SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 — Case No. 11863-2018

BETWEEN:

ANDREW ADENIYE ABEREOJE — Applicant

and

SOLICITORS REGULATION AUTHORITY — Respondent

Before:

Ms N. Lucking (in the chair)
Mr G. Sydenham
Dr S. Bown

Date of Hearing: 13 November 2018

Appearances

The Applicant was in person.

Alexandra Whelan, Counsel of Fountain Court Chambers, Fountain Court, Middle Temple Lane, Temple, London EC4Y 9DH instructed by the Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Respondent.

JUDGMENT
ON AN APPLICATION FOR VARIATION OF CONDITIONS

Documents

1. The Tribunal reviewed all the documents including:

Applicant

- Application and witness statement dated 28 August 2018
- Second Statement of the Applicant dated 17 October 2018
- Letter from the Applicant to the Tribunal dated 17 October 2018
- Position statement of the Applicant dated 11 November 2018
- Supporting evidence
- Employment history
- Application to the Respondent for removal of conditions
- Application for Children Law Accreditation dated 12 December 2017
- Children Law Accreditation Pre-Requisite Course certificate dated 17 June 2016
- Children Law Accreditation response email dated 20 December 2016
- Supporting evidence
- Previous Tribunal decisions
- Correspondence between the Applicant and Respondent

Respondent

- Respondent's Preliminary Response dated 2 October 2018 with attachments
- Position statement of the Respondent dated 5 November 2018
- Amended Position Statement of the Respondent dated 12 November 2018
- Respondent's Schedule of Costs dated 9 November 2018

Factual background

2. The Applicant was born in 1966 and was admitted as a solicitor in 2000. At the material times he carried on in practice on his own account under the style of AA Solicitors from offices in London. The Adjudication Panel resolved to intervene into the Respondent's practice on 25 March 2004. The Applicant appeared before the Tribunal on 21 July 2005 under case no. 9123-2004 as the Respondent in the case.

3. The allegations against the Respondent (the Applicant in this matter) which were admitted and found proved were that he had been guilty of conduct unbefitting a solicitor in each of the following particulars namely:

(i) that contrary to Rule 32 of the Solicitors Accounts Rules 1998 he failed to keep his accounts properly written up;
(ii) that contrary to Rule 32(7) of the Solicitors Accounts Rules 1998 he failed to carry out the required or any reconciliations;
(iii) that contrary to Rule 34(1) of the Solicitors Accounts Rules 1998 he failed to produce records for inspection when required to do so by The Law Society's Investigation Officer;
(iv) that he withdrew monies from client account other than as permitted by Rule 22 of the Solicitors Accounts Rules 1998;

(v) that contrary to Rule 22(8) he allowed his client account to become overdrawn due to debit balances;
(vi) that he utilised clients' funds for his own purpose;
(vii) that he misappropriated clients' funds.

4. The Tribunal made the following Order:

> "The Tribunal Orders that the Respondent, Andrew Adeniyi Abereoje solicitor, be suspended from practice as a solicitor until 31st December 2005 to commence on the 21st day of July 2005 and it further Orders that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties to include the costs of the Investigation Accountant of the Law Society.
>
> And the Tribunal Orders that the Respondent may after 31st December 2005 act as a solicitor only in employment which is approved by the Law Society and which offers in the reasonable opinion of the Law Society appropriate supervision, and where he is not, nor is held out to be, a partner, nor shall he be an office holder or shareholder in any incorporated solicitors practice."

5. The matter came before the Tribunal again on 21 November 2013 following an application from the Applicant dated 1 March 2013 "to terminate conditions on his practising certificate following a period of suspension." At the conclusion of the hearing, the Tribunal made the following Order:

> "The Tribunal varied the Order dated 21 July 2005 insofar as it ORDERED that the Applicant, ANDREW ADENIYI ABEREOJE, solicitor, shall be subject to conditions imposed by the Tribunal as follows:
>
> 1. The Applicant may practise as an employee in a practice having no less than 5 partners, members, directors and/or shareholders in any such practice;
>
> 2. The Applicant may be employed as an in-house solicitor;
>
> 3. The Applicant may not be employed as either a Compliance Officer for Legal Practice or as Compliance Officer for Finance and Administration."

Liberty was given to either party to apply to the Tribunal to vary the above conditions.

6. By an application dated 28 August 2018, the Applicant stated "I apply for the removal of the two remaining conditions from my practising certificate". The application was accompanied by a witness statement from the Applicant dated 28 August 2018. There was initially some confusion as to what the Applicant was seeking to remove. The Respondent had imposed conditions on the Applicant's Practising Certificate for the practising year 2017/2018 in the following terms:

> "Mr Abereoje shall not be a manager or owner of an authorised body.

> Mr Abereoje shall not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body, or head of legal practice (HOLP) or head of finance and administration (HOFA) in any authorised non-SRA firm."

In a letter dated 22 February 2018 to the Applicant, Miss S of the Respondent stated:

> "The reason for my decision is that your 2016/2017 practising certificate was subject to the above conditions following a decision made by an Adjudicator in April 2017. Your situation has not changed since then and you have accepted the conditions being continued for the 2017/2018 year by an email dated 21 February 2018."

The reference to the Applicant's acceptance of the conditions referred to an email from the Applicant of the same date in which he said:

> "...I do not propose to challenge your recommendation at this stage as I intend to apply to the SDT."

In a letter dated 17 October 2017 and a position statement dated 11 November 2018, the Applicant clarified that he wished to apply for the removal of the three conditions imposed on him by the Tribunal in 2013.

Submissions by the Applicant

7. The Applicant submitted that the Tribunal in 2013 had noted that he had been subject to conditions for nine years and had acknowledged that he should be given an opportunity to rehabilitate himself by working in private practice employment and that the conditions imposed in 2005 were preventing him from obtaining such employment. The Tribunal had thought that it was no longer necessary for the bulk of the conditions to remain. The Respondent, in its Position Statement dated 12 November 2018 regarding this application, agreed that the Tribunal's conditions 1 and 2 imposed in 2013 should be removed but the Respondent opposed the removal of the third condition. The Applicant submitted that he had admitted the allegations against him in the original proceedings and had had 13 years to reflect on the underlying misconduct which led to the Tribunal's findings in 2005. He was very sorry for letting the profession down. He also acknowledged the impact of poor financial management upon the reputation of the profession.

8. The Applicant submitted that he had had his 52nd birthday. He referred to his happy and stable family circumstances. He had shown that he took commitment seriously. He was a committed Christian and sought to do good for others. He referred to his charitable activities.

9. The Applicant submitted that he had no plans to set up a law practice or office; far from it. His current single interest was to become accredited to the Children Panel and as he said in his amended position statement to progress his career as a Children lawyer but, should the opportunity arise in the future, he would want to be able to join a firm as a partner. He had had 10 years' working in local authorities and wished to help families and children from a different perspective. He wanted to work in private

practice with the wealth of knowledge he had acquired. He was at the Tribunal because he knew the seriousness of what had happened in 2004 and its consequences.

10. The Applicant submitted that he had undertaken various training courses only in order to allay the fears of the Respondent about his understanding of the Accounts Rules and managing client monies by demonstrating that he had gained insight and a better understanding of the practical application of the rules. He referred the Tribunal to the following courses: SRA Accounts Rules- Bringing you up to date, SRA Accounts Rules – A practical guide to compliance, COFA Masterclass and SRA Accounts Rules 2018 which he attended purely to acquire knowledge and to be able to prove to the Tribunal that he was a reformed man and not the one who had appeared in 2005. He had gone on to specialise. He had also registered for the SRA Compliance Officer Conference scheduled for December 2018. This was purely to show he understood the rules and the implications of breaching them and the consequences for members of the public although he submitted that on the last occasion he was before the Tribunal no member of the public had suffered loss. He was seeking to show that he understood how to avoid falling into traps.

11. The Applicant emphasised that he was not revisiting the decision of the Tribunal in 2005. He wanted to address the mistakes he had made in private practice which were serious. He had vowed never to repeat those mistakes. Children work was mainly dealt with through legal aid or local authorities and in his firm prior to its being intervened into he had a legal aid franchise and there had been no impeachment of how he managed the franchise.

12. The Applicant submitted that in addition to oversight by the Respondent an individual practice or firm could employ the services of an external organisation which would ensure that if he became a partner he never breached the accounts rules. He had identified an organisation which provided a range of service to solicitors. His evidence included information about those services. It would provide an additional level of scrutiny. It would come in every fortnight to check a range of things including supporting the roles of COLP and COFA. He would also take advantage of the regular SRA Account Rules health check and other relevant services that the organisation provided, so that the Respondent would know that he did not present a risk to members of the public. This was not to say that he was seeking the role of COLP or COFA; he was not. His reference in his Position Statement to the fact that he would employ the external resource was not because he wanted have those roles but to show his understanding and the level of expense firms invested in being abreast of the changing dynamics of handling client money and the efforts to which practitioners went to ensure they were compliant and kept above the law.

13. The Applicant also submitted that the Respondent could say that he had not handled client money for 15 years and that was correct but he had a development plan to better understand how to handle client money. Even if one was working in a firm, senior managers might not disclose difficulties and challenges in handling client account and client money to fee earners. During the courses he had attended, there were Question and Answer sessions where solicitors in private practice told of their personal experiences. They told of strategies they used to eliminate residual balances, what was the best software on the market and how to access experienced cashiers and accountants, how to deal with fraudulent staff and what to do in excess of the

regulations to satisfy themselves about compliance. The Applicant submitted that he had done all this so he could tell the Tribunal that he "got it". The Applicant stated that he was familiar with the current compliance regime which was very different from what had gone before; he had undertaken study and understood the changes. He had gone to a lot of expense to ensure that when he came before the Tribunal he could allay the Respondent's concerns about what he had done.

14. The Applicant submitted that he was grateful to the Tribunal in 2013 for having made it easier for him to access employment. He listed 16 local authorities for whom he had worked. He was ready to undertake the prerequisite courses to gain accreditation to the Children Panel and had already undertaken one three day course and had a clean CRB check but he had been asked to re-apply to the Panel when the conditions had been removed from his practising certificate. The Applicant asked the Tribunal to allow him to progress his career on his chosen path.

15. The Applicant submitted that his difficulties in obtaining work in private practice had been two-fold. Access to employers was through recruitment agencies. Over the years he had made many enquiries to agencies about finding employment in private practice as a Children lawyer and they informed him that because he had extensive experience the firm would be interested in him only if he had Children Panel accreditation. He would be asked why he did not have it. Accreditation distinguished those who had experience. The second problem was that when he disclosed the conditions it prompted questions about what had led to their imposition; he was asked for a judgment transcript and told that firms generally did not employ people with conditions. Recruiters did not progress his applications when they knew of the conditions.

16. The Applicant submitted that he was a man of integrity and did not deceive anyone. He had provided the Tribunal with a snapshot of his working career in the list of his employers but it did not show what his employers thought of him and his work. The Applicant submitted that he represented local authorities consistently and his word was good, he treated unrepresented parties fairly and would get them to understand what was going on. The Applicant gave the Tribunal an indication of the type of work he had undertaken. He sought to obtain a fair outcome for children. He had been involved in close to 50 hearings for his current local authority employer including final hearings, directions, applications for care orders; all sorts of applications to help children. The Applicant submitted that the nature of locum work was precarious, on one week's notice but he worked in such a way the local authorities wanted to keep him because of the value he provided.

17. The Applicant submitted that the Respondent had an issue because he did not have contemporaneous references prepared in contemplation of these proceedings. One had to be mindful of the nature of locum work in a local authority; there was a very delicate balance constantly being managed. It was like someone walking on stilts. When approaching an employer for a letter to the Respondent, he could see their demeanour; they worried whether there was a problem with his practice and were confused as to whether the Respondent was taking him to the Tribunal. He had had the experience of one week's notice being given when he asked for a reference. Also when asked for a letter or a reference, employers might think he wanted to leave their employment. The Applicant pointed out that the Tribunal in 2013 had considered his

references because the Respondent had made an issue of it. The references had no direct relation to the Tribunal and although they were old they showed that he had worked in a number of local authorities without trouble. It would make sense, if he had done no legal work for a considerable length of time, for him to have to show he could be allowed back into the fold but he had been in continuous practice for some time. He referred the Tribunal to a reference dated 2 December 2016 from the Head of Legal for one authority in respect of his application for accreditation which stated:

> "[The Applicant] is a dedicated and enthusiastic member to have within the team and is reliable especially when workloads are high. He also actively participates in team meetings."

The Applicant also pointed to an email dated 22 February 2016 providing a detailed reference to an employment agency which related to his employment from August 2014 to February 2016. It included:

> "Quality of work- thorough and well thought through and researched as required
> Punctuality – excellent
> Team interaction – excellent team member, always first to volunteer to assist
> Attendance - very committed and will work until the job is done even though only contracted for 37 hours, does have some sickness absence
> Strengths – thorough, self-sufficient. IS led rather than counsel even when instructing counsel to conduct advocacy, excellent/clear drafting of LPM advice and threshold documents and also ADM legal advice."

The reference also indicated that the employer had not wanted the Applicant to leave and would employ him again. The Applicant submitted that the references spoke well of him and were quite consistent.

18. The Applicant also submitted that the removal of the conditions relating to the roles of COLP and COFA did not mean that he could automatically become a COLP or COFA. There was therefore no need to advertise his professional history to the whole world (by way of a condition on his practising certificate). There was a very strenuous process to reach that level. One was required by the SRA Authorisation Rules to apply to the Respondent and satisfy it of one's suitability. The Respondent applied the SRA Suitability Test 2011 and was not obliged to grant an application. The Respondent took account of the criteria in the test and any other relevant information when considering whether to approve an application. The Test set out five categories of conduct which could prevent prospective COLPs and COFAs obtaining authorisation: criminal offences, behaviour not compatible with that expected of an authorised role holder, financial circumstances, regulatory history and corporate offences and insolvencies. In his amended Position Statement the Applicant set out the detailed provisions of the test. The Applicant submitted that the public interest was being protected. The position of the Respondent was not prejudiced if the third condition was removed because in the event that the Applicant or a firm made an application for him to become a COLP or COFA then the Respondent had power to give consideration to the application under the Rules which were frequently updated. The Applicant submitted that in those circumstances there was no need to maintain the condition. The Applicant asked to be put back into the position he had been in

before 2005 then he would not have to apply to renew his practising certificate under the separate regime for those subject to conditions. The Respondent and the public could be satisfied with all the experience he had gained over time. The Applicant asked the Tribunal to say that he was no longer a risk to the public and that the conditions were no longer proportionate or reasonable.

19. The Applicant submitted that he was contrite and appreciated the problem he had originally caused for the Respondent whose costs had been around £80,000.00. He had paid the costs. If the conditions were lifted he assured the Tribunal that the concerns of the Respondent would never materialise. The Applicant submitted that he had tried to live his life as a person of his word and it was particularly painful to see that he not been good to his word in the matters leading to the earlier proceedings. He had learned his lesson and decided to follow the straight and narrow path.

20. The Applicant clarified for the Tribunal that it was his understanding that if he gained accreditation he would be supervising junior members of staff. He had not asked the accreditation body about its thinking but it was the only refusal he had had after he had undertaken the courses. The Panel said they could not appoint him because of the conditions.

21. The Applicant also indicated that he would like to clear his name by removal of the conditions which made people ask if this was someone of whom they should be wary. He had once been offered a job at a local authority and given notice in his existing job and left hoping to start a new job when the agency informed him that the particular employer did not take anyone with conditions.

22. The Applicant submitted that the earlier case had had a devastating effect on his wife and children. He had undergone three years of court hearings including in the High Court but they had survived. He had bombarded the Respondent with letters. People did not see behind the proceedings to the person behind them. The Applicant was at the Tribunal for the third time and would like it to be the last.

23. The Applicant clarified for the Tribunal that he had been admitted in 2000 and set up his own firm when qualified less than a year. He also explained that he had made an error in his employment history when stating the he had been in private practice with a particular firm from January 2005 to January 2006. He had been subject to the suspension imposed by the Tribunal from July to December 2005. He had sought employment with that firm after the suspension but when he told them they had to write to the Respondent for permission to employ him, they said they were no longer interested in doing so.

Submissions for the Respondent

24. For the Respondent, Ms Whelan submitted that there were two parallel systems as far as conditions were concerned; the Tribunal's and the Respondent's. Whatever happened at this hearing it was for the Respondent to determine what if any conditions should be imposed on the Applicant's next practising certificate. The Respondent had taken into account all the Applicant's submissions and had sympathy for him and so the Respondent suggested that the first and second of the conditions imposed by the Tribunal in 2013 should be removed. It suggested that the second

condition was in any event a permission that he might be employed as an in-house solicitor rather than a condition.

25. The Respondent considered that the third condition barring the Applicant from being a COLP or COFA remained appropriate and necessary. The original breaches had been significant and serious and the Applicant accepted that. It was also noted by the original Tribunal in its judgment:

> "The Tribunal found all of the allegations to have been substantiated save that it did not find dishonesty to have been proved against Mr Abereoje. It is of fundamental importance that a solicitor keeps a full, complete and accurate record of his dealings with clients' money. It is his duty to comply punctiliously with the Solicitors Accounts Rules so that he is able at all times to demonstrate that he is exercising a proper stewardship over clients' funds and to ensure that at no time are clients' funds put at risk.
>
> The Respondent's breaches were at a serious level. It was unlikely that the muddle could be unravelled. The Respondent's books of account did not on their face convey a true and accurate state of affairs....
>
> The Tribunal considered that the breaches of the Solicitors Accounts Rules by Mr Abereoje were serious and could not be overlooked..."

Ms Whelan submitted that when the suspension expired the Applicant became subject to conditions; and from 2013 he was subject to the revised conditions for five years, a not insignificant time. However while the Applicant had attended courses he had gained no experience of handling client money and so it was felt inappropriate for him to be in a compliance role. The absence of employment in private practice had been a reason for the Tribunal imposing the conditions in 2013. The Respondent appreciated the reasons why the Applicant had not acquired the experience but the fact remained that he had not and the Respondent felt he should do so before the conditions were removed in their entirety. The Respondent was also concerned that the references submitted from 2005, 2009 and 2016 were not current and not given in contemplation of this hearing. The Respondent had sympathy for the Applicant's explanation for not having obtained the references for fear of causing anxiety to his employers but the Respondent noted that the Applicant had been with his current employer since August 2017 for over a year and submitted that it would have been appropriate to obtain a reference from them. The Applicant was aware of the problem as it had been raised in the 2013 hearing. The Tribunal had then accepted that he had an unblemished recent work history but made it clear to him what was required and the references were not before the Tribunal at this hearing. It was a question for the Tribunal how much reliance it could place on open references.

26. As to the point that the Respondent could regulate the extent to which the Applicant could become a compliance officer, Ms Whelan submitted that the Tribunal would need to be satisfied that the condition was no longer reasonable and proportionate. The Respondent submitted that it was still not suitable for the Applicant to take on those positions and the Tribunal in 2013 had agreed. On this occasion, the Respondent was content that there could be a further relaxation by the removal of the first two conditions.

27. Ms Whelan also submitted that apart from his expressed wish to clear his name the Applicant's main reason for the application was to achieve accreditation to the Children Panel. He said that the Panel was not prepared to accredit him while condition 3 was in place. The Respondent could not comment on what the Panel's final word would be but shared the Tribunal's surprise if it was the case that it would not accept anyone with any conditions. It was not necessarily the case that after this hearing no conditions would remain. Ms Whelan hoped that the removal of the first two conditions would go a considerable way to alleviating any concerns. Condition 3 only related to COLP and COFA roles and these were not roles which an employer could assume he would take on. It was to be hoped that this would be sufficient for the Accreditation Panel.

28. The Applicant responded that the only interaction that the Respondent had with him was around his annual practising certificate application whereas the Tribunal had spent time with him and he had provided it with a view of his life and its trajectory. He wanted to make progress in life. It was possible that if the Tribunal removed the conditions the Respondent would follow suit. The Applicant submitted that the Respondent's conditions imposed in 2005 mirrored those of the Tribunal.

Decision of the Tribunal

29. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

30. The Tribunal noted that it was many years since the substantive hearing. The Applicant had clearly gained a great deal of experience in children related work in local authorities since then. He informed the Tribunal that he wished to achieve accreditation to the Children Panel to further his career and that was the primary reason for his application. The Tribunal only had the Applicant's submissions as to the reasons for what he stated was the refusal of accreditation. The Applicant had not submitted any evidence to support his assertion that the conditions were an absolute bar to accreditation or that any application for accreditation had been refused. The email of 20 December 2016 from the Law Society which he produced, referred only to his letting the Panel know when the restrictions were removed. "Thank you for disclosing the conditions on your PC. I should be grateful if you can inform us when the conditions are lifted." Submitting the email alone was not of much assistance in the absence of context and knowing to what it responded.

31. The Tribunal noted that the Applicant stated that he wanted to clear his name by the removal of the conditions. He appeared not to have understood that his regulatory history would remain unchanged if they were removed; doing so would not overturn the original decision about which the Applicant said he was contrite. This fact did not however impact upon the Tribunal's decision.

32. The Tribunal noted that the earlier division of the Tribunal had stated:

> "In this case, the Applicant had not provided evidence of a reasonable period of approved employment within a private practice and until such evidence was provided, the Tribunal did not consider it would be appropriate to lift the

> restrictions in their entirety. The Tribunal did acknowledge that the Applicant should be given an opportunity to rehabilitate himself by working in private practice employment and that the current conditions were preventing the Applicant from obtaining such employment...
>
> It would not be appropriate for the Applicant to be able immediately to practise as a partner, member, director or sole practitioner, or either as a Compliance Officer for a Legal Practice, or as a Compliance Officer for Finance and Administration..."

The Tribunal considered that the Applicant had a credible job history. Originally he had to have all employment approved and the Tribunal noted that the Applicant was given the chance to seek experience in private practice in 2013 by the division of the Tribunal varying the original conditions but he said that he had not been able to take advantage of it. The Tribunal was troubled by the fact the Applicant came back to the Tribunal without securing the experience pointed out by the Tribunal in 2013 as necessary however challenging that might be. The Tribunal had not been presented with any concrete evidence that he had persisted in trying to obtain private practice experience. His simply wanting to work in private practice was not enough. The Tribunal could not take much comfort from the Applicant having undertaken courses in the absence of practical experience.

33. The Tribunal had not been presented with up to date references. It appreciated the difficulties the Applicant might encounter in obtaining references but they could never the less be a persuasive factor and the Applicant had been advised of this in 2013.

34. Thirteen years was a long time to work under conditions and the Applicant should have the opportunity to rehabilitate himself and it was arguable that there was nothing in the present conditions which stopped that. However after much deliberation the Tribunal was concerned that it was disproportionate to continue tight restrictions on his practice provided the public could still be protected. The Tribunal determined that the first condition relating to the size of practice in which the Applicant might work should be removed along with the clarifying permission at condition 2.

35. The Tribunal felt that the bar to the Applicant in respect of the compliance officer roles was more difficult to remove than the other conditions imposed in 2013. It noted that if the third condition were removed the Applicant still had to go through the application process with the Respondent and satisfy the Respondent that he was suitable but the Applicant's private practice experience was limited to two months with his first firm and then six months before he set up his own firm which was beset with accounting problems and had no proper systems in place. The Tribunal did not consider that the Applicant's proposal to rely on an external organisation to ensure compliance was a substitute for practice experience as his lack of it would mean that he could have no idea if the support was adequate and he would be over reliant on it. To leave condition 3 in place would not prevent him acquiring that experience. Having regard to his lack of experience the Tribunal could take no comfort from the Applicant's statement that he had no wish or intention to seek the compliance roles. The Tribunal did not in any event feel that the Applicant had established why he needed that condition removed. The Tribunal therefore wished to exclude the

possibility that the Applicant might change his mind and seek to become a COLP or COFA as he had not advanced beyond the position described by the Tribunal in 2013. The Tribunal took into account the effort which the Applicant had made to learn about the management of client money but in the continuing absence of any private practice experience the Tribunal did not consider from the essential aspect of protecting the public that he could be allowed to apply to be a COLP or COFA.

36. The Tribunal determined that by removing conditions 1 and 2 it would allow scope for the Applicant to develop his career. He had been a young and very inexperienced solicitor who made a mess of setting up and running his firm but the door should be left open for him. He had stuck to his chosen area of legal work and was clearly very committed to it. The Tribunal would therefore remove conditions 1 and 2 but 3 should remain in place. It would of course provide for liberty to apply to either party.

Costs

37. For the Respondent, Ms Whelan applied for costs in the amount of £2,698.00. The Applicant submitted that this was an excessive amount as this was not a case where the Respondent sought to challenge matters upon which it had not already made a decision regarding conditions 1 and 2. The Respondent had made the same points for a number of years. He submitted that for the Respondent to submit an amended Position Statement further setting out its views was grossly excessive. The Tribunal noted that the Respondent's own costs were only £598.00 and the balance comprised counsel's fees. Ms Whelan submitted that some of those costs arose out of the confusion which the Applicant had generated about the nature of his application which meant that the Respondent had to prepare two position statements and she had advised on the Respondent's response to the application. The Tribunal considered the Respondent's costs claimed to be reasonable; the Respondent's hourly rate for its internal work was acceptable at £130.00 and the Applicant had caused confusion in his application and therefore additional work. The Respondent was obliged to respond to any application for variation, following on from a finding by the Tribunal. The Applicant made no representations about his financial means and was able to continue working. The Tribunal would therefore make an order for costs in favour of the Respondent in the amount sought.

38. **Statement of Full Order**

1. The Tribunal varies the Order dated 21 November 2013 in respect of the Applicant, ANDREW ADENIYI ABEREOJE, solicitor, as follows:-

1.1. The Tribunal Orders that conditions 1.1 and 1.2 be removed.

1.2 The Tribunal Orders that condition 1.3, that the Applicant may not be employed as either a Compliance Officer for a Legal Practice or as a Compliance Officer for Finance and Administration, shall remain in effect.

2 There be liberty to either party to apply to the Tribunal to vary the condition at 1.2 above.

3. The Tribunal further Orders that the Applicant do pay the costs of the response of the Solicitors Regulation Authority to this application fixed in the sum of £2,698.00.

Dated this 17th day of December 2018
On behalf of the Tribunal

Nicola Lucking

N. Lucking
Chair