

Joe Morgan

Solicitor

642677

Agreement Date: 18 August 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 18 August 2022

Published date: 22 August 2022

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

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

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600

2. Summary of Facts

2.1 Joe Morgan ('Mr Morgan') created a website <https://www.documentcertifier.com> ('The Website') to provide document certification and notarisation services. The Website allows users to upload an image of their document, and then receive a PDF document that contains a printed certification, printed signature, and it can also produce an Apostille.

2.2 On 25 June 2021, a member of the Public, Ms C contacted the SRA having used The Website to certify and apostille a document for her from a scanned copy. An apostille can only be issued by a competent authority, which in the UK is the Foreign, Commonwealth and Development Office ("FCDO"). Mr Morgan was not authorised to issue an apostille. Ms C

discovered that the documents issued through The Website were invalid, and she would have to pay again for the services she required.

2.3 On 15 July 2021 we received a report from the Legalisation Office at the FCDO regarding the website created by Mr Morgan.

2.4 The FCDO highlighted that Mr Morgan had described himself as a notary and it had found no evidence Mr Morgan was a notary.

2.5 During our investigation, Mr Morgan explained that he had certified documents for his clients in the past and following the Covid pandemic decided to offer this service online. Through this service, he was also asked to notarise and apostille documents, which he believed he could do. A list of clients provided by Mr Morgan shows that he provided notarial services over a period of five months between 26 May 2021 and 24 October 2021. In addition, between 2 June 2021 and 7 October 2021 he added an Apostille to documents on 25 occasions.

2.6 Mr Morgan has not qualified to become a notary public and is not approved by the Master of the Faculties to provide notarial services.

2.7 As soon as Mr Morgan became aware that he could not notarise or apostille documents, he stopped providing this service.

3. Admissions

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

- a. He provided notarial services to members of the public when he was not authorised by the Faculty Office to practise as a Notary.
- b. He issued Apostille certificates to members of the public when he had no authority to do so.
- c. He certified documents as being a true copy of the originals as seen by him, by placing reliance on having seen uploaded documents through The Website, when he had not seen the original documents.

and by doing so he breached Principle 2 of the SRA Principles.

4. *Why a written rebuke 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 Morgan and the following mitigation which he has put forward:

- a. Mr Morgan has admitted that he made a mistake in his belief that he could notarise and apostille and regrets his actions.
- b. As soon as he was aware that he was not permitted to provide notarial services or issue Apostilles he stopped doing so.
- c. He has co-operated with the SRA's investigation.

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

- a. A public sanction is required to uphold public confidence in the delivery of legal services and to deter Mr Morgan and others from similar behaviour in the future.
- b. Mr Morgan's conduct was reckless as to the risk of harm he might cause because he has issued documents which are invalid and not considered the repercussions that might occur when those documents are presented to third parties.
- c. There is a low risk of repetition.

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 Morgan agrees to the publication of this agreement.

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

6.1 Mr Morgan 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 Morgan 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 Morgan 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.