

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12590-2024

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

DAVID EBERT LLP

Respondent

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Before:

Ms A Banks (in the chair)

Mr R Nicholas

Mr B Walsh

Date of Hearing: 3 October 2024

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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 against the Respondent, made by the SRA within its Rule 12 Statement dated 19 April 2024 were that it failed, adequately or at all:
  - 1.1 Between 16 September 2022 and 29 January 2023, to comply with Rule 1.1 and 2.1 of the SRA Transparency Rules 2018 (“the Transparency Rules”).
  - 1.2 Between 16 September 2022 and 29 January 2023, to comply with conditions on authorisation imposed by an SRA Adjudicator on 11 August 2022.
  - 1.3 Between 12 July 2022 and 15 December 2023, to have an individual designated as its compliance officer for legal practice (“COLP”) in accordance with paragraph 8.1 of the SRA Authorisation of Firms Rules; and
  - 1.4 Between 3 November 2020 and 30 October 2023 to have an individual designated as its compliance officer for finance and administration (“COFA”) in accordance with paragraph 8.1 of the SRA Authorisation of Firms Rules.

AND THAT, by reason of such failures (or any of them), it breached–

- (a) Rule 1.1 of the Transparency Rules 2018; and/or
- (b) Rule 2.1 of the Transparency Rules 2018; and/or
- (c) Paragraph 3.4 of the SRA Code of Conduct 2019 (“the Code”); and/or
- (d) Rule 8.1 of the SRA Authorisation of Firms Rules 2019; and/or
- (e) Principle 2, of the SRA Principles 2019 (“the Principles”).

## **Documents**

2. The Tribunal had before it the following documents:-
  - The Form of Application dated 19 April 2024
  - Rule 12 Statement dated 19 April 2024
  - Statement of Agreed Facts and Proposed Outcome dated 1 October 2024

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

3. The parties invited the Tribunal to deal with the Allegations against the Respondent 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.
4. The Respondent admitted Allegations 1.1 to 1.4 and all associated breaches of the Principles and Code of Conduct and Rules.

## **Factual Background**

5. The Firm is a limited liability partnership (LLP) and a recognised body. As at the date of the Rule 12 Statement it had 8 regulated people in the organisation. The Firm practises in the following areas: Wills, Trusts and Tax Planning; Property, Residential

and Commercial; Criminal; Litigation; Family / Matrimonial; Landlord and Tenant (Commercial and Domestic); Intellectual Property; Employment; Personal Injury; Immigration; Probate and Estate Administration; Commercial / Corporate Work for Non-Listed Companies and Others.

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

6. The Applicant was required to prove the allegation on the balance of probabilities. The Tribunal had due regard to the Respondent's 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.
7. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
8. The Tribunal considered the Guidance Note on Sanction (10<sup>th</sup> Edition, June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
9. The Tribunal noted that the Transparency Rules, the requirement to abide by conditions of authorisation and have a designated COLP in post are crucial to a firm as they demonstrate clearly to the public and potential clients that it has the necessary expertise to handle their cases and the relevant protective measures in place to ensure an efficient and compliant business.
10. The Respondent accepted that it did not act quick enough to resolve the identified deficiencies.
11. The Tribunal found these had not been deliberate breaches, but ones caused by a period of transformation the Respondent was undergoing at the relevant time. However, it was not acceptable at any time for the attention of the COLP (and other senior team members) to have been diverted by other activity and away from issues of core importance.
12. Whilst it had taken too long to rectify the problems the Tribunal noted the Respondent's regret that insufficient attention was paid to these important issues and that it did not gain any advantage because of the breaches, financially or otherwise, and that no harm was caused to any person, or any advantage taken of any person by reason of the misconduct.
13. The Respondent had co-operated with the SRA throughout the investigation and the proceedings and had been open in all its dealings with the SRA, including an early admission of the breaches.
14. In all the circumstances of the case, the Tribunal agreed it was proportionate and in the public interest that the Respondent should be fined the sum of £20,723.20

**Costs**

15. The parties agreed that the Respondent should pay costs in the sum of £10,000. The Tribunal determined that the agreed amount was reasonable and appropriate. Accordingly, the Tribunal ordered that the Respondent pay costs in the agreed sum.

**Statement of Full Order**

16. The Tribunal ORDERED that the Respondent, DAVID EBERT LLP, a firm, do pay a fine of £20,723.20 such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £10,000.00.

Dated this 25<sup>th</sup> day of October 2024

On behalf of the Tribunal

*A Banks*

A Banks  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**25 OCTOBER 2024**

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL  
IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)  
AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

**Applicant**

**and**

**DAVID EBERT LLP**

**Respondent**

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**STATEMENT OF AGREED FACTS AND OUTCOME**

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**Introduction**

1. By a statement made by Mark Lloyd Rogers on behalf of the Applicant, the Solicitors Regulation Authority Limited (“the SRA”), pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 19 April 2024, the SRA brings proceedings before the Tribunal making allegations of misconduct against David Ebert LLP, (“the Respondent”).
2. Definitions and abbreviations used herein are those set out in the Rule 12 Statement.

**The Allegations**

3. The Allegations against the Respondent, David Ebert LLP (SRA ID: 558176) (“the Firm”), made in the Rule 12 Statement are that, the Respondent failed, adequately or at all:
  - 1.1 Between 16 September 2022 and 29 January 2023, to comply with Rule 1.1 and 2.1 of the SRA Transparency Rules 2018 (“the Transparency Rules”);
  - 1.2 Between 16 September 2022 and 29 January 2023, to comply with conditions on authorisation imposed by an SRA Adjudicator on 11 August 2022;
  - 1.3 Between 12 July 2022 and 15 December 2023, to have an individual designated as its compliance officer for legal practice (“COLP”) in accordance with paragraph 8.1 of the SRA Authorisation of Firms Rules; and

1.4 Between 3 November 2020 and 30 October 2023 to have an individual designated as its compliance officer for finance and administration (“COFA”) in accordance with paragraph 8.1 of the SRA Authorisation of Firms Rules.

AND THAT, by reason of such failures (or any of them), it breached–

- (a) Rule 1.1 of the Transparency Rules 2018; and/or
- (b) Rule 2.1 of the Transparency Rules 2018; and/or
- (c) Paragraph 3.4 of the SRA Code of Conduct 2019 (“the Code”); and/or
- (d) Rule 8.1 of the SRA Authorisation of Firms Rules 2019; and/or
- (e) Principle 2, of the SRA Principles 2019 (“the Principles”).

### **Admissions**

- 4. The Respondent is prepared to admit Allegations 1.1 to 1.4 and all associated breaches of the Principles and Code of Conduct and Rules referred, as set out in this document.
- 5. The SRA has considered the admissions being made and whether these admissions, and the outcome proposed in this document, meet the public interest having regard to the gravity of the matters alleged. For the reasons explained in more detail below, and subject to the Tribunal’s approval, the SRA is satisfied that the admissions and outcome do satisfy the public interest.

### **Agreed Facts**

#### **Professional Details**

- 6. The Firm is a limited liability partnership (LLP) and a recognised body. As at the date of the Rule 12 Statement it had 8 regulated people in the organisation. The Firm practises in the following areas: Wills, Trusts and Tax Planning; Property – Residential; Criminal; Non-Litigation – Other; Family / Matrimonial; Landlord and Tenant (Commercial and Domestic); Intellectual Property; Employment; Litigation – Other; Personal Injury; Immigration; Probate and Estate Administration; Commercial / Corporate Work for Non-Listed Companies and Other; and Property – Commercial.

#### **Background**

- 7. On 11 August 2022, an SRA Adjudicator found that the Firm was in breach of rules 1.1 and 2.1 of the Transparency Rules. The Adjudicator fined the Firm £1,300.00 and ordered them to pay £600.00 costs.

8. Conditions of authorisation were also imposed on the Firm, they were:

8.1. If the Firm publishes as available any of the services specified in rules 1.3 or 1.4 of the Transparency Rules, it must provide evidence to the SRA's reasonable satisfaction that, in respect of each of those services:

8.1.1. it publishes the information specified in rule 1.5 of the Transparency Rules, and

8.1.2. such information is clear and accessible and is in a prominent place on its website.

8.2. If the Firm has a website, it must provide evidence to the SRA's reasonable satisfaction that it is complying with rule 2.1 of the Transparency Rules (Complaints Information).

9. The required evidence was to be provided to the SRA within thirty days of the condition coming into effect.

10. This decision was communicated via email to Aliosman Hulusi Halil of the Firm on 17 August 2022. Mr Halil was the Firm's appointed COLP at this time.

11. Included within the correspondence informing the Firm of the decision was information regarding (a) a right of review of that decision; and (b) a right of appeal to the Tribunal in relation to all or part of the adjudicator's decision.

12. The fine of £1,300 and costs to the SRA of £600 was paid by the Firm on 1 March 2023. It is not certain why the Firm paid the fine and costs more than 6 months after the Adjudicator's Decision.

**Allegations 1.1 and 1.2 – Transparency Rules and failure to comply with conditions of authorisation imposed by SRA Adjudicator**

13. On 21 September 2022, an investigation officer of the SRA conducted a review of the Firm's website.

14. It was observed that the Firm was still in breach of rule 1.1 and 2.1 of the Transparency Rules for the following reasons:

14.1. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out motoring offences work, and of their supervisors (Rule 1.5(c)); and

14.2. Their website did not provide sufficient information about the limitation period to make a complaint to the Legal Ombudsman (Rule 2.1).

15. On 14 October 2022, an Investigation Officer of the SRA contacted the Firm via email at [info.de@ackroydlegal.com](mailto:info.de@ackroydlegal.com). The email was “*intended for the current Compliance Officers of David Ebert LLP*” and set out how the Firm’s website was still not compliant with the Transparency Rules and in breach of the conditions imposed by the SRA adjudicator in August 2022. The email set out what information was missing from the website to make it compliant with the Transparency Rules.

16. Mr Peter Benjamin of the Firm responded the same day stating:

*“Good afternoon, I have been forwarded a copy of your below email and have been asked to assist in my colleagues [sic] absence. I have today attempted to call to you but was not able to talk to you on the phone. I called to ascertain the exact requirements that you have so as to enable me to focus on what is needed of us. Please contact me next week at your convenience. Have a lovely weekend.”*

17. On 17 October 2022, the Investigation Officer provided Mr Benjamin with guidance on the publication of both pricing information and complaints information to assist the Firm in achieving compliance with the Transparency Rules. The guidance set out examples of how to display information and suggested text.

18. On 14 November 2022, the Investigation Officer wrote to Mr Benjamin to inform him that “*the matter concerning your firm’s compliance with the Rules has been passed to our Investigation & Supervision team for further investigation.*” This was on the basis that the outstanding issues had not been remedied.

19. On 9 December 2022, an Investigation Officer of the SRA conducted a further review of the Firm’s website.



20. It was observed that the Firm was still in breach of Rule 1.1 and 2.1 of the Transparency Rules for the following reasons:

*Conveyancing*

- 20.1. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out their conveyancing work (Rule 1.5(c));
- 20.2. Their website did not provide sufficient information about whether any disbursements attract VAT and if so the amount of VAT they attract (Rule 1.5(e));

*Motoring offences*

- 20.3. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out motoring offences work, and of their supervisors (Rule 1.5(c));
- 20.4. Their website did not provide sufficient information about the description of, and the cost of, any likely disbursements, and where the actual cost of a disbursement is not known, the average cost or range of costs (Rule 1.5(d));
- 20.5. Their website did not provide sufficient information about whether any disbursements attract VAT and if so the amount of VAT they attract (Rule 1.5(e));

*Probate*

- 20.6. Their website did not provide sufficient information about the experience and qualifications of supervisors (Rule 1.5(c));

*Immigration*

- 20.7. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out immigration work (Rule 1.5(c));
- 20.8. Their website did not provide sufficient information about the description of, and the cost of, any likely disbursements, and where the actual cost of a disbursement is not known, the average cost or range of costs (Rule 1.5(d));

*Employment Tribunals*

- 20.9. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out employment tribunal work (Rule 1.5(c));
- 20.10. Their website did not provide sufficient information about the description of, and the cost of, any likely disbursements, and where the actual cost of a disbursement is not known, the average cost or range of costs (Rule 1.5(d));

20.11. Their website did not provide sufficient information about whether any disbursements attract VAT and if so the amount of VAT they attract (Rule 1.5(e));

#### *Debt Recovery*

20.12. Their website did not provide sufficient information about the experience and qualifications of anyone carrying out debt recovery work, and of their supervisors (Rule 1.5(c));

20.13. Their website did not provide sufficient information about the description of, and the cost of, any likely disbursements, and where the actual cost of a disbursement is not known, the average cost or range of costs (Rule 1.5(d));

20.14. Their website did not provide sufficient information about whether any disbursements attract VAT and if so the amount of VAT they attract (Rule 1.5(e));

#### *Complaints*

20.15. Their website did not provide sufficient information about the limitation period to make a complaint to the Legal Ombudsman (Rule 2.1).

21. On 13 December 2022, the Investigation Officer wrote to Markus Malik, Kiran Sandhu and Mohammed Ahmed of the Firm (senior members and managers at the Firm) setting out, amongst other things, the SRA's concerns regarding a breach of both the Transparency Rules and the conditions on the Firm's authorisation. The Firm was provided with an analysis of why the website did not comply with the Transparency Rules and asked to remedy the outstanding issues by 3 January 2023. An extension to 17 January 2023 for this deadline was requested by Mr Malik; this was granted.

22. On 11 January 2023, Dan Blake responded on behalf of the Firm stating:

*"We note the concerns and are currently actioning these. We have had a recent issue with a third party regards to our hosting which is preventing us from providing you with the updated website for review (evidence attached). This issue is in the process of being resolved at which point we will have access to the website again to post the changes we have made."*

23. The evidence submitted in support of the explanation included a letter from a company named See Through Media dated 14 December 2022. The letter confirmed that no payment had been made by the Firm over the last four years in respect of renewing the

David Ebert website domain. The letter also outlined that a failure to make payment within fourteen days would result in the Firm losing the domain name.

24. On 13 January 2023, the Investigation Officer emailed Mr Blake requesting further information regarding the steps the Firm had taken to rectify the issue with the third party and whether it had paid the outstanding invoice. The Firm was also asked about the proposed changes it planned to make to its website and the date it anticipated that its website would be compliant with the Transparency Rules. The information was requested to be provided by 17 January 2023. This email was followed up in a call to Mr Blake the same day.
25. On 18 January 2023, in his response to the Investigation Officer, Mr Blake confirmed that the invoice had been paid to the third party provider on 11 January 2023. He advised that the Firm anticipated the website would be in compliance with the Transparency Rules 'imminently'. However it was reliant upon See Through Media to confirm hosting arrangements for the year and information regarding the proposed changes to the website could not be provided without this access.
26. On 20 January 2023, the Investigation Officer wrote to Mr Blake requesting a document showing the changes the Firm proposed to make to its website once access had been granted together with information regarding their communications with See Through Media.
27. On 29 January 2023, Mr Blake informed the Investigation Officer that the website had been updated and provided the relevant website links.
28. On 2 February 2023, the Investigation Officer conducted a review of the Firm's website and was satisfied that the Firm's website complied with the requirements set of the Transparency Rules and had therefore now complied with the conditions on its authorisation.

### **Allegation 1.3 – Failure to have an individual designated as the Firm's COLP**

29. Between 2 February 2022 and 11 July 2022, Aliosman Hulusi Halil was the Firm's appointed COLP.
30. On 21 July 2022, the SRA received an application from Ms Kiran Sandhu of the Firm for the position of COLP. The application was submitted by Mohammed Ahmed on Ms Sandhu's behalf.

31. On 25 July 2022, the SRA informed Mr Ahmed that the incorrect form had been submitted given the turnover of the Firm. Mr Ahmed also advised on the additional steps that needed to be taken before the application could be considered and invited an updated form to be submitted. Mr Ahmed was informed that the application would remain open until 28 July 2022, and that if the information was not received before this date then any new application would need to be submitted again through mySRA. No further information was received from the Firm by this date and therefore Ms Sandhu's application was closed; the Firm was notified of this on 29 July 2022.
32. On 14 October 2022, an Investigation Officer of the SRA contacted the Firm via email at [info.de@ackroydlegal.com](mailto:info.de@ackroydlegal.com). Whilst the focus of that email was on the Firm's failures to comply with the Transparency Rules/conditions on authorisation, the Firm were notified that SRA records *"show the firm does not have a COLP or COFA in place at the firm. I understand an application for a new COLP was made in July 2022. This application was subsequently closed as our Authorisation team did not receive the requested information."*
33. In a subsequent call with the SRA the same day, Mr Malik stated that as far as he was aware the Firm had a COLP and COFA in place from years ago but that he would email the authorisation team straight away.
34. The SRA again wrote to the Firm on 17 October 2022, 14 November 2022, and 13 December 2022 to inform them that the Firm had not submitted an application for a COLP.
35. The letters of 13 December 2022, were addressed to Markus Malik, Kiran Sandhu and Mohammed Ahmed of the Firm. The letter requested an application to appoint a COLP be submitted by 3 January 2023. Details of why the Firm had failed to apply for a COLP, and who was ensuring the Firm were compliant with their regulatory arrangements, was also requested. An extension to 17 January 2023 for this deadline was requested by Mr Malik; this was granted.
36. On 11 January 2023, Dan Blake responded on behalf of the Firm stating:
- "An application was made in August to rectify this as attached however was rejected. For some reason using the MySRA account used to make the application still does not let me access it (as per attached screenshot) however you may be able to access for evidence. As the application was refused we will in any case be making the application again."*

37. On 13 January 2023, the Investigation Officer wrote to Mr Blake requesting further information as the Firm had not responded to all of the queries raised in the SRA's letter of 13 December 2022 regarding the Firm's failure to have a COLP. This email was followed up in a call to Mr Blake the same day.
38. On 18 January 2023, in his response to the Investigation Officer, Mr Blake confirmed that the Firm had submitted an application on 16 January 2023, for Ms Kiran Sandhu to be appointed as the Firm's COLP and that it was Ms Sandhu that was performing the role of COLP in the absence of any official appointment by the SRA.
39. Ms Sandhu's application to be appointed as the Firm's COLP was received by the SRA on 16 January 2023.
40. Ms Sandhu was informed on 17 January 2023, that her application could not be considered until the SRA received the results of her DBS check. She was advised to resubmit her application through mySRA once she had received her DBS results.
41. On 14 July 2023, an Investigation Officer of the SRA met with Mr Malik of the Firm. They discussed the issue of the Firm not having a COLP. Mr Malik stated that he assumed there was a new COLP as he had asked for it to be done but had not followed up. Mr Malik admitted that things must appear out of control, but the firm were working on it and had commissioned a compliance firm to assist.
42. Ms Sandhu's further application to be appointed as the Firm's COLP was received by the SRA on 2 November 2023. The application was processed by Kirsty Price of the SRA who discussed its contents with Mr Cadman of the Firm to address various issues.
43. On 15 December 2023, Ms Sandhu's application to be appointed as the Firm's COLP was approved.

#### **Allegation 1.4 – Failure to have an individual designated as the Firm's COFA**

44. Between 6 October 2020 and 3 November 2020, Ms Azra Malik was the Firm's appointed COFA. Ms Malik made an application for Temporary Emergency Approval as COFA on 6 October 2020, following the previous COFA (Mr Malik) withdrawing from the role. The SRA granted the application, for Temporary Emergency Approval, on 8 October 2020.
45. On 2 November 2020, Ms Malik submitted a further application to be appointed as the Firm's COFA, on a permanent basis. On 4 November 2020, Ms Malik was notified by the

SRA that her application was ineligible for a number of reasons. Ms Malik was advised to email across an updated application to [authorisation@sra.org.uk](mailto:authorisation@sra.org.uk) within 7 days, if the application was not received within this timeframe then any new application would need to be submitted through mySRA. The information as outlined in the SRA email of 4 November 2020, was never received and the application was closed. Ms Malik was notified of this on 13 November 2020.

46. On 22 July 2021, Ms Malik submitted a further application to be appointed as the Firm's COFA. On 28 July 2021, Ms Malik was notified that the criteria for the SRA to approve the application had not been met as she had previously been the subject of an adverse regulatory finding. Nevertheless, she was advised on how to submit a further application.
47. On 1 November 2021, Mr Markus Malik was notified of the fact that the Firm did not have a designated COFA. Mr Malik was advised to make an application immediately and warned that a failure to do so may result in an investigation for a regulatory breach.
48. On 2 November 2021, Mr Markus Malik made an application to be appointed as the Firm's COFA. The application was initially accepted and sent to a caseworker to assess. Following discussions with Mr Malik, the Firm withdrew his application on 14 March 2022. When confirming that the application had been withdrawn the SRA informed the Firm of the following:

*"I need to make you aware that as your firm is currently operating without a designated COFA, it is not in compliance with our requirements under rule 8.1 of the SRA Authorisation of Firms Rules. The non-compliance does need to be rectified as soon as possible. Please therefore submit a new application to nominate a suitable individual to hold the role of a COFA in your firm."*
49. On 14 October 2022, an Investigation Officer of the SRA contacted the Firm via email at [info.de@ackroydlegal.com](mailto:info.de@ackroydlegal.com). Whilst the focus of that email was on the Firm's failures to comply with the Transparency Rules/conditions on authorisation, the Firm were notified that SRA records *"show the firm does not have a COLP or COFA in place at the firm."*
50. In a subsequent call with the SRA the same day, Mr Malik stated that as far as he was aware the Firm had a COLP and COFA in place from years ago but that he would email the authorisation team straight away.

51. The Firm were again notified by the SRA on 17 October 2022, that their records did not show an active COFA in place at the Firm and asked for assurances that this would be done.
52. The SRA again wrote to the Firm on 14 November 2022 and 13 December 2022 to inform them that the Firm had not submitted an application for a COFA.
53. The letter of 13 December 2022, were addressed to Markus Malik, Kiran Sandhu and Mohammed Ahmed of the Firm. The letter requested an application to appoint a COFA be submitted by 3 January 2023. Details of why the Firm had failed to apply for a COFA and who was ensuring the Firm were compliant with the SRA Accounts Rules was also requested. An extension to 17 January 2023 for this deadline was requested by Mr Malik; this was granted. In this call with the SRA, Mr Malik indicated that as far as he was aware Amina Bokhari had tried to apply for the position of COFA. Mr Malik was advised to liaise with Authorisations to make an application as there was no current application in place.
54. On 11 January 2023, Dan Blake responded on behalf of the Firm stating:
- “We are in the process of making this application however given the feedback of the application for appointing a COLP we will be taking that onboard to ensure this application is successful.”*
55. On 13 January 2023, the Investigation Officer wrote to Mr Blake requesting further information as the Firm had not responded to all of the queries raised in the SRA's letter of 13 December 2022 regarding the Firm's failure to have a COFA. This email was followed up in a call to Mr Blake the same day.
56. On 18 January 2023, in his response to the Investigation Officer, Mr Blake confirmed that the Firm had submitted an application on 16 January 2023, for Ms Aminah Bokhari to be appointed as the Firm's COFA and that a third party provider, namely the Law Society approved company Cashroom, was ensuring the Firm was compliant with the SRA Accounts Rules.
57. Ms Bokharis's application to be appointed as the Firm's COFA was received by the SRA on 16 January 2023.
58. Ms Bokhari was informed on 18 January 2023, that her application could not be considered until further information was provided. She was advised to email her information to

[authorisation@sra.org.uk](mailto:authorisation@sra.org.uk) and informed that the application would remain open for seven days pending receipt of that information.

59. On 19 January 2023, the SRA wrote to Ms Bokhari requesting a DBS check no more than three months old.
60. On 26 January 2023, Ms Bokhari was advised to submit her application to become the Firm's COFA to [authorisation@sra.org.uk](mailto:authorisation@sra.org.uk) once she had everything ready.
61. On 14 July 2023, an Investigation Officer of the SRA met with Mr Malik of the Firm. They discussed the issue of the Firm not having a COFA. Mr Malik stated that he assumed there was a new COFA as he had asked for it to be done but had not followed up. Mr Malik admitted that things must appear out of control, but the Firm were working on it and had commissioned a compliance firm to assist.
62. On 27 September 2023, the SRA received an application from Ms Bokhari to be appointed as the Firm's COLP. On 31 October 2023, Ms Bokhari's application was approved.

### **Non-agreed mitigation**

63. The Respondent advances the following points by way of mitigation but their inclusion in this document does not amount to acceptance or endorsement of such points by the SRA:
  - 63.1. The Respondent accepts it was aware of the breaches and did not act quick enough to resolve them. The Respondent submits that it was going through a significant period of transformation and allowed the issues to be overlooked and took too long to address them but each has now been addressed and all breaches stopped.
  - 63.2. These were not deliberate breaches but were due to circumstance and administrative challenges within the firm and mainly due to the attention of the COLP (and other senior team members) being diverted due to activity ongoing in the Firm during this period. The Firm regrets that sufficient attention was not paid to these important issues.
  - 63.3. The Respondent did not gain any advantage as a result of the breaches, financially or otherwise.
  - 63.4. No harm caused to any person, or any advantage taken of any person by the conduct.



63.5. The Firm has co-operated with the SRA throughout the investigation and proceedings. It been transparent in all its dealings with the SRA including an early admission of the breaches.

63.6. Each of the breaches are connected and ultimately were due to administrative errors and oversight rather than a deliberate attempt to circumvent the requirements of the Standard and Regulations.

### **Agreed Outcome**

64. The Respondent admits Allegations 1.1 to 1.4 above, and agrees and/or undertakes:

64.1. To pay a fine in the sum of £20,723.20

64.2. To pay costs to the SRA agreed in the sum of £10,000.00 (including VAT)

65. The costs set out above include a reduction for the case having concluded by way of an Agreed Outcome and is an apportioned amount of the overall SRA costs in total.

### **Explanation as to why such an order would be in accordance with the Tribunal's Sanction Guidance (10<sup>th</sup> edition)**

The parties consider and submit that in light of the admissions set out above, the proposed outcome represents a proportionate resolution of the matter, consistent with the Tribunal's Guidance Note on Sanction (10<sup>th</sup> edition).

It is agreed that:

1. The seriousness of the misconduct is such that no order or a reprimand would not be sufficient to mark the wrong doing and for the protection of the public and for the reputation of the legal profession;

2. However, a suspension order or strike off would be disproportionate sanctions given the level of the misconduct admitted.

3. Considering the facts above and the seriousness of the misconduct giving effect to the purpose of the sanction, this case falls in a bracket in which a fine is appropriate.

In respect of the level of culpability and harm for the Respondent:

- 1. In relation to Allegation 1.1 and 1.2, the Respondent admits to failing to adhere to the Transparency Rules in 2022 and 2023 and failed to make their website compliant with the requirements;
  - 2. The Respondent admits to failing to adhere to the SRA Adjudicator's conditions of 11 August 2022 enforcing the requirements to adhere to the Transparency Rules;
  - 3. The Respondent failed to heed to the warnings given by the SRA and failed to take remedial action when requested;
  - 4. The Respondent failed to remedy the risks posed to the member of the public and to the reputation of the legal profession by disregarding its regulatory obligations;
  - 5. In relation to Allegation 1.3 and 1.4 the Respondent admits to failing to having designated and approved COLP and COFA in 2022 and 2023.
  - 6. The Respondent admits to failing to adhere to its regulatory obligations to have sound processes and structures in place to ensure the Firm's compliance to report any breaches and manage its financial administration.
- In respect of aggravating features which aggravate the seriousness of the misconduct of the Respondent:
- 1. In relation to Allegations 1.1 and 1.2 the misconduct continued despite the SRA adjudicator finding they had breached the Transparency Rules and imposing conditions. The misconduct continued for over four months despite warnings and reminders by the SRA.
  - 2. The Respondent had already paid a fine of £1,300 and £600 to the SRA due to failing to adhere to the Rules and SRA's warning to comply by the deadline.
  - 3. In relation to Allegation 1.3 the misconduct continued for more than 17 months until a designated and SRA approved COLP was in place.
  - 4. In relation to Allegation 1.4 the misconduct continued for more nearly three years until a designated and SRA approved COFA was in place.
- 0. In respect of mitigating features, the Respondent has now complied with the Transparency Rules and have the requisite COLP and COFA officers in place.
- 1. The parties consider that in light of the admissions set out above and taking due account of the guidance, the proposed outcome represents a proportionate resolution of the matter, which is in the public interest. Accordingly, the parties agree that the only appropriate outcome in this case is for the Respondent to pay a fine.

On behalf of the Solicitors Regulation Authority Limited  
Date: 1 October 2024

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David Ebert LLP (Respondent)  
Date: 01 / 10 / 2024