

## **FINAL NOTICE – SUMMARY OF CONTENTS**

**Date of issue: 25<sup>th</sup> March 2004**

### **Kevin Michael Ennis**

The FSA has refused an application for the approval of Mr Ennis to perform the investment adviser (trainee) function with a firm of independent financial advisers as it was not satisfied that he was a fit and proper person to perform that function at the firm concerned.

In January 2002, when performing the controlled function of investment adviser for another authorised firm, Mr Ennis was informed of a potential investment opportunity offered by Dobb White & Co, a firm of chartered accountants. In March 2002, Mr Ennis met with a partner in the firm to obtain further information. At this meeting, the partner informed Mr Ennis that Dobb White had previously been investigated by FSA for unlawful deposit taking but had been cleared of any wrongdoing. Mr Ennis was also advised that the investment opportunity was supported by a number of large investment banks and that customers were guaranteed an annual return of 10% - 15% on their investments. Mr Ennis was promised an annual commission rate of 5% of the capital invested. Following this meeting, Mr Ennis made limited enquiries relating to Dobb White with another firm of accountants, but failed to check the FSA website. This contained press releases dated November 1999 and August 2000 announcing regulatory action taken against Dobb White and its partners for contravention of the Banking Act 1987 and failing to provide information in connection with an investigation into suspected illegal deposit-taking.

Between July and October 2002, Mr Ennis informed a number of his clients about the Dobb White & Co scheme. Mr Ennis and several of his clients subsequently invested in the scheme, and to date no monies have been returned. In September 2002, Mr Ennis met with another partner of Dobb White to express his concerns about the scheme. Notwithstanding his concerns, some of Mr Ennis' clients invested in the scheme after this meeting.

The FSA believes that Mr Ennis exhibited serious failings in his dealings with Dobb White in that he failed to make sufficient due and diligent enquiries into the firm. The FSA considers these failings demonstrate a severe lack of judgement and are particularly serious, given that Mr Ennis has had 18 years' experience as a financial adviser.

In light of the matters set out above, the FSA has concluded that it is unable to satisfy itself that Mr Ennis is a fit and proper person to perform the controlled function to which the application related.

Mr Ennis did not refer the matter to the independent Financial Services and Markets Tribunal.