

FINAL NOTICE – SUMMARY OF CONTENTS

Date of issue: 25 November 2004

Paul Andrew Ashurst

The FSA has refused an application for Part IV Permission from Paul Andrew Ashurst, a sole trader who applied to carry on business under the FSA's new regulatory regime for mortgages. The application was refused as Mr Ashurst does not satisfy Threshold Condition 5 (suitability).

Mr Ashurst represented an authorised firm as a consultant from June 1990 to December 1996. In December 1996 he was suspended by the firm pending an investigation into allegations that he had falsified signatures on customer documents. He resigned before the conclusion of the investigation.

On 20 May 1998 Mr Ashurst made an application for individual registration by the PIA, sponsored by an authorised firm. The PIA contacted Mr Ashurst's previous firm to ascertain the outcome of their investigation into the alleged falsification of signatures and as a result were able to conclude that:

- The investigation had found that Mr Ashurst falsified 15 signatures on applications relating to 5 clients. The incident occurred when the firm had been unable to find 5 application forms that Mr Ashurst claimed to have submitted to it. Mr Ashurst asked to submit facsimiles but was told that this was against company policy. By the next morning, all 5 clients had allegedly been seen by Mr Ashurst to obtain signatures and the documents posted to arrive with the firm. The firm concluded that this was physically impossible as the 5 clients lived in various parts of North West England.
- The clients in question supported Mr Ashurst, but the firm concluded that their evidence was unreliable because of their relationship to Mr Ashurst. The PIA concluded that Mr Ashurst had re-visited the clients in order to persuade them to cover up for him. A handwriting expert concluded that the signatures were forgeries.
- The falsifications were deliberate and calculated to attract commission. The business involved was submitted towards the end of the year when, had the applications been accepted, they would have secured a large bonus together with a paid holiday in the Caribbean.
- The firm stated that if Mr Ashurst had not resigned, they would have terminated his contract.
- Mr Ashurst had failed to disclose these matters to the PIA in his application. The PIA Membership Committee refused Mr Ashurst's application because it was not satisfied that Mr Ashurst was fit and proper to be a registered individual.

Mr Ashurst failed to disclose any of the above matters when making his original application for authorisation by the FSA. The information should have been disclosed.

The FSA considers that these matters demonstrate that Mr Ashurst does not have the necessary honesty, integrity and reputation to be considered a fit and proper person and therefore does not satisfy Threshold Condition 5 (suitability).

Mr Ashurst did not make representations to the FSA, nor did he refer the matter to the independent Financial Services and Markets Tribunal.