
FINAL NOTICE

To: **Geoffrey Harold Arthur Fincher**

Address: **Prisoner Number: A9415DH**
HMP Kirkham,
Freckleton Road
Kirkham
Preston
Lancashire
PR4 2RN

Individual Reference Number: **GHF00004**

Dated: **8 March 2016**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Fincher.
2. The Authority gave Mr Fincher the Decision Notice, which notified Mr Fincher that, for the reasons given below and pursuant to section 56 of the Act, the Authority had decided to make an order prohibiting him from performing any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm.
3. Mr Fincher has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to him.
4. Accordingly, for the reasons set out below, the Authority hereby makes an order pursuant to section 56 of the Act prohibiting Mr Fincher from performing any function in relation to any regulated activity carried on by any authorised person,

exempt person or exempt professional firm. The Prohibition Order takes effect from 8 March 2016.

DEFINITIONS

5. The definitions below are used in this Final Notice (and in Annex A):

“the Act” means the Financial Services and Markets Act 2000;

“the Authority” means the body corporate previously known as the Financial Services Authority and renamed on 1 April 2013 as the Financial Conduct Authority;

“the Decision Notice” means the Decision Notice given to Mr Fincher dated 6 January 2016;

“EG” means the Enforcement Guide;

“FIT” means the Fit and Proper Test for Approved Persons sourcebook;

“the Handbook” means the Authority’s Handbook of rules and guidance;

“Mr Fincher” means Geoffrey Harold Arthur Fincher;

“the Prohibition Order” means the order prohibiting Mr Fincher, pursuant to section 56 of the Act, from performing any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber); and

“the Warning Notice” means the Warning Notice given to Mr Fincher dated 3 December 2015.

RELEVANT STATUTORY PROVISIONS

6. The statutory and regulatory provisions relevant to this Final Notice are set out in Annex A.

SUMMARY OF REASONS

7. The Authority has concluded, on the basis of the facts and matters and conclusions described in the Warning Notice, and in the Decision Notice, that Mr Fincher is not a fit and proper person to perform any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm, as his conduct demonstrates a clear and serious lack of honesty, integrity and reputation. Specifically, Mr Fincher:

(a) was convicted on 25 September 2014 of 22 counts of dishonesty/financial crime offences, and was sentenced on 10 November 2014 to 24 months’ imprisonment for those offences; and

(b) was convicted on 9 April 2015 of a further six counts of dishonesty/financial crime offences, and was sentenced on 21 May 2015 to a further 18 months’ imprisonment for those offences.

FACTS AND MATTERS RELIED ON

8. Mr Fincher was previously approved by the Authority in relation to:
 - (a) Firm A, to perform the controlled functions of:
 - (i) (between 1 December 2001 and 31 July 2003) CF7 (Sole Trader (AR)) and CF21 (Investment Adviser);
 - (b) Firm B, to perform the controlled functions of:
 - (i) (between 1 August 2003 and 1 June 2004) CF7 (Sole Trader (AR)) and CF21 (Investment Adviser);
 - (c) Firm C, to perform the controlled functions of:
 - (i) (between 1 March 2004 and 28 November 2013) CF1 (Director); CF10 (Compliance Oversight); and CF11 (Money Laundering Reporting); and
 - (ii) (between 1 March 2004 and 31 March 2009) CF8 (Apportionment and Oversight); and
 - (iii) (between 1 March 2004 and 31 October 2007) CF21 (Investment Adviser); and
 - (iv) (between 1 November 2007 and 28 November 2013) CF30 (Customer);
 - (d) Firm D, to perform the controlled functions of:
 - (i) (between 31 October 2004 and 30 August 2013) CF1 (Director); and
 - (ii) (between 23 May 2006 and 31 March 2009) CF8 (Apportionment and Oversight).
9. Since 28 November 2013, Mr Fincher has not been approved to perform any controlled functions in relation to any firm authorised by the Authority.
10. On 25 September 2014, Mr Fincher was, upon his own confession, convicted at Chester Crown Court of 22 offences: two counts of theft; three counts of making/supplying articles for use in fraud; seven counts of obtaining money transfer by deception; eight counts of dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk, and two counts of furnishing false information relating to accounts.
11. On 10 November 2014, Mr Fincher was sentenced at Chester Crown Court to 24 months' imprisonment for the offences summarised at paragraph 10 above.
12. On 9 April 2015, Mr Fincher was, upon his own confession, convicted at Chester Crown Court of six further offences: one count of theft; two counts of making/supplying articles for use in fraud; and three counts of dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk.

13. On 21 May 2015, Mr Fincher was sentenced at Chester Crown Court to a further 18 months' imprisonment for the offences summarised at paragraph 12 above.
14. The financial crime offences that led to Mr Fincher's convictions summarised at paragraphs 10 and 12 above, were committed respectively between 1 January 1991 and 3 October 2013 and between 1 January 1994 and 26 November 2014, during significant periods of which Mr Fincher was approved by the Authority to perform various controlled functions in relation to a number of firms authorised by the Authority, as summarised at paragraph 8 above and in Annex B.
15. Mr Fincher committed some of the offences summarised at paragraph 12 above whilst he was released on bail for the offences summarised at paragraph 10 above.

DECISION MAKER

16. The decision which gave rise to the obligation to give this Final Notice was made by the Regulatory Decisions Committee.

IMPORTANT

17. This Final Notice is given to Mr Fincher in accordance with section 390(1) of the Act.

PUBLICITY

18. The Authority must publish such information about the matter to which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to Mr Fincher or prejudicial to the interest of consumers.
19. The Authority intends to publish this Final Notice and such information about the matter to which this Final Notice relates as it considers appropriate.

AUTHORITY CONTACT

20. For more information concerning this matter generally, please contact Roger Hylton at the Authority (direct line: 020 7066 8168).

John Kirby
Enforcement and Market Oversight Division

ANNEX A

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives include: securing an appropriate degree of protection for consumers (section 1C of the Act); and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. Section 56(1) of the Act provides:

"The [Authority] may make a prohibition order if it appears to it that an individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by -

 - (a) an authorised person,
 - (b) a person who is an exempt person in relation to that activity, or
 - (c) a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity."

RELEVANT REGULATORY PROVISIONS

3. In exercising its power to make a prohibition order, the Authority must have regard to guidance published in the Handbook. The relevant main considerations in relation to the action specified above are set out below.

The Enforcement Guide

4. The Authority's policy in relation to exercising its power to issue a prohibition order is set out in EG.
5. EG 9.1 explains the purpose of prohibition orders in relation to the Authority's regulatory objectives.
6. EG 9.3 to 9.5 set out the Authority's general policy on making prohibition orders. In particular:
 - (a) EG 9.3 states that the Authority will consider all relevant circumstances, including whether enforcement action has been taken against the individual by other enforcement agencies, in deciding whether to make a prohibition order;
 - (b) EG 9.4 states that the Authority has power to make a range of prohibition orders depending on the circumstances of each case;
 - (c) EG 9.5 states that the scope of a prohibition order will depend on the reasons why the individual is not fit and proper and the severity of risk he poses to consumers or the market generally.
7. EG 9.17 sets out that where the Authority is considering whether to make a prohibition order against someone who is not an approved person, the Authority will consider the severity of the risk posed by the individual and may prohibit him where it considers that it is appropriate to achieve the Authority's statutory objectives.

8. EG 9.18 provides that, when considering whether to exercise its power to make a prohibition order against such an individual, the Authority will consider all the relevant circumstances of the case. These may include, but are not limited to, the factors set out in EG 9.9. Those factors include: whether the individual is fit and proper to perform functions in relation to regulated activities (noting that criteria are set out in FIT 2.1, 2.2, and 2.3); the relevance and materiality of any matters indicating unfitness; the length of time since the occurrence of any matters indicating unfitness; and the severity of the risk which the individual poses to consumers and to confidence in the financial system.

Fit and Proper Test for Approved Persons

9. The Authority has issued guidance on the fitness and propriety of individuals in FIT.
10. FIT 1.3.1G(1) states that the most important considerations when assessing the fitness and propriety of a person include that person's honesty, integrity and reputation.
11. FIT 2.1.1G sets out that in determining a person's honesty, integrity and reputation, the Authority will have regard to all relevant matters.
12. FIT 2.1.3G(1) states that the matters referred to in FIT 2.1.1G include, but are not limited to, whether a person has been convicted of any criminal offence, noting that particular consideration will be given to offences including those of dishonesty, fraud, financial crime or an offence under legislation relating to financial services (amongst other things).

ANNEX B																										
GEOFFREY HAROLD ARTHUR FINCHER																										
SUMMARY OF DATES OF APPROVAL FOR CONTROLLED FUNCTIONS AND DATES OF CRIMINAL OFFENCES																										
Year		1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Firms
	Convictions: 25/09/2014																									
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																		20/09/2007							
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																		28/11/2007							
	Make/supply articles for use in fraud																					11/01/2010				
	Obtaining money transfer by deception														24/10/2003											
	Obtaining money transfer by deception														27/06/2003											
	Furnishing false information relating to accounts														23/10/2003											
	Obtaining money transfer by deception																		10/01/2007							
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																					25/05/2010				
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																					17/05/2011				
	Make/supply articles for use in fraud																							03/10/2013		
	Convictions: 09/04/2015																									
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																									29/04/2014
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																									17/07/2014
	Make/supply articles for use in fraud																									01/07/2014
	Theft (from the person of another)	01/01/1994 to 26/11/2014																								01/01/1994 to 26/11/2014
	Make/supply articles for use in fraud																		06/07/2007							

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Year		1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Firms
	Dishonestly make false representation to make gain for self/another or cause loss to other/expose other to risk																								31/10/2014	

Note 1: Light shading - period during which Mr Fincher was approved by the Authority to perform controlled functions in relation to the various firms
Note 2: Darker shading - offences that Mr Fincher committed whilst he was approved by the Authority - 19 of the 22 offences of which Mr Fincher was convicted on 25 September 2014 and 1 of the further six offences of which he was convicted on 9 April 2015, were committed when he was approved by the Authority