



# Stuart Ashpole

## Employee

### 807261

*Agreement Date: 16 September 2021*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 16 September 2021

Published date: 29 September 2021

#### *Firm details*

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

Name: Barcan + Kirby LLP

Address(es): 111-117 Regent Street, Kingswood, BRISTOL, BS15 8LJ

Firm ID: 568743

#### *Outcome details*

This outcome was reached by agreement.

##### *Reasons/basis*

###### *1. Agreed outcome*

1.1 Mr Stuart Ashpole, a former employee of Barcan & Kirby LLP (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to him that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate him in connection with his practice as a solicitor
  - ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice
  - iii. no recognised body shall employ or remunerate him
  - iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body



- v. no recognised body or manager or employee of such a body shall permit him to be a manager of the body
- vi. no recognised body or manager or employee of such body shall permit him to have an interest in the body

except in accordance with the SRA's prior permission

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

## *2. Summary of Facts*

2.1 Mr Ashpole was employed by the Firm as a facilities manager.

2.2 One of Mr Ashpole's responsibilities at the Firm was to order electronic devices for business use. He paid for the orders using the Firm's company credit card.

2.3 During a routine audit, the Firm identified that some of the electronic devices that he had ordered were missing. After carrying out an investigation, the Firm held a disciplinary meeting on 20 June 2017. At this meeting, Mr Ashpole admitted ordering additional electronic devices which he then sold for his own personal gain. He was summarily dismissed.

2.4 The Firm reported Mr Ashpole to the Police and on 7 September 2017 he pleaded guilty to an offence under section 1(1) and 7 of the Theft Act 1968.

2.5 The sentence was:

- a. committal to prison for 16 weeks suspended for 12 months
- b. to carry out supervised unpaid work for 120 hours within a 12-month period
- c. to pay compensation of £5,000
- d. to pay a victim surcharge of £115, and
- e. to pay costs of £85.

## *3. Admissions*

Mr Ashpole admits, and the SRA accepts, that his conviction for theft means it is undesirable for him to be involved in a legal practice.

## *4. Why a section 43 order is appropriate*

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Mr Ashpole and the following mitigation which he has put forward:

- a. he has expressed regret for his actions and has shown insight and remorse in respect of his conduct
- b. he has cooperated fully with the SRA and its investigation.

4.3 The SRA and Mr Ashpole agree that a section 43 order is appropriate because:

- a. Mr Ashpole is not a solicitor, and
- b. he was employed and remunerated by the Firm, a recognised body, at the time of his conduct
- c. he has been convicted of an offence which makes it undesirable for him to be involved in a legal practice.

4.4 It is undesirable for Mr Ashpole to be involved in a legal practice because the seriousness of his conduct would undermine public trust in the provision of legal services.

#### *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 Ashpole agrees to the publication of this agreement.

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

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

#### *7. Costs*

7.1 Mr Ashpole 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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