

Jonathan Sara

Solicitor

266301

Fined Date: 1 August 2024

Decision - Fined

Outcome: Fine

Outcome date: 1 August 2024

Published date: 6 September 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Private Office Legal Services Limited

Address(es): First Floor, Albany House, 162-168 High Street, Waltham Cross, EN8 7DF

Firm ID: 626971

Firm or organisation at date of publication

Name: Nexa Law Limited

Address(es): Suite 2 Salop House, 13 Salop Road, Oswestry, Shropshire, SY11 2NR

Firm ID: 633024

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Mr Sara is a solicitor, currently working at Nexa Law Limited, a regulated body.

At the time of the misconduct detailed below, Mr Sara was working at Private Office Legal Services Limited, a recognised body (the firm).



Short summary of decision

We have fined Mr Sara for failing to advise clients adequately in relation to the purchase and subletting of rooms in care homes.

Facts of the misconduct

It was found that while in practice at the firm between February 2017 and March 2019, Mr Sara failed to advise clients adequately or at all about high risks in schemes involving the purchase and subsequent subletting of leasehold rooms and/or suites in care homes.

It was found that in doing so, Mr Sara breached Principles 4, 5 and 6 of the SRA Principles 2011 and Outcomes O(1.2) and O(1.5) of the SRA Code of Conduct 2011.

Decision on sanction

Mr Sara was directed to pay a financial penalty of £5,165 and ordered to pay costs of £1,350.

It was decided that a financial penalty was an appropriate and proportionate sanction.

This was because his conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

- Mr Sara was an experienced conveyancing solicitor.
- He advised over 100 clients in relation to the purchase of rooms/suites in various care home developments, in circumstances where he knew, or should have known, that there were significant risks in the transactions.
- Mr Sara treated the transactions as ordinary conveyances, notwithstanding the unusual elements of the deal. He failed to advise his clients about the high risks involved.
- His conduct was not intentional and did not continue after it was known to be improper. Although it was repeated over a number of files, Mr Sara had made the same error of judgment on each file. It was not therefore a pattern of misconduct.
- The conduct had the potential to cause moderate harm to Mr Sara's clients, who were the proposed investors in the schemes.

In view of the above, Mr Sara's conduct was placed in conduct band B which has a financial penalty bracket of between 5% and 11% of his annual gross income. His conduct was placed in the middle of this bracket at B2 given:

a. Aggravating factors

- Mr Sara was a senior solicitor with direct responsibility for his own conduct • Schemes similar to this had been the subject of



two SRA warning notices, dated 21 September 2016 and 23 June 2017. These notices warned practitioners about giving full and proper advice to clients who had been persuaded to invest in the purchase of single hotel rooms, or rooms in care homes.

- Mr Sara had failed to give that advice, and as a result had failed to act in his client's best interests and had put public trust and confidence in the profession at risk
- b. Mitigating factors
 - Mr Sara did not intentionally flout his regulatory obligations.
 - There was no suggestion that he acted dishonestly or with a lack of integrity.
 - His clients were not vulnerable individuals.

Reasons/basis

SRA Principles breached

SRA Principles 2011

Principle 4 You must act in the best interests of each client.

Principle 5 You must provide a proper standard of service to your clients.

Principle 6 You must behave in a way that maintains the trust the public places in you and in the provision of legal services.

SRA Code of Conduct 2011

Outcome O(1.2) You provide services to your clients in a manner which protects their interests in their matter, subject to the proper administration of justice.

Outcome O(1.5) The service you provide to clients is competent, delivered in a timely manner and takes account of your clients' needs and circumstances.

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