
FINAL NOTICE

To: Joanne Fitzsimmons

**Of: 5 Rosslyn Close
Hawarden
Deeside
CH5 3PG**

FRN: 675334

Dated: 10 May 2017

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Ms Fitzsimmons.
2. The Authority issued to Ms Fitzsimmons the Decision Notice which notified her that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel Ms Fitzsimmons' Part 4A permission.
3. Ms Fitzsimmons has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to her.
4. Accordingly, the Authority has today cancelled Ms Fitzsimmons' Part 4A permission.

DEFINITIONS

5. The definitions below are used in this Final Notice:
"the Act" means the Financial Services and Markets Act 2000;
"the Authority" means the Financial Conduct Authority;

/cont...

"the Decision Notice" means the Decision Notice issued to Ms Fitzsimmons dated 30 March 2017;

"Ms Fitzsimmons' Part 4A permission" means the permission granted by the Authority to Joanne Fitzsimmons pursuant to Part 4A of the Act;

"the Return" means the CCR007 return for the period ended 5 April 2016, which Ms Fitzsimmons was due to submit to the Authority by 18 May 2016;

"the suitability Threshold Condition" means the Threshold Condition set out in paragraph 2E of Schedule 6 to the Act;

"the Threshold Conditions" means the threshold conditions set out in Schedule 6 to the Act;

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber); and

"the Warning Notice" means the Warning Notice issued to Ms Fitzsimmons dated 9 March 2017.

REASONS FOR ACTION

6. On the basis of the facts and matters and conclusions described in the Warning Notice and in the Decision Notice, it appears to the Authority that Ms Fitzsimmons is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that Ms Fitzsimmons is a fit and proper person having regard to all the circumstances, including whether Ms Fitzsimmons managed her business in such a way as to ensure that her affairs were conducted in a sound and prudent manner.
7. This is because Ms Fitzsimmons has failed to comply with the regulatory requirement to submit the Return. Ms Fitzsimmons has not been open and co-operative in all her dealings with the Authority, in that Ms Fitzsimmons has failed to respond adequately to the Authority's repeated requests for her to submit the Return, and has thereby failed to comply with Principle 11 of the Authority's Principles for Businesses and to satisfy the Authority that she is ready, willing and organised to comply with the requirements and standards under the regulatory system.
8. These failures, which are significant in the context of Ms Fitzsimmons' suitability, lead the Authority to conclude that Ms Fitzsimmons has failed to manage her business in such a way as to ensure that her affairs are conducted in a sound and prudent manner, that she is not a fit and proper person, and that she is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which Ms Fitzsimmons has had a permission.

DECISION MAKER

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

IMPORTANT

10. This Final Notice is given to Ms Fitzsimmons in accordance with section 390(1) of the Act.

Publicity

11. 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 Ms Fitzsimmons or prejudicial to the interest of consumers.
12. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

13. For more information concerning this matter generally, please contact Jade Flaherty at the Authority (direct line: 020 7066 2072).

John Kirby
Enforcement and Market Oversight Division