
FINAL NOTICE

To: **Brian McGee trading as Brian McGee Investments and Pensions**

Of: **36 Leeke Road
Portrush
County Antrim
BT56 8NH**

FSA
Reference
Number: **195529**

Dated: **22 January 2010**

TAKE NOTICE: The Financial Services Authority (the "FSA") of 25 The North Colonnade, Canary Wharf, London E14 5HS gives you, Brian McGee trading as Brian McGee Investments and Pensions, final notice about a decision to cancel the permission granted to you to carry on regulated activities

1. ACTION

- 1.1 The FSA gave you a Decision Notice on 17 December 2009 (the "Decision Notice") which notified you that, for the reasons given below and pursuant to Section 45 of the Financial Services and Markets Act 2000 (the "Act"), the FSA had decided to cancel the permission granted to you pursuant to Part IV of the Act ("your Part IV permission").
- 1.2 You were informed of your statutory right to make a reference to the Financial Services and Markets Tribunal, but you have not referred the Decision Notice to the Tribunal within 28 days of the date on which the Decision Notice was given to you. Accordingly, the FSA has today cancelled your Part IV permission.

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2. REASONS FOR ACTION

- 2.1 On the basis of the facts and matters and conclusions described in its Warning Notice dated 30 July 2009 (the "Warning Notice"), and in the Decision Notice, the FSA concluded that you were failing to satisfy the threshold conditions set out in Schedule 6 of the Act (the "Threshold Conditions"). You failed to satisfy the FSA that you were conducting your business soundly and prudently and in compliance with proper standards. Therefore, you failed to comply with Threshold Condition 5 (Suitability).
- 2.2 In particular, you failed to comply with an Award made by the Financial Ombudsman Service ("FOS") on 3 June 2008 in favour of a complainant, despite repeated requests by the FOS and the FSA that you do so.
- 2.3 You therefore did not pay due regard to the interests of your customer or treat her fairly, in breach of Principle 6 of the FSA's Principles for Businesses (Customers' Interests).

3. DECISION MAKER

- 3.1 The decision which gave rise to the obligation to issue this Final Notice was taken by the Regulatory Decisions Committee.

4. IMPORTANT

- 4.1 This Final Notice is given to you in accordance with section 390(1) of the Act.

Publicity

- 4.2 Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Final Notice relates. Under those provisions, the FSA must publish such information about the matter to which this Final Notice relates as the FSA considers appropriate. The information may be published in such manner as the FSA considers appropriate. However, the FSA may not publish information if such publication would, in the opinion of the FSA, be unfair to you or prejudicial to the interests of consumers.
- 4.3 The FSA intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

FSA Contact

- 4.4 For more information concerning this matter generally, you should contact Craig Drury at the FSA (direct line: 020 7066 8460/fax: 020 7066 8461).

John Kirby
FSA Enforcement and Financial Crime Division