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## **FINAL NOTICE**

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**To: Shruti Patel, AKA Cindy Brad, AKA Swati Patel, AKA  
Swatiben M Patel, AKA Churuti Patel, AKA Churuti Brad**

**Date: 8 December 2020**

### **ACTION**

1. For the reasons given in this Notice, the Authority has decided to make an order, pursuant to section 56 of the Act, prohibiting Ms Patel from performing any function in relation to any regulated activity carried on by an authorised person, exempt person, or exempt professional firm. The prohibition order takes effect from the date of this Notice.

### **SUMMARY OF REASONS**

2. As set out in more detail in the facts and matters described below, Ms Patel:
  - a) was convicted (under the name Ms "Shruti Patel") on 16 September 2009, at Leicester Crown Court, of:
    - i. three counts of theft, contrary to section 1(1) of the Theft Act 1968;
    - ii. three counts of obtaining a money transfer by deception, contrary to section 15A of the Theft Act 1968; and

- iii. one count of obtaining services by deception, contrary to section 1(1) of the Theft Act 1968.
  - b) was sentenced on 9 November 2009 to 18 months imprisonment, was disqualified for 10 years under section 2 of the Company Directors Disqualification Act 1986, and was the subject of a confiscation order for £13,115.98.
3. As a result, it appears to the Authority that Ms Patel is not a fit and proper person to perform any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm. Her conviction demonstrates that she is not fit and proper because she lacks the necessary honesty and integrity required to work in the regulated financial services sector. In reaching this decision, the Authority has had regard to all relevant matters, including: the relevance and materiality of the offence and the severity of the risk posed by Ms Patel to consumers and to confidence in financial system. The Authority considers that it is appropriate to impose the prohibition order set out in paragraph 1 above to advance its consumer protection and market integrity operational objectives, as set out in sections 1C and 1D of the Act, respectively.

## **DEFINITIONS**

4. The definitions set out below are used in this 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 given to Ms Patel on 3 November 2020;

“DEPP” means the Authority’s Decision Procedure and Penalties manual;

“EG” means the Enforcement Guide;

“FIT” means the Authority’s “Fit and Proper Test for Employees and Senior Personnel” sourcebook;

“the Handbook” means the Authority’s Handbook of rules and guidance;

“Ms Patel” means Ms Shruti Patel AKA Ms Cindy Brad, AKA Swati Patel, AKA Swatiben M Patel, AKA Churuti Patel, AKA Churuti Brad;

“the RDC” means the Regulatory Decisions Committee of the Authority; and

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber).

## **RELEVANT STATUTORY AND REGULATORY PROVISIONS**

5. The statutory and regulatory provisions relevant to this Notice are set out in the Annex.

## **FACTS AND MATTERS**

6. Ms Patel has never been an approved person. However, under the name Shruti Patel, she was an appointed representative at an authorised mortgage advice firm between 13 May 2009 and 17 August 2009. Further, under the name of Cindy Brad (sole trader), she was shown as an appointed representative of an authorised independent financial advisor, from 22 August 2017 to 24 February 2018.
7. Although Ms Patel was convicted under the name Shruti Patel in 2009, she had in fact changed her name during the course of the investigation and criminal proceedings. Her birth name is Swati Patel and she was born in October 1969.
8. Ms Patel has changed her name on numerous occasions and is now known by the name Cindy Brad and has previously confirmed that she is known by at least five aliases:
  - a) Cindy Brad
  - b) Swati Patel
  - c) Swatiben M Patel
  - d) Churuti Patel
  - e) Churuti Brad
9. Ms Patel pleaded guilty on 16 September 2009, at Leicester Crown Court, to: three counts of theft, contrary to section 1(1) of the Theft Act 1968; three counts of obtaining a money transfer by deception, contrary to section 15A of the Theft Act 1968; and one count of obtaining services by deception, contrary to section 1(1) of the Theft Act 1968.
10. On 9 November 2009, at Leicester Crown Court, she was sentenced to 18 months imprisonment; disqualified under Section 2 of the Company Directors Disqualification Act 1986 for 10 years; and a confiscation order was also made for £13,115.98.
11. The offences were committed over a period of around 15 months between 19 December 2004 and 11 April 2006. During that period, Ms Patel ran a business in Leicester called Mortgage Deals for You and obtained loans and mortgages fraudulently by using the names and data of two of her customers. The total amount she stole from various banks and other institutions was £169,000.

12. In his sentencing remarks (made on 9 November 2009), His Honour Judge Hammond said Ms Patel's offence constituted "a serious breach of trust... It was a systematic fraud, carefully worked out by a professional over a period of time."
13. Through the Decision Notice, the Authority gave notice of its decision to take the action described in paragraph 1 above. Ms Patel did not refer the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to her.
14. The Authority therefore makes an order prohibiting Ms Patel from performing any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm, for the reasons described above.

## **PROCEDURAL MATTERS**

15. This Notice is given to Ms Patel under, and in accordance with, section 390 of the Act. The following paragraphs are important.

### **Decision-maker**

16. The decision which gave rise to the obligation to give this Notice was made by the RDC.

### **Publicity**

17. 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. However, the Authority may not publish information if such publication would in the opinion of the Authority, be unfair to Ms Patel, or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.

### **Contact**

18. For more information concerning this matter generally, contact Saad Nasarullah (direct line: 020 7066 1940) of the Enforcement and Market Oversight Division of the Authority.

**Anna Couzens**  
**Manager, Threshold Conditions Team**  
**Enforcement and Market Oversight Division**  
**Financial Conduct Authority**

## **ANNEX**

### **RELEVANT STATUTORY PROVISIONS**

1. The Authority's operational objectives include securing an appropriate degree of protection for consumers (section 1C of the Act) and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. Section 56(1) of the Act provides:

"The [Authority] may make a prohibition order if it appears to it that an individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by:

  - (a) an authorised person,
  - (b) a person who is an exempt person in relation to that activity, or
  - (c) a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity."

### **RELEVANT REGULATORY PROVISIONS**

3. In exercising its power to make a prohibition order, the Authority must have regard to guidance published in the Handbook and in regulatory guides, such as EG. The relevant main considerations in relation to the action specified above are set out below.

### **The Enforcement Guide**

4. The Authority's policy in relation to exercising its power to issue a prohibition order is set out in EG.
5. EG 9.1 explains the purpose of prohibition orders in relation to the Authority's regulatory objectives.
6. EG 9.2 sets out the Authority's general policy on making prohibition orders. In particular—
  - (a) EG 9.2.1 states that the Authority will consider all relevant circumstances, including whether enforcement action has been taken against the individual by other enforcement agencies, in deciding whether to make a prohibition order;
  - (b) EG 9.2.2 states that the Authority has the power to make a range of prohibition orders depending on the circumstances of each case; and
  - (c) EG 9.2.3 states that the scope of a prohibition order will depend on, among other things, the reasons why the individual is not fit and proper and the severity of risk he poses to consumers or the market generally.
7. EG 9.5.1 states that where the Authority is considering whether to make a prohibition order against someone who is not an approved person, the Authority will consider the severity of the risk posed by the individual and may prohibit him where it considers that it is appropriate to achieve one or more of the Authority's statutory objectives.
8. EG 9.5.2 provides that, when considering whether to exercise its power to make a prohibition order against someone who is not an approved person, the Authority will

consider all the relevant circumstances of the case. These may include, but are not limited to, the factors set out in EG 9.3.2. Those factors include: whether the individual is fit and proper to perform functions in relation to regulated activities (noting the criteria set out in FIT 2.1, 2.2, and 2.3); the relevance and materiality of any matters indicating unfitness; the length of time since the occurrence of any matters indicating unfitness; and the severity of the risk which the individual poses to consumers and to confidence in the financial system.

### **Fit and Proper Test for Approved Persons and specified significant-harm functions**

9. The Authority has issued guidance on the fitness and propriety of individuals in FIT.
10. FIT 1.3.1BG(1) states that the most important considerations when assessing the fitness and propriety of a person to perform a controlled function include that person's honesty, integrity and reputation.
11. FIT 2.1.1G states that in determining a person's honesty, integrity and reputation, the Authority will have regard to all relevant matters including, but not limited to, those set out in FIT 2.1.3G. It notes, amongst other things and by way of example, that:

"... conviction for a criminal offence will not automatically mean an application will be rejected. The [Authority] treats each candidate's application on a case-by-case basis, taking into account the seriousness of, and circumstances surrounding, the offence, the explanation offered by the convicted person, the relevance of the offence to the proposed role, the passage of time since the offence was committed and evidence of the individual's rehabilitation."
12. FIT 2.1.3G(1) states that the matters referred to in FIT 2.1.1G include, but are not limited to, whether a person has been convicted of any criminal offence, noting that particular consideration will be given to offences including dishonesty, fraud and financial crime (amongst other things).