

Ian Potter
Employee
614999

[Agreement Date: 22 January 2016](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 22 January 2016

Published date: 8 February 2016

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Dale & Co Solicitors Lincoln

Address(es): 11 Beaumont Fee, Lincoln, LN1 1UH

Firm ID: 62764

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Mr Ian Potter (Mr Potter) who was at the material time a cashier employed by Dale & Co Solicitors, 11 Beaumont Fee, Lincoln LN1 1UH (the "Firm") agrees to the following outcome of the investigation into his professional conduct under reference CDT/1091018-2013.

Background

2. At all material times between 16 January and 16 October 2013 Mr Potter was employed as a cashier at the Firm. Mr Potter also held the appointment of Compliance Officer for Finance and Administration (COFA) at the Firm. Mr Potter resigned from the Firm on 23 October 2013. Mr Potter is not a solicitor.

3. A report was made to the SRA by the Firm, that Mr Potter had admitted that he had misappropriated funds from the Firm's office account. On 4 March 2014 the Forensic Investigation Unit of the Solicitors Regulation Authority (SRA) commenced an inspection of the firm and produced a report dated 16 June 2014.



4. The report identified areas of default by Mr Potter namely:

(1) Between 16 January and 16 October 2013 he had misappropriated £120,484.69 from the Firm's office account and paid it into his personal bank account.

(2) He had failed to carry out reconciliations over a period of five months between June and October 2013.

Allegation

5. In respect of Mr Potter's conduct it is alleged that he has been a party to acts or defaults in relation to the firm which involved conduct on his part of such a nature that in the opinion of the SRA it would be undesirable for him to be involved in a legal practice.

Admissions

6. Mr Potter makes and the SRA accepts the following admission:

(i) That he had made improper transfers from the firm's office account into his own bank account for his own personal use;

(ii) Failed to carry out reconciliations over a five month period; and

(iii) Has behaved dishonestly.

7. Mr Potter accepts that the conduct set out above justifies the control of his future activities in the legal profession by the regulatory outcome set out in paragraph 9.

Mitigation

8. Mr Potter puts forward the following by way of mitigation:

At the date of the report he had repaid the sum of £57,000 into the Firm's office account leaving a balance outstanding owed to the firm of £63,484.69. Mr Potter continues to repay the outstanding monies at £150 per month.

Regulatory Outcome

9. It is agreed that as from the date of this Agreement, Mr Potter will be subject to an order under s43 of the Solicitors Act 1974. The order is that:

(a) No solicitor shall employ or remunerate Mr Potter in connection with his practice,



(b) No employee of a solicitor shall employ or remunerate Mr Potter in connection with the solicitor's practice,

(c) No recognised body shall employ or remunerate Mr Potter,

(d) No manager or employee of a recognised body shall employ or remunerate Mr Potter in connection with the business of that body,

(e) No recognised body shall allow Mr Potter to be a manager of that body, and

(f) No recognised body shall permit Mr Potter to acquire an interest in that body

except in accordance with the prior permission of the SRA.

10. Mr Potter agrees to pay a contribution towards the costs of the SRA in the sum of £360. The payment is to be paid by instalments of £15.00 on the first day of each month for a period of 24 months commencing on the first day of the month following receipt of a statement of costs due issued by the SRA. In the event of any monthly instalment not being paid on the due date, the full sum of costs at paragraph 10 will fall due.

11. Mr Potter agrees that he will not act in a way inconsistent with this agreement such as, for example publically denying the misconduct set out in his admission.

12. This agreement will be published by the SRA and may be disclosed by the SRA as it sees fit.

13. The date of this agreement is 22 January 2016.

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