



Financial Conduct Authority

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FINAL NOTICE

Dr Saim Köksal trading as Arcis Management Consultancy
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N18 1RP

2 February 2017

ACTION

1. By an application dated 27 November 2014 Dr Saim Köksal trading as Arcis Management Consultancy ("Dr Köksal") applied under section 55H of the Financial Services and Markets Act 2000 (the "Act") to vary his existing Part 4A permission to carry on the regulated activities of credit broking, debt adjusting, debt counselling and debt administration (the "Variation Application").
2. For the reasons listed below, the Authority has refused the Variation Application.

REASONS

3. Between 7 January 2015 and 15 July 2015, the Authority sent nine letters or emails to Dr Köksal requesting information in relation to the permissions sought in the Variation Application (the "Permissions Information") and what actions Dr Köksal had taken in response to concerns outlined by the Authority following a supervisory visit in 2012 in relation to his then mortgage intermediary business (the "Supervision Information"). Although Dr Köksal engaged in extensive communication with the Authority, he failed to substantively respond to these requests and, accordingly, the Variation Application was incomplete.

4. On 22 December 2015 the Authority gave Dr Köksal a decision notice (the "Decision Notice") which notified Dr Köksal that it had decided to refuse the Variation Application on the basis that it was not satisfied that it could ensure that Dr Köksal met, and would continue to meet, the threshold conditions (in particular, the effective supervision and suitability threshold conditions). The Decision Notice can be found at Annex A to this Final Notice.
5. On 16 January 2016, Dr Köksal referred the Decision Notice to the Upper Tribunal (Tax and Chancery Chamber) (the "Tribunal"). The written decision of the Tribunal was released on 7 November 2016 and can be found on the Tribunal's website:

<http://taxandchancery-ut.decisions.tribunals.gov.uk/Documents/decisions/Koksal%20v%20FCA%20decision%20for%20website.pdf>.

6. The Tribunal dismissed the reference.
7. The Tribunal's written decision sets out fully the Tribunal's reasons and should therefore be read in full. Those reasons are incorporated herein by reference.
8. At paragraph 140 of its decision, the Tribunal found that the Authority was "*fully entitled*" to request the Permissions Information and the Supervision Information, and that this information was "*necessary*" to assess whether Dr Köksal met, and would continue to meet, the threshold conditions. At paragraph 143 of its decision the Tribunal also found that, as at the date of the Decision Notice, neither the Permissions Information nor the Supervisory Information had been provided by Dr Köksal to the Authority to any material extent.
9. The Tribunal found that the manner in which Dr Köksal dealt with the Authority in relation to its requests for information meant that the Authority could not be satisfied that Dr Köksal would engage with the Authority in an open and cooperative manner in relation to his consumer credit business. At paragraph 150 of the Decision, the Tribunal stated:

"The confrontational style that Dr Köksal adopted in relation to his correspondence with the Authority, and his contemptuous dismissal of the abilities of the Authority staff with whom he dealt, are not to be expected from a firm which seeks to be open and cooperative with its regulator. As the Authority's guidance in COND...demonstrates, the Authority is entitled to take into account, when considering whether a firm meets the Threshold Conditions, whether the firm is ready, willing and organised to be open and cooperative with the Authority and whether it has in fact been open and cooperative in all its dealings with the Authority."

10. At paragraph 151 of its decision, the Tribunal stated that it had "*no doubt*" that on the basis of the information available to the Authority at the time of the Decision Notice, the decision to refuse the Variation Application was one within the range of reasonable decisions that it was open to the Authority to make and at paragraph 159 of its decision the Tribunal concluded that:

"in our view nothing that has occurred since the Decision Notice casts any doubt on the reasonableness of the decision by the Authority to refuse the Variation Application and there are no grounds for us asking the Authority to reconsider its decision."

11. In light of the above, the Authority has issued this Final Notice.

PROCEDURAL MATTERS

12. This Final Notice is given under, and in accordance with, section 390(2) of the Act.

Publicity

13. Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this notice relates. Under those provisions, the Authority must publish such information about the matter to which this 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 Dr Köksal or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.

14. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contacts

15. For more information concerning this matter generally, contact James O'Connell (020 7066 0329 / james.oconnell@fca.org.uk) of the Lending and Intermediaries Department of the Authority.

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