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**FINAL NOTICE**

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To: **John Garfield Howe trading as Mortgage Force (BS005)**

Of: **12 Badminton  
Penn Drive  
Bristol  
BS16 1NJ**

FSA Reference No.: **448910**

Dated: **10 September 2008**

**TAKE NOTICE: The Financial Services Authority of 25 The North Colonnade, Canary Wharf, London E14 5HS (the "FSA") gives you, John Garfield Howe trading as Mortgage Force (BS005), 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 6 August 2008 (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.

**2. REASONS FOR THE ACTION**

- 2.1 By a First Supervisory Notice dated 24 June 2008, your Part IV permission was varied by removing all regulated activities with immediate effect. A copy of the First Supervisory Notice, by which the FSA removed all regulated activities from your Part IV permission, is displayed on the FSA's web site.
- 2.2 On the basis of the facts and matters and conclusions described in its Warning Notice dated 24 June 2008 (the "Warning Notice"), and in the Decision Notice, it appears to the FSA that it is no longer necessary to keep your Part IV permission in force and that the FSA must cancel it, following the variation action removing all regulated activities.
- 2.3 In addition to its obligation to cancel your permission, the FSA also considers that cancellation of your permission is necessary because you have failed to pay fees and levies of £1,166.81 owed to the FSA, and have repeatedly failed to submit Retail Mediation Activities Returns ("RMAR") promptly, or at all, despite the FSA's repeated requests that you do so, including the RMARs for the periods ended 30 September 2007 and 31 March 2008, which are overdue and remain outstanding. You have therefore failed to satisfy the FSA that you are conducting your business soundly and prudently (as required by Threshold Condition 5 – Suitability). You have also failed to comply with Principle 11 (Relations with Regulators) of the Principles for Businesses in that you have not been open and cooperative in your dealings with the FSA.
- 2.4 These failures, which are significant in the context of your suitability, lead the FSA to conclude that you are not conducting your business soundly and prudently and in compliance with proper standards and that you are not a fit and proper person, and that you are therefore failing to satisfy the Threshold Conditions in relation to the regulated activities which were in your Part IV permission.

### **3. DECISION MAKER**

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 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 this Final Notice and such information about the matter to which this Final Notice relates as it considers appropriate.

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**FSA contacts**

- 4.4 For more information concerning this matter generally, you should contact Sarah Dart at the FSA (direct line: 020 7066 4654/fax: 020 7066 4655).

**John Kirby**  
**FSA Enforcement Division**