

IN THE MATTER OF PETER DAVID PUGH, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.J. Leverton (in the Chair)
Mr. D.E. Fordham
Mr. R.P.L. McMurtrie

Date Of Hearing: 26th January 1995

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Carlton Maurice Edwards, solicitor of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex on 1st December 1994 that an Order be made by the Tribunal directing that as from a date to be specified in such Order no solicitor should, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Peter David Pugh of Cotsgrove, Nottinghamshire NG12 a person who was or had been a clerk to a solicitor or that such other Order might be made as the Tribunal should think right.

The allegation was that the respondent had been convicted upon his own confession before Nottingham Crown Court of three counts of procuring the execution of a valuable security by deception and had been sentenced on 10th April 1992 to nine months imprisonment concurrent.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 26th January 1995 when Carlton Maurice Edwards, solicitor, appeared for the applicant and the respondent did not appear and was not represented.

The Tribunal had before it a letter containing admissions addressed to its Clerk by the respondent dated 12th December 1994.

At the conclusion of the hearing the Tribunal ORDERED that as from 26th January 1995 no solicitor should, except in accordance with permission in writing granted by the Law Society for such a period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Peter David Pugh of Cotsgrove, Nottinghamshire NG12 a person who was or had been a clerk to a solicitor and the Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £338.30 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent, who was not a solicitor, was from 19th August 1986 until February 1990 employed as a conveyancing clerk by Messrs. Sheltons, solicitors (the solicitors) at their office at 187 Sneinton Dale, Sneinton, Nottingham.
2. The offences of which the respondent had been convicted at Nottingham Crown Court of procuring the execution of a valuable security by deception fell into the category described as "mortgage fraud". The respondent had dealt with multiple mortgage applications by one client.
3. On 5th October 1994 the Adjudication & Appeals Committee of the Solicitors Complaints Bureau resolved that an application should be made to the Tribunal for an Order pursuant to Section 43(2) of the Solicitors' Act 1974.

The submissions of the applicant

4. The respondent had been guilty of offences relating to what had come to be known as mortgage fraud and it was right that an Order controlling his employment within the solicitors' profession should be made.

The submissions of the respondent (contained in his letter addressed to the Clerk to the Solicitors Disciplinary Tribunal dated 12th December 1994)

5. "Dear Madam,

Re: The Law Society and Myself

I acknowledge receipt of your letter of the 8th instant together with enclosures.

With reference to (Rule 17) of the Solicitors' (Disciplinary Proceedings) Rules 1994 I hereby formally advise you that the facts contained in the statement of allegations and facts made by Mr. C.M. Edwards are not disputed by me, and I have accordingly informed him of such in writing as of today's date.

Please be advised that neither I nor any counsel and/or solicitor will be present at the hearing on the date as notified, such hearing can proceed in my absence. At no time in the future will I be seeking employment as a solicitor (*sic*).

Reference is made in your notice in Form 5 (Rule 6) and (Rules 21 and 22) of the above Rules as to costs and in this respect I would ask you to note that although I am currently in employment, after 3 years of unemployment, I am on a low income which is supplemented by state benefits, which details can be substantiated.

Should you require any further correspondence from me, kindly advise.


Yours sincerely, Signed: P.D. Pugh"

The Tribunal FOUND the allegations to have been substantiated. Clearly it was appropriate that the respondent's employment within the solicitors' profession should be controlled and the Tribunal made the Order sought and Ordered the respondent to pay the costs of and incidental to the application and enquiry.

DATED this 22nd day of February 1995

on behalf of the Tribunal

D.J. Leverton
Chairman

A handwritten signature in black ink, appearing to read 'D.J. Leverton', is written over a horizontal line. The signature is stylized with a large 'D' and 'L'.

