

# Graham Albert Waite

## Recognised sole practitioner

### 081282

*Fined Date: 20 June 2023*

#### *Decision - Fined*

Outcome: Fine

Outcome date: 20 June 2023

Published date: 31 August 2023

#### *Firm details*

##### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: G A Waite Solicitor

Address(es): Holly Tree House, Old Lane, St Johns, Crowborough TN6 1RX

Firm ID: 345927

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

We have fined Mr Waite £5,250 for failing to ensure G A Waite Solicitor (the firm) had in place a compliant firm-wide risk assessment and compliant Anti-money laundering (AML) policies controls and procedures between 26 June 2017 and 2 July 2022 in breach of Regulations 18 and 19 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs 2017).

Also for failing to provide the SRA with accurate information in response to requests about the AML documentation in place at the firm.

#### *Reasons/basis*

#### *Facts of the misconduct*

It was found that:

1. Mr Waite, as sole owner and manager of G A Waite Solicitor:



- a. failed to ensure that the firm had in place a compliant firm-wide risk assessment between 26 June 2017 and 2 July 2022 as required by Regulations 18(1) and 18(4) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs 2017), and
- b. failed to have sufficient regard for the SRA's warning notice on firm-wide risk assessments dated 7 May 2019 (updated 25 November 2019).

In doing so he:

- i. breached Principles 6, 7 and 8 of the SRA Principles 2011, and
- ii. failed to achieve Outcome 7.5 of the SRA Code of Conduct 2011.
- iii.

and where the conduct took place on or after 25 November 2019, he breached:

- iii. Principle 2 of the SRA Principles 2019, and
- iv. Paragraphs 2.1(a) and 3.1 of the SRA Code of Conduct for Firms.

2. From 26 June 2017 to 2 July 2022, Mr Waite failed to have in place compliant AML Policies, Controls and Procedures at the firm, as required by Regulation 19 of the MLRs 2017.

In doing so, he:

- i. breached Principles 6, 7 and 8 of the SRA Principles 2011, and
- ii. failed to achieve Outcome 7.5 of the SRA Code of Conduct 2011.

And where the conduct took place on or after 25 November 2019 he breached:

- iii. Principle 2 of the SRA Principles 2019, and
- iv. Paragraph 2.1(a) of the SRA Code of Conduct for Firms.

3. Mr Waite provided the SRA with inaccurate information, by:

- a. making a declaration to the SRA on 13 October 2020 that the firm-wide risk assessment was compliant with the requirements of Regulation 18 of the MLRs 2017 and/or
- b. telling the SRA on 4 October 2021 that his firm-wide risk assessment was in place (in the form of the template he provided to the SRA on 4 October 2021).

In doing so he breached:

- i. paragraph 7.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs, and
- ii. Principle 2 of the SRA Principles 2019.

*Decision on sanction*

Mr Waite was directed to pay a penalty of £5,250 and ordered to pay costs of £600.

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

1. His conduct was a breach of his regulatory obligation which had persisted for five years.
2. He was responsible for his own conduct which was serious and had the potential to cause harm to the public interest and to public confidence in the legal profession.

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