

IN THE COURT OF FACULTIES

In the matter of RICARDO ANTONIO LADO

And in the matter of the Notaries (Conduct and Discipline) Rules 2011

DECISION PENALTY, INDEMNITY AND COSTS

Penalty

1. Having considered the submissions in mitigation by Mr Follon and the character references supplied in behalf of Mr Lado our orders are that:
 - 1.1 For two years commencing on 1 September 2015 Mr Lado may practise as a notary only subject to the supervision of Mr Roger Patten on the following terms:
 - 1.1.1 Not later than 1 October 2015 a meeting will take place at Mr Lado's office between himself and Mr Patten.
 - 1.1.2 Following the first meeting further meetings will take place at Mr Lado's office at intervals of no more than six months.
 - 1.1.3 At all such meetings Mr Lado will produce for inspection by Mr Patten such records and accounts as Mr Patten may request.
 - 1.1.4 The provisions of paragraph 5(5) of the Notaries (Post-Admission) Rules 2009 regarding communication every three months between the supervisor and the supervised notary and of paragraphs 7(1) and 7(2) regarding records of the supervision shall apply in relation to the supervision of Mr Lado.
 - 1.1.5 In the event of Mr Patten ceasing to supervise Mr Lado for any reason Mr Lado will immediately inform the Faculty Office and the Registrar will as soon as is practicable appoint another notary to continue the supervision of Mr Lado on these terms.
 - 1.1.6 Mr Patten or any other notary appointed under paragraph 1.1.5 above shall be entitled to charge Mr Lado a fee not exceeding the level prescribed from time to time in Regulations made by the Master under rule 8 of the Notaries (Post –Admission) Rules 2009 as amended together with the amount of any Value Added Tax due thereon and the reasonable travelling and subsistence charges incurred by Mr Patten or such other notary in travelling to and from the office of Mr Lado.
 2. No later than 1 September 2016 Mr Lado will, in addition to complying with his Continuing Professional Education requirements, attend a half day course approved by the Registrar covering topics such as notarial records and practice and management of a notarial office.

Indemnities

3. We declined to make any orders for indemnities in favour of Mr and Mrs Thomas or Mr Palmer. In each case we considered that the claims raised issues which it was inappropriate for us to determine in the exercise of our disciplinary functions. We express no view one way or the other on the merits of the claims.

Costs

4. In considering what order, if any, for costs we should make against Mr Lado we have excluded in accordance with two recent decisions of the Commissary the costs of the Nominated Notary's investigations prior to the issue of the complaints. We have also taken full account of the fact all the complaints made by Ms Davies failed and that we found a number of other complaints not proved. We have also taken into account information supplied to us by Mr Lado about the profits of his practice and his general financial position. We have also had regard to the fact that costs payable out of the Contingency Fund which Mr Lado is not ordered to pay to the Fund will effectively be borne by his fellow notaries.
5. Taking these matters into account we order that:
 - 5.1 The costs of Nominated Notary assessed at £18,359.08 be paid out of the Contingency Fund.
 - 5.2 The Court costs, not yet quantified, be paid out of the Contingency Fund.
 - 5.3 Mr Lado shall pay into the Contingency Fund within three months after the amount of the Court costs have been notified to him (a) the sum of £6,500 in respect of the costs of the Nominated Notary and (b) two-thirds of the Court costs.
 - 5.4 In the event of Mr Lado not paying the costs referred to in paragraph 5.3 above within the time specified in that sub-paragraph or such further period as the Court may allow he will be suspended from practice until he has paid them.
 - 5.5 Any application for further time for payment of costs under paragraph 5.4 above shall be made to the Deputy Commissary in writing within one month after Mr Lado has been notified of the amount of the Court costs.

Rodney Stewart Smith

(Deputy Commissary)

Julie Fenn

Keith Shawcross

20 July 2015