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## **FINAL NOTICE**

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**To: Kenneth Brown**

**Of: Unit 15  
Roodlands Business Park  
Hospital Road  
Haddington  
EH41 3PE**

**FRN: 681414**

**Dated: 11 January 2018**

### **ACTION**

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Brown.
2. The Authority issued to Mr Brown the Decision Notice which notified him that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel Mr Brown's Part 4A permission.
3. Mr Brown has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to him.
4. Accordingly, the Authority has today cancelled Mr Brown's 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;
  - "the Decision Notice" means the Decision Notice issued to Mr Brown dated 5 December 2017;
  - "Mr Brown's Part 4A permission" means the permission granted by the Authority to Kenneth Brown pursuant to Part 4A of the Act;

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“the Return” means the CCR007 return for the period ended 31 December 2016, which Mr Brown was due to submit to the Authority by 13 February 2017;

“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 Mr Brown dated 13 November 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 Mr Brown is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that Mr Brown is a fit and proper person having regard to all the circumstances, including whether Mr Brown managed his business in such a way as to ensure that his affairs were conducted in a sound and prudent manner.
7. This is because Mr Brown has failed to comply with the regulatory requirement to submit the Return. Mr Brown has not been open and co-operative in all his dealings with the Authority, in that Mr Brown has failed to respond adequately to the Authority's repeated requests for him 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 he 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 Mr Brown's suitability, lead the Authority to conclude that Mr Brown has failed to manage his business in such a way as to ensure that his affairs are conducted in a sound and prudent manner, that he is not a fit and proper person, and that he is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which Mr Brown 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 Mr Brown 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 Mr Brown 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 Leanne Aubard at the Authority (direct line: 020 7066 4734).

**Anna Couzens**

**Enforcement and Market Oversight Division**