

Benjamin Achogbuo

Recognised sole practitioner

381214

Agreement Date: 7 October 2021

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 7 October 2021

Published date: 11 October 2021

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: BAA Solicitors

Address(es): 36-38 Station Parade, Barking IG11 8DR

Firm ID: 637546

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

1.1 Benjamin Achogbuo (Mr Achogbuo), a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. he will pay the costs of the investigation of £300
- c. to the publication of this agreement.

2. Summary of Facts

2.1 On 23 October 2020, Mr Achogbuo pleaded guilty at Barkingside Magistrates' Court to driving a motor vehicle while under the influence of excess alcohol.

2.2 The sentence was:



- a. disqualification from holding or obtaining a driving licence for 12 months (to be reduced by 3 months if Mr Achogbuo completed a course approved by the Secretary of State by 22 May 2021); and
- b. a fine of £384.

2.3 Mr Achogbuo was also ordered to pay a victim surcharge of £38 and costs of £85.

2.4 Mr Achogbuo notified the SRA of the conviction on 9 November 2020.

3. Admissions

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

- a. that by virtue of his conduct and conviction for driving while under the influence of excess alcohol, he failed to behave in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons in breach of Principle 2 of the SRA Principles.

4. *Why a written rebuke is an appropriate outcome*

4.1 The SRA's Enforcement Strategy and its topic guidance on driving with excess alcohol convictions 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 Achogbuo and the following mitigation:

- a. the conduct is an isolated incident
- b. he promptly reported his conviction to the SRA and co-operated fully with its investigation
- c. he has expressed insight and remorse in relation to his conduct
- d. no harm was caused to any persons or property as a result of his conduct.

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

- a. the conduct had the potential to cause significant harm to others

b. there was a reckless disregard of the risk of harm.

4.4 A rebuke is appropriate to uphold professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. A lesser sanction would not sufficiently address the conduct and provide a credible deterrent to Mr Achogbuo and others.

5. Publication

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

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

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

6.2 If Mr Achogbuo 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.

6.3 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.

7. Costs

7.1 Mr Achogbuo 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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