2013 and 29 December 2014 Mr GA misappropriated the sum of £59,615.16 from the client account of Sterling Law Solicitors of which the Respondent was the Principal and, by reason of those misappropriations, he thereby breached:

- 1.3.1 Principle 2 of the SRA Principles 2011;
- 1.3.2 Principle 6 of the SRA Principles 2011;
- 1.3.3 Principle 10 of the SRA Principles 2011; and
- 1.3.4 Rule 20.1 of the SRA Accounts Rules 2011.

It was alleged the Respondent had acted recklessly in relation to Allegation 1.3.

1.4 On a date unknown prior to 29 December 2014, Mr GA misappropriated client money in the sum of £1,800 from clients of Sterling Law Solicitors, a Firm of which the Respondent was the Principal and, by reason of those further misappropriations, he thereby breached:

- 1.4.1 Principle 2 of the SRA Principles 2011;
- 1.4.2 Principle 6 of the SRA Principles 2011;
- 1.4.3 Principle 10 of the SRA Principles 2011; and
- 1.4.4 Rule 14.1 of the SRA Accounts Rules 2011.

It was alleged the Respondent had acted recklessly in relation to Allegation 1.4.



1.5 The Respondent failed to lodge an Accountants' Reports for the firm of Sterling Law Solicitors for the accounting periods:

1.5.1 5 April 2011 to 4 April 2012;

1.5.2 5 April 2012 to 4 April 2013 until 30 July 2014

and thereby breached Rule 32.1 SRA Accounts Rules 2011.

1.6 The Respondent made a statement in a professional indemnity insurance proposal form dated 4 December 2013 which he knew, or should have known, to be untrue and thereby further breached:

1.6.1 Principle 2 of the SRA Principles 2011; and

1.6.2 Principle 6 of the SRA Principles 2011."

### Mitigation

19. Mr Parmar's mitigation consisted of an account that amounted to a defence to the Allegations, as discussed above, and raised health issues, which the Tribunal considered.

### **Sanction**

20. The Tribunal had regard to the Guidance Note on Sanctions (December 2020). The Tribunal assessed the seriousness of the misconduct by considering Mr Parmar's culpability, the level of harm caused together with any aggravating or mitigating factors.

21. In assessing culpability, the Tribunal found Mr Parmar to be fully culpable. The offences had been planned and involved a gross breach of trust by an experienced solicitor.

22. In assessing harm, the Tribunal noted that there was serious harm to an individual and potential harm to others. Insofar as the attempted frauds were unsuccessful, this was due to the good judgment of others and did not detract from the fact that serious harm was foreseeable and intended. The damage to the reputation of the profession was therefore very high.

23. The element of dishonesty was an aggravating factor. Coulson J in Solicitors Regulation Authority v Sharma [2010] EWHC 2022 Admin observed:

"34. there is harm to the public every time a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be "trusted to the ends of the earth"."

24. In addition, the Tribunal noted that Mr Parmar's conduct was deliberate, planned, repeated and continued over a period of time. It involved an abuse of position and concealment of wrongdoing. Mr Parmar had contested the matter at trial and had not made admissions.

25. The Tribunal was unable to identify any mitigating factors in this case.
26. The misconduct was so serious that a Reprimand, Fine or Restriction Order would not be a sufficient sanction to protect the public or the reputation of the profession from future harm by Mr Parmar. The usual sanction where misconduct included dishonesty would be a strike-off and the Tribunal had regard to Sharma. The circumstances in which such a sanction was not imposed were exceptional, described in Sharma as “a small residual category where striking off will be a disproportionate sentence in all the circumstances ...”.
27. The Tribunal considered whether there were any exceptional circumstances that would make such an order unjust in this case. The Tribunal found there to be nothing that would justify a lesser sanction. The only appropriate and proportionate sanction was that Mr Parmar be struck off the Roll.

### **Costs**

28. Mr Scott applied for the Applicant’s costs in the sum of £3,600. In response to a question from the Tribunal, Mr Scott confirmed that the Applicant had not obtained copies of any statements made in proceedings under the Proceeds of Crime Act.
29. Mr Parmar had supplied a statement of means, which the Tribunal read carefully. In that statement, Mr Parmar set out that he was of limited means due to being in prison, not owning any properties and not having any bank accounts. He explained that he considered himself bankrupt due to having a number of creditors.
30. The Tribunal noted that there was no evidence Mr Parmar was officially bankrupt and that the costs claimed were modest. In making a costs order, the Tribunal was satisfied that he costs claimed were reasonable and proportionate and it therefore made an order for costs in the sum of £3,600. The Tribunal was aware that the Applicant would take a sensible approach to the enforcement of the costs order

### **Statement of Full Order**

31. The Tribunal Ordered that the Respondent, HASHOK PARMAR 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 £3,600.00.

Dated this 13<sup>TH</sup> day of May 2022

On behalf of the Tribunal



P Lewis  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**13 MAY 2022**