

**Jeremy Bouch**  
**Solicitor**  
**040927**

**Fined Date: 13 May 2022**

**Decision - Fined**

Outcome: Fine

Outcome date: 13 May 2022

Published date: 23 May 2022

**Firm details**

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

Name: Volkswagen Financial Services (UK) Limited

Address(es): Brunswick Court, Yeomans Drive, Blakelands, MILTON  
KEYNES, MK14 5LR

Firm ID: 511522

**Firm or organisation at date of publication**

Name: Barclays Execution Services

Address(es): 1 Churchill Place, Canary Wharf, London, E14 5HP

Firm ID: 261602

**Outcome details**

This outcome was reached by SRA decision.

**Decision details**

**Agreed outcome**

Jeremy Clive Bouch (Mr Bouch), a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £2,000
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600.



## **Reasons/basis**

### **2. Summary of facts**

2.1 Mr Bouch commenced employment with Volkswagen Financial Services Limited (VFS) on 11 January 2016 as its Head of Legal Compliance. His title subsequently changed to General Counsel.

2.2 Among other services, VFS provides fleet vehicles which it leases to end-users. Under the lease agreements, VFS remains the owner and registered keeper of the vehicle with the Driving Vehicle and Licensing Agency.

2.3 VFS engaged a third-party company to process Notices of Intended Prosecution (NIPs) for driving (typically speeding) offences and parking fines it received, in respect of its lease vehicles. This third-party company failed to attend to the NIPs and parking fines which resulted in: (a) parking fines being imposed and enforced against VFS, and (b) criminal summonses being issued in the magistrates court against VFS for its failure to provide drivers' details (in contravention of s172 of the Road Traffic Act 1988).

2.4 In January 2019 Mr Bouch was tasked by VFS with resolving the criminal summonses and he instructed Firm B to deal with them. Mr Bouch had a longstanding friendship with a solicitor at Firm B.

2.5 Before commencing work on the criminal summons cases, Firm B told Mr Bouch that it did not have sufficient staff to carry out this work. This prompted Mr Bouch to suggest his close relative (a solicitor) could assist with them.

2.6 Firm B submitted two invoices to VFS for its services: (i) on 27 March 2019, and (ii) on 19 June 2019, totalling £95,150 excluding VAT. The invoices did not include any breakdown of the work undertaken by Firm B and the fees appeared excessive for the work involved.

2.7 Mr Bouch approved payment of both invoices, without disclosing to VFS that his close relative was working on the cases and their fees were included within the invoices.

2.8 Mr Bouch cancelled the arrangement VFS had with Firm B on 11 June 2019.

<2.9 VFS commenced a disciplinary investigation of Mr Bouch's conduct, which included the circumstances surrounding his instruction of Firm B and his approval of Firm B's invoices. On 27 August 2019 he resigned from his employment with VFS.

### **3. Admissions**



3.1 Mr Bouch makes the following admissions which the SRA accepts:

He caused or allowed an own interest conflict to arise by:

- a. Instructing Firm B to deal with the criminal summons cases when he was a friend of one of Firm B's employees and failing to disclose this to VFS.
- b. Suggesting to Firm B that his close relative could work on the criminal summons cases and failing to disclose to VFS that his close relative had been engaged to work on these cases by Firm B.
- c. Approving payment of Firm B's invoices which included his close relative's fees and failing to disclose this to VFS.

Accordingly, Mr Bouch breached Principle 6 of the SRA Principles 2011 and failed to achieve Outcome 3.4 of the SRA Code of Conduct 2011.

#### **4. Why a fine is an appropriate outcome**

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Bouch and the following comments which he has put forward:

- a. Mr Bouch was experiencing significant health and personal issues at the time of the misconduct.
- b. Mr Bouch was focussed on resolving the criminal summons cases for VFS as a priority and in doing so allowed his judgment to be impaired.

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

- a. The conduct had potential to cause harm to VFS.
- b. Mr Bouch had direct responsibility for his conduct/behaviour.
- c. The conduct was planned.
- d. The engagement of Mr Bouch's close relative was instigated by Mr Bouch and his failure to inform VFS persisted for longer than is reasonable.
- e. A fine is appropriate to remove the financial gain and deter others.

4.4 A fine is appropriate to remove any indirect financial gain arising from the conduct and to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. A financial penalty therefore meets the requirements of rule 4.1 of the SRA Regulatory and Disciplinary Procedure Rules.

#### **5. Amount of the fine**



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

5.2 Having regard to the Guidance, the SRA and Mr Bouch agree that the nature of the misconduct was low because Mr Bouch has cooperated with the investigation and it did not form a pattern of misconduct. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium because it caused it had moderate impact on VFS.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,000 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Mr Bouch has put forward:

- a. The pressure of work and his health problems at that time, combined to impact on his judgment.
- b. Mr Bouch has no regulatory history.

5.6 The SRA considers that the impact of the conduct falls in the low point of the penalty bracket and that the level of fine should be set to provide a credible deterrent, to deter future misconduct by Mr Bouch and by others who may be engaged in similar conduct.

5.7 The SRA considers a basic penalty of £2,000 to be appropriate.

5.8 Notwithstanding that Mr Bouch has co-operated with the investigation, his close relative (and therefore also Mr Bouch indirectly) received financial benefit from his conduct. It is appropriate to impose the maximum financial penalty internally available to the SRA. The amount of the fine is therefore £2,000.

## **6. Publication**

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Bouch agrees to the publication of this agreement.

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

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

7.2 If Mr Bouch 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 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

## **8. Costs**

8.1 Mr Bouch 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.

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