

# Hayley Llewellyn

## Employee

### 7008733

**Agreement Date: 11 August 2022**

## Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 11 August 2022

Published date: 17 August 2022

## Firm details

### Firm or organisation at time of matters giving rise to outcome

Name: Howells Legal Limited

Address(es): Fitzalan House, Fitzalan Road, Cardiff, CF24 0EL

Firm ID: 607741

## Outcome details

This outcome was reached by agreement.

### Reasons/basis

#### 1. Agreed outcome

1.1 Hayley Llewellyn ("Miss Llewellyn"), a legal assistant and former unadmitted employee of Howells Legal Limited ("the firm"), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to Miss Llewellyn that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate her in connection with his practice as a solicitor
  - ii. no employee of a solicitor shall employ or remunerate her in connection with the solicitor's practice
  - iii. no recognised body shall employ or remunerate her
  - iv. no manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body



- v. no recognised body or manager or employee of such a body shall permit her to be a manager of the body
- vi. no recognised body or manager or employee of such body shall permit her to have an interest in the body
- vii. except in accordance with the SRA's prior permission
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £300.

## **2. Summary of facts**

2.1 Miss Llewellyn joined the firm on 22 June 2020 as a legal assistant working in its Commercial Property Department.

2.2 In August 2020, Miss Llewellyn assisted a fee earner on a matter relating to the re-mortgage of a property on behalf of a client. The client was a corporate borrower which meant that a legal charge in favour of the lender must be submitted to Companies House for registration within 21 days. Once the legal charge is registered, a certificate of registration is issued. Each legal charge is given a unique 12-digit charge code to enable the charge to be identified.

2.3 On 15 June 2021, the Financial Crime Monitoring Officer (FCMO) at the lender contacted the firm in relation to this matter. The FCMO raised concerns that there was no charge showing for the security on the property and that the charge code on the certificate provided to the lender by the firm related to a charge for a different property. The lender suspected the dates on the certificate it was provided with had been amended.

2.4 The firm subsequently conducted a review of its file. It noted that the Companies House registration certificate had had dates printed on strips of paper and cello-taped onto the certificate. This concealed the dates on the original certificate beneath. The file also contained photocopies of the altered Companies House Registration Certificate which matched the copy the firm had received from the lender.

2.5 The charge code on the certificate provided to the bank related to a charge for another mortgage registered with Companies House in February 2020, which was also dealt with by the firm

2.6 Miss Llewellyn initially stated that she had dealt with the registration of the matter and there must have been a mistake. However, she later admitted to having failed to register the legal charge at Companies House in time.

2.7 Miss Llewellyn confirmed she had printed out a registration certificate which related to a legal charge in favour of a different lender and amended the dates to create a new certificate which was used to accompany the legal charge to Land Registry.



2.8 Miss Llewellyn was suspended by the firm on 18 June 2021. She subsequently handed in her resignation and her employment with the firm ended on 16 July 2021.

### **3. Admissions**

3.1 Miss Llewellyn makes the following admissions which the SRA accepts:

- a. She amended a Companies House registration certificate relating to another property and submitted this to Companies House and thereby sought to mislead the lender that a charge had been registered in its favour, when that was not true.
- b. Miss Llewellyn's conduct set out above was dishonest.

### **4. Why a section 43 order is appropriate**

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has considered the admissions made by Miss Llewellyn and the following mitigation which she has put forward:

- a. She is very sorry for her actions and acknowledges her conduct fell short of what was expected of her.
- b. She accepts she had extremely poor judgement in carrying out these actions
- c. It was an isolated act
- d. There was no loss to any clients

4.3 The SRA and Miss Llewellyn agree that a section 43 order is appropriate because:

- a. Miss Llewellyn is not a solicitor
- b. Her employment or remuneration at the Firm, a recognised body, means she was involved in a legal practice
- c. By amending the Companies House Registration Certificate in an attempt to mislead the lender client as to its security, Miss Llewellyn has occasioned or been party to an act or default in relation to a legal practice. Miss Llewellyn conduct in relation to that act or default makes it undesirable for her to be involved in legal practice.

4.4 Miss Llewellyn's conduct makes it undesirable for her to be involved in a legal practice because it was dishonest, demonstrating a propensity to misled clients and others and alter documents to cover her errors. Such conduct is not compatible with the ethical behaviour the SRA expects of everyone it regulates and undermines trust and confidence in legal services.

## **5. Publication**

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory process. Miss Llewellyn agrees to the publication of this agreement.

## **6. Acting in a way which is inconsistent with this agreement**

6.1 Miss Llewellyn agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

## **7. Costs**

7.1 Miss Llewellyn agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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