Solicitors Regulation Authority

Khoo and Company Solicitors Limited (T.A. Khoo Solicitors)

Suite A, 8th Floor, Southside Building (formerly known as Albany House), 31 Hurst Street, Birmingham , B5 4BD
Recognised body
510593

Agreement Date: 14 January 2025

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 14 January 2025

Published date: 4 February 2025

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: Khoo and Company Solicitors Limited

Address(es): Suite A, 8th Floor, Southside Building (formerly known as Albany House), 31 Hurst Street, Birmingham, B5 4BD

Firm ID: 510593

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Khoo and Company Solicitors Limited (the firm) a recognised body, authorised and regulated by the Solicitors Regulation Authority (SRA), agrees to the following outcome to the investigation:

a. Khoo and Company Solicitors Limited will pay a financial penalty in the sum of £7,282 under Rule 3.1(b) of the SRA Regulatory and Disciplinary Procedure Rules;
b. to the publication of this agreement, under Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules; and

c. Khoo and Company Solicitors Limited will pay the costs of the investigation of £600, under Rule 10.1 and Schedule 1 of the SRA Regulatory and Disciplinary Procedure Rules.

2. Summary of Facts

2.1 We carried out an investigation into the firm following a desk-based review (DBR) by our AML Proactive Supervision team, which identified areas of concern in relation to the firm's compliance with the Money Laundering, Terrorist Financing (Information on the Payer) Regulations 2017 (MLRs 2017), the SRA Principles 2011, the SRA Code of Conduct 2011, the SRA Principles 2019 and the SRA Code of Conduct for Firms 2019. The investigation also identified breaches of the Money Laundering Regulations 2007 (MLRs 2007).

2.2 The firm did not have in place a documented firm-wide risk assessment (FWRA) between 26 June 2017 and August 2023, in breach of Regulation 18 of the MLRs 2017. The firm is required to have a FWRA which includes details of the firm's assessment of risks in five key areas. In August 2023, the firm provided us with a FWRA that is compliant with the MLRs 2017.

2.3 The firm failed to have in place documented policies, controls and procedures (PCPs) between 26 June 2017 and August 2024, in breach of Regulation 19 of the MLRs 2017. The firm is required to have established and maintained PCPs, to mitigate and manage effectively the risks of money laundering and terrorist financing.

2.4 Prior to this, the firm between 6 October 2011 (when the SRA Handbook 2011 came into force) and 25 June 2017, also failed to establish and maintain appropriate and risk-sensitive policies and procedures (P&Ps) relating to customer due diligence measures and ongoing monitoring, reporting, record-keeping, internal control, risk assessment and management, the monitoring and management of compliance with, and the internal communication of, such policies and procedures, in order to prevent activities related to money laundering and terrorist financing, pursuant to Regulation 20(1) of the MLRs 2007.

3. Admissions

3.1 The firm admits, and the SRA accepts, that by failing to comply with the MLRs 2007 and MLRs 2017

From 6 October 2011 to 24 November 2019 (when the SRA Handbook 2011 was in force), the firm has breached:

a. Principle 6 of the SRA Principles 2011 – which states you must behave in a way that maintains the trust the public places in you and in the provision of legal services.

b. Principle 8 of the SRA Principles 2011 – which states you must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial risk management principles.

And the firm has failed to achieve:

c. Outcome 7.5 of the SRA Code of Conduct 2011 – which states you comply with legislation applicable to your business, including anti-money laundering and data protection legislation.

And from 25 November 2019 (when the SRA Standards and Regulations came into force) until August 2024, the firm has breached:

d. Principle 2 of the SRA Principles 2019 – which states you act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
e. Paragraph 2.1(a) of the SRA Code of Conduct for Firms – which states you have effective governance structures, arrangements, systems and controls in place that ensure you comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you.
f. Paragraph 3.1 of the SRA Code of Conduct for Firms 2019 – which states that you keep up to date with and follow the law and regulation governing the way you work.

4. Why a fine is an appropriate outcome

4.1 The conduct showed a disregard for statutory and regulatory obligations and had the potential to cause harm, by facilitating dubious transactions that could have led to money laundering (and/or terrorist financing). This could have been avoided had the firm established adequate AML documentation and controls.

4.2 It was incumbent on the firm to meet the requirements set out in the MLRs 2007 and MLRs 2017. The firm failed to do so. The public would expect a firm of solicitors to comply with its legal and regulatory obligations to protect against these risks as a bare minimum.

4.3 The SRA considers that a fine is the appropriate outcome because:

a. The agreed outcome is a proportionate outcome in the public interest because it creates a credible deterrent to others and the issuing of such a sanction signifies the risk to the public, and the legal sector, that arises when solicitors do not comply with anti-money laundering legislation and their professional regulatory rules.
b. There has been no evidence of harm to consumers or third parties and there is a low risk of repetition.
c. The firm has assisted the SRA throughout the investigation, admitted the breaches and has shown remorse for its actions.

d. The firm did not financially benefit from the misconduct.

4.4 Rule 4.1 of the Regulatory and Disciplinary Procedure Rules states that a financial penalty may be appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. There is nothing within this Agreement which conflicts with Rule 4.1 of the Regulatory and Disciplinary Rules and on that basis, a financial penalty is appropriate.

5. Amount of the fine

5.1 The amount of the financial penalty has been calculated in line with our published guidance on the approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, we and the firm agree that the nature of the misconduct was more serious (score of three). This is because the firm failed to ensure it had a FWRA or PCPs in place on 26 June 2017, in breach of Regulations 18 and 19 of the MLRs 2017. Prior to this it failed to ensure that it had any P&Ps since 6 October 2011, pursuant to Regulation 20 of the MLRs 2007. The firm failed to ensure that it was fully complaint with its statutory obligations until August 2024. Although there was no direct loss to clients, there were failings which continued for a number of years, formed a pattern of misconduct, and continued after it was known to be improper. This showed a persistent disregard of the firm’s regulatory obligations.

5.3 We and the firm agree that the impact of the harm or risk of harm is assessed as being medium (score of four). This is because the firm did not have in place core AML documents required by the regulations until August 2024. This left the firm vulnerable to the risk of harm of money laundering, particularly given that the majority of its work is in-scope of the regulations, with between 85% coming from the high-risk area of work of conveyancing. Failing to ensure it had a FWRA and P&Ps/PCPs, left the firm vulnerable to the risks of money laundering. The score reflects that, although there is no evidence of actual harm having occurred, it had the potential to cause significant loss or have significant impact.

5.4 The 'nature' of the conduct and the 'impact of harm or risk of harm' added together give a score of seven. This places the penalty in Band 'C', as directed by the guidance, which indicates a broad penalty bracket of between 1.6% and 3.2% of the firm’s annual domestic turnover.

5.5 We recommend a basic penalty at the middle of the bracket. This is because while there were failings identified which formed a pattern of misconduct, and which had the potential to cause significant loss or have significant impact, no evidence of actual harm was identified. The firm should have been aware of its statutory obligations under the MLRs 2007

and MLRs 2017 and the breaches spanned a significant amount of time. Furthermore, the majority of its work falls within scope of the regulations. However, the firm has now brought itself into compliance and therefore the ongoing risk is now low.

5.6 Based on the evidence the firm has provided of its annual domestic turnover, this results in a basic penalty of £8,091.

5.7 We have also considered mitigating factors and consider that the basic penalty should be discounted by ten per cent. This is to take account of the following factors as indicated by the Guidance:

a. Remedying any harm caused – the firm has put in place a complaint FWRA and PCPs and remedied the breaches.
b. Cooperating with our investigation – the firm has fully cooperated with our AML Proactive Supervision and Investigation teams.

5.8 The adjusted penalty is therefore £7,282.

5.9 The firm does not appear to have made any financial gain or received any other benefit as a result of its conduct, that exceeds the level of basic penalty. Therefore, no adjustment is necessary, and the financial penalty is £7,282.

6. Publication

6.1 Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules states that any decision under Rule 3.1 or 3.2, including a Financial Penalty, shall be published unless the particular circumstances outweigh the public interest in publication.

6.2 The SRA considers it appropriate that this agreement is published as there are no circumstances that outweigh the public interest in publication and it is in the interest of transparency in the regulatory and disciplinary process.

7. Acting in a way which is inconsistent with this agreement

7.1 The firm agrees that it will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If the firm denies the admissions, or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

7.3 Acting in a way which is inconsistent with this agreement may also constitute a separate breach of Principles 1, 2 and 5 of the SRA Principles and paragraph 3.2 of the Code of Conduct for Firms.

8. Costs

8.1 The firm agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

Search again [https://www.sra.org.uk/consumers/solicitor-check/]