

Disciplinary Panel Hearing

Case of

Tariq Samee [1130733]

Essex CM3

On

Thursday 11 June 2020 and 2 July 2020

This hearing took place by remote video-conferencing facility following UK Government guidance concerning the COVID-19 pandemic and in accordance with Practice Direction 2, issued by the Presiding Chair of RICS' Regulatory Tribunal, effective from 1 April 2020.

Panel

Gillian Seager (Lay Chair)

Justin Mason (Surveyor Member)

Ferdinand Balfourt (Lay Member)

Legal Assessor

Rosemary Rollason

RICS Presenting Officer

Christopher Geering

The Member

Tariq Samee appeared in person

Hearing Officer

Jae Berry

The formal charge against Mr Tariq Samee is as follows:

Following a Disciplinary Panel Hearing heard on 16 and 17 July 2019, you were made subject to a number of conditions (as set out in Schedule 1). The allegations are that:

- 1(a) In respect of those conditions, you failed to act in a way that is consistent with your professional obligations, in that you:
- (i) failed to comply with condition 4 within the stipulated 7-day timeframe;
 - (ii) only complied with condition 4 after being contacted by RICS and reminded of the obligation on 8 October 2019;
 - (iii) have indicated a refusal or purported inability to comply with condition 7;
- 1(b) Your actions at 1(a) above:
- (i) undermine RICS' ability to monitor compliance with your conditions 5-6
 - (ii) lacked integrity in that you deliberately or recklessly sought to frustrate one or more of the conditions imposed on you and/or RICS' ability to monitor your compliance with the conditions

Contrary to Rule 3 of the Rules of Conduct for members (Version 6)

You are therefore liable to disciplinary action under Byelaw 5.2.2(a) and/or 5.2.2(c) *[as amended at the hearing]*.

Schedule 1:

1. You must notify the RICS Head of Regulation, within seven calendar days of the date these conditions become effective, of any paid or unpaid employment that you accept within the professional field of surveying or any related field.
2. You must inform any Condition 1 employer of these conditions.
3. You must allow RICS to exchange information with any Condition 1 employer.
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. In the event that the conditions are not complied with then the Member may be liable for further disciplinary action.

Note: Conditions 4, 5, 6 and 7 were redacted in the public version of the decision of the Disciplinary Panel of 16-17 July 2019 in order that they remain private.

Representation

1. The Member, Mr Tariq Samee, represented himself. RICS was represented by Mr Christopher Geering, Counsel.

Preliminary Matters

RICS' application to amend the charge

2. Mr Geering applied to amend the charge. The charge in the Notice of Hearing alleged liability to disciplinary action under RICS Bye-Laws 5.2.1(a) and 5.2.1(b). Mr Geering sought an amendment to refer to the following limbs of Bye-Law 5.2.2, on which RICS intended to rely:

5.2.2 (a) conduct liable to bring RICS into disrepute; and/or

5.2.2 (c) a failure to adhere to these Bye-Laws or to Regulations or Rules governing Members' conduct.

3. Mr Geering submitted that this amendment did not impact on the substance of the allegations, or the underlying facts relied upon and would not cause any injustice to Mr Samee. Mr Samee had been given notice on 8 June 2020 that the amendment would be sought and had not indicated any objection. Mr Samee did not oppose the amendment.
4. Having taken advice from the Legal Assessor, the Panel concluded that the amendment should be made. It provided clarification on the basis of the allegation of liability to disciplinary action. The Panel accepted that it did not change or render more serious the underlying factual allegation and did not cause any unfairness or prejudice to Mr Samee.

Private Hearing

5. The Panel considered an application from Mr Samee indicating that it would be necessary during the hearing to discuss issues relating to his private life. Mr Samee asked for the whole hearing to be in private, as he submitted that at the July 2019 disciplinary hearing it had been confusing to deal with parts in private and parts in public. Mr Geering submitted that it would be appropriate for specific parts of the hearing to take place in private and the remainder in public.
6. The Panel took advice from the Legal Assessor and was reminded that the usual position is that RICS disciplinary proceedings take place in public but that the Panel may depart from that position if it considers that exceptional circumstances apply which justify that decision.
7. The Panel accepted that it would be necessary to discuss matters relating to Mr Samee's private life and that it was right to hear these aspects in private session. Bearing in mind the importance of public hearings in the public interest and in the interests of transparency, the Panel decided that it should consider other aspects of the case in public. The Panel determined that since the majority of Mr Samee's own evidence would relate to his private life, it would hear the whole of his evidence in private.

Documents

8. The Panel received a 603-page electronic bundle in seven parts which included the documentation and written submissions of both parties.
9. The Panel also accepted in evidence from Mr Samee emails between him and his former solicitors dated 9 March 2020, 1 April 2020 and 9 June 2020.

Response

10. Mr Samee denied the charges. He indicated he accepted certain underlying facts in charge 1(a), but denied that his actions were in breach of his professional obligations. As a matter of fairness to Mr Samee, the Panel confirmed that all charges would be treated as denied.

Background

11. Mr Tariq Samee, has been a member of RICS since 1 January 2000.
12. On 16 and 17 July 2019, Mr Samee was the subject of a hearing before a Disciplinary Panel. Mr Samee attended the hearing and was represented by counsel. He admitted the charges in their entirety. The charges were as follows:

“1. Having conducted a property valuation on behalf of a bank:

- a. You spoke to the seller and indicated you could find a cash buyer for her;*
- b. You offered to provide the bank with an inflated valuation of the property;*

2. Your actions at 1b above:

- a. gave rise to a conflict of interest, and/or*
- b. were dishonest, or*
- c. demonstrated a lack of integrity.*

Contrary to Rule 3 of the Rules of Conduct for Members 2007.”

13. During the hearing, the Panel agreed to a joint application by the parties that where it was necessary during the hearing to hear evidence or submissions relating to the private life of Mr Samee, such matters would be heard in private.
14. On the basis of the evidence presented and the admissions made, the Disciplinary Panel found the facts of the charges proved and that Mr Samee had acted contrary to Rule 3 of the Rules of Conduct for Members 2007. The Panel found that Mr Samee was liable to disciplinary action.
15. During submissions on the issue of sanction, Mr Samee’s counsel asked the Panel to consider, as a possible option for sanction, a Reprimand combined with an order for conditions. He put forward proposals as to the content of possible conditions for the Panel’s consideration.

16. At the conclusion of the oral hearing on 17 July 2019, the Panel informed the parties of its decision orally before adjourning. The Panel stated that it intended to impose a Reprimand and conditions, but did not hand down a written determination or provide details of the conditions it intended to impose. The Panel stated that it had not yet reached its decision in respect of costs and publication and that it would hand down its written determination in due course.
17. The Panel's written determination confirmed in respect of sanction that Mr Samee would receive a Reprimand and that his membership of RICS would be subject to the eight conditions set out in Schedule 1 (as set out above) for a period of two years from the date when the order came into effect. Mr Samee was ordered to pay the costs of RICS in the sum of £5,305. The Panel directed that the decision should be published in accordance with the RICS' Regulatory Board Publication Policy.
18. The Panel's written determination was provided to the parties on 21 August 2019, when the Order made by the Panel came into effect. Conditions 4 and 7 had been redacted. However, further discussion followed about the extent of the redactions in correspondence between RICS and the parties. RICS initially contended that the redaction of conditions 4 and 7 was not required, as they did not make specific reference to the issues concerning Mr Samee's private life. Through his then legal representative, Mr Samee contended that redactions were required as publication would be in breach of GDPR provisions and because the conditions related to matters which had been considered in private during the disciplinary hearing.
19. The final written determination included redactions in respect of conditions 4, 5, 6 and 7, as the Panel considered that these related to Mr Samee's private life and that these conditions would not be published and would remain private.
20. On 18 September 2019, Mr Samee lodged an appeal against the publication of the decision of the Disciplinary Panel in its current form.
21. On 8 October 2019, an officer of RICS, MB, wrote to Mr Samee setting out the timescale for compliance with the conditions. MB requested confirmation that Mr Samee had complied with condition 4.
22. On 17 October 2019, MB called Mr Samee in response to an email. Mr Samee confirmed that he believed that the redaction of the conditions meant that they no longer applied and had been deleted and he was not required to comply with them. MB informed him that the redaction did not mean deleted and that he was required to comply.
23. On 25 October 2019, Mr Samee sent an email to MB stating that he had now seen his GP. The GP had advised that he could not provide the confirmation required by condition 7 and Mr Samee suggested that the condition be removed. RICS also received an email from the GP practice stating that it could not provide the confirmation required by condition 7.

24. On 13 November 2019, Mr Samee submitted an updated appeal which had two limbs, that of striking out condition 7 on the basis that it was impractical and the published decision infringed his rights under GDPR. He referred to an earlier suggestion of compliance with condition 7 at the July hearing and said it would contravene his religious beliefs.
25. The Appeal Panel considered Mr Samee's appeal on 21 November 2019, on the papers, with neither party in attendance. Mr Samee's appeal was dismissed by the Appeal Panel.
26. In its decision, the Appeal Panel at paragraph 26 observed that its power to vary the order of the Disciplinary Panel of August 2019 under Rule 69 arose only if it upheld the appeal. The Appeal Panel went on to state:
- "However, it is clear that the conditions, on the Appellant's own admission, is not being complied with. We therefore considered it appropriate to direct the RICS, in accordance with Condition 8, to refer this matter to a Disciplinary Panel for a review of those conditions and/or consideration of whether the Appellant is liable for further disciplinary action. At that further hearing, the question of whether these or other conditions can be imposed, which would avoid the expulsion of the Appellant, can be considered".*
27. After his unsuccessful appeal, Mr Samee sent an email to RICS on 26 December 2019 giving reasons why he had not complied with the conditions and putting forward options for dealing with condition 7, which he maintained was impractical.
28. On 16 January 2020, RICS wrote to Mr Samee regarding his compliance with the conditions and asking questions about the steps he had taken to comply. On 11 February 2020, Mr Samee replied raising questions about the practicability of complying with conditions, 5, 6 and 7.
29. On 11 March 2020, RICS wrote to Mr Samee informing him of new disciplinary allegations arising from non-compliance with the order for conditions. Mr Samee replied on the same day stating that he had understood that the "redaction" of condition 4 had meant that it no longer applied.
30. On 17 March 2020, RICS wrote informing Mr Samee that the Head of Regulation had decided that the new allegations should be referred for a Disciplinary Panel hearing.

RICS evidence and submissions

31. Mr Geering relied on the documentation presented in the hearing bundle and submitted that on this basis, the Panel should find the facts proved.

32. Mr Geering submitted that it was clear that there had been a breach of condition 4. Mr Samee only addressed the matter when it was brought to his attention by RICS. The obligation to comply was upon Mr Samee himself and it was not RICS' responsibility to remind him.
33. Mr Geering referred to the correspondence between RICS and Mr Samee's solicitors in the period when redactions to the Disciplinary Panel decision were being discussed, from 29 August to mid-September 2019. Mr Geering submitted that what was under discussion was which part of the decision should be published and which kept private. The relevant emails were put to Mr Samee in cross-examination. Mr Geering submitted that it was not credible from reviewing the correspondence that Mr Samee did not understand what "redaction" meant: all the communication had been about the publication of the decision. There was no suggestion that the conditions were being "deleted". It was not plausible that Mr Samee could have believed that conditions imposed after a thorough consideration at a two-day disciplinary hearing would simply be removed after the hearing on his request, with no further legal submissions or consultation with the Panel.
34. Mr Geering told the Panel that there had been no compliance with condition 7. It was clear that Mr Samee had not made realistic efforts to comply and that he had frustrated the spirit of the condition. It was unreasonable to rely on a two-line email from the GP practice and not to explore further how compliance with the spirit of the condition might be achieved.
35. Mr Geering said that it was not credible that a professional person who had received a lenient sanction following a finding of lack of integrity and dishonesty would not have examined the decision of that Panel with care and ensured that he made every effort to comply. The proposal for conditions had been put forward by Mr Samee's own counsel at the hearing. There had been no indication of any difficulty with compliance in the correspondence following the hearing.
36. In respect of liability to disciplinary action, Mr Geering submitted that the failure to comply with disciplinary conditions would clearly bring RICS into disrepute and amount to a breach of Bye-law 5.2.2(a) and that the breach in this case was substantial.

IN PRIVATE – Evidence and submissions of Mr Samee

37. [REDACTED]
38. [REDACTED]
39. [REDACTED]
40. [REDACTED]

41. REDACTED]

42. [REACTED]

43. [REDACTED]

44. [REDACTED]

45. [REDACTED]

46. [REDACTED]

47. [REDACTED]

48. [REDACTED]

Further submissions of Mr Samee

49. [REDACTED]

50. [REDACTED]

51. [REDACTED]

52. [REDACTED]

Panel decision on facts

53. The Panel received and accepted the following advice from the Legal Assessor:

- a. In respect of the facts alleged, the burden of proof was on RICS which brought the charges: it was not for the Member to prove his innocence;
- b. The standard of proof in RICS disciplinary proceedings is the civil standard of proof, that is the balance of probabilities, meaning that before finding a fact proved, the Panel must be satisfied that it is more likely than not that it occurred;
- c. The Panel should take into account all the evidence, both oral and documentary, and then consider the submissions of the parties;
- d. The Panel was referred to guidance on the meaning of "lack of integrity" given by the Court of Appeal in the case of *Wingate and Evans v Solicitors Regulation Authority [2018] EWCA Civ 366*. At paragraph 100 and 101, the judgement stated: "*Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty.....Such a professional person is expected to be even more scrupulous about accuracy than members of the general public in daily*

discourse.....The duty to act with integrity applies not only to what professional persons say, but also what they do.”

Charge 1(a)(i) - proved

54. The starting point for the Panel was that where conditions are imposed by a Disciplinary Panel as part of a disciplinary sanction, there is a serious obligation upon the Member to ensure that they comply. Conditions mean that an individual is permitted to remain in membership of RICS subject to their compliance with the conditions. Any timeframe specified for compliance is part of the condition. Compliance is not optional.
55. The Panel noted that there was no dispute that, as a matter of fact, Mr Samee did not comply with condition 4 within the stipulated 7-day timeframe. The use of the word “failed” in the charge required the Panel to be satisfied that there was a duty on Mr Samee. Given the importance of disciplinary conditions, the Panel was satisfied that Mr Samee was under a duty to comply.
56. Mr Samee’s case was that he had no intention not to comply. He claimed that he had misunderstood the meaning of the word “redaction” and understood it to mean that the condition had been entirely deleted. He also contended that his solicitor should have advised him about the meaning of the word and about the requirements of the condition, but had not done so. He relied on the fact that he has made a complaint to the firm about this and submitted a complaint about the firm to the Legal Ombudsman on 1 July 2020.
57. The Panel did not find this explanation plausible. The emails which followed the handing down of the Disciplinary Panel’s decision concerning the scope of the redactions included emails from Mr Samee’s solicitor and directly from Mr Samee. These emails expressly discussed that parts of the decision should be private and others which could be published. The Panel noted, for example, an email from Mr Samee’s solicitor of 2 September 2019, which stated *“I now have instructions. Conditions 4 and 7 relate to Mr Samee’s health and accordingly should be redacted. I’m unclear why Mrs. Sherlock thinks they do not relate to private health matters”*.
58. Further, in an email from Mr Samee to RICS dated 12 September 2019, he stated *“Please find my redactions attached. I understand that it was agreed that parts of the hearing (relating to my health) will be held “in private” and the rest “in public”, and I therefore understand your position that you are only publishing “public” content”*.
59. The Panel was satisfied that the intention and meaning of the reference to the “redaction” of conditions 4 and 7 was clear and was understood by Mr Samee.
60. The Panel accepted RICS’ contention that it was not realistic for Mr Samee to believe that without any further hearing or legal submissions, the conditions imposed by the Disciplinary Panel would be completely removed or “deleted”.
61. Mr Samee had accepted he did not comply within the time period specified in condition 4. The Panel was satisfied that the condition was clear and he was under a duty to comply. The Panel was satisfied that Charge 1(a)(i) was proved.

Charge 1(a)(ii) – proved

62. Mr Samee accepted as fact that he only complied with condition 4 after being contacted by MB of RICS on 8 October 2019. This was also evidenced by the correspondence produced by RICS. The Panel was satisfied that Charge 1(a)(ii) was proved.

Charge 1(a)(iii) - proved

63. Condition 7 required Mr Samee to provide a letter from a third party to RICS confirming compliance with conditions 5 and 6. The Panel was mindful that at the time of this hearing in June 2020, this condition is still operative, in that the first specified date when a report is to be provided to RICS is July 2020.
64. The Panel carefully considered the correspondence since the disciplinary hearing in July 2019, and Mr Samee's oral and written submissions for this hearing, the Panel is satisfied that during the period between October 2019 and the date of this hearing he has purported to be unable to comply with condition 7, as alleged.

Private

65. [REDACTED]

66. REDACTED]

67. Bearing in mind the importance of disciplinary conditions and the gravity of the obligation upon a Member to comply, it was incumbent upon Mr Samee to be pro-active, to do his best to achieve compliance with the condition and to co-operate with RICS. Instead, the Panel formed the view that he fully understands the condition, has failed to take responsibility and be personally accountable. Instead, he has sought to create difficulties and obstacles and to blame others.
68. The Panel noted Mr Samee's assertion that he is willing to work with RICS and wishes to comply, but took the view that this is late in the day. It is now close to 10 months since the decision of the Disciplinary Panel and the date for compliance, at the date of the present hearing, is very close. The Panel noted that no steps towards compliance were taken for a substantial period following the imposition of the order. Mr Samee's proposals for ways of complying in his letter of 26 December 2019 came after his unsuccessful appeal and did not appear to have progressed. The Panel repeats that the onus to comply with disciplinary conditions is on the Member.
69. The Panel found Condition 1(a)(iii) proved.
70. Having found the factual particulars 1(a)(i) to (iii) proved, the Panel next considered whether these facts amounted to a failure by Mr Samee to act in a way that was consistent with his professional obligations, as alleged in the stem of charge 1.
71. The conditions were imposed as a disciplinary sanction by the Disciplinary Panel following its findings of lack of integrity and dishonesty. This Panel noted, and concurred with, the

statement of the Appeal Panel that “*it is apparent from the decision [of July 2019] that but for the imposition of such conditions, the charges were so serious that expulsion of the Appellant would likely have been the appropriate sanction*”.

72. The conditions allowed Mr Samee an opportunity to remain in membership subject to compliance with the conditions. The Panel concluded that Mr Samee has not acknowledged the gravity of the situation and has failed to take personal responsibility for ensuring that he complied with the conditions, but has only sought to blame others.

73. The Panel was satisfied that Mr Samee’s actions in (i), (ii) and (iii) were not consistent with his professional obligations.

74. Charge 1(a) is found proved in its entirety.

Charge 1(b)(i) – not proved

75. The charge alleges that the actions referred to in charge 1(a) undermined RICS’ ability to monitor compliance with conditions 5 and 6.

76. As a matter of the proper construction of the terms of the charge, the Panel noted that the conditions did not provide for, or require, RICS to undertake any ongoing monitoring of compliance with conditions 5 and 6 until the date when the first report referred to in condition 7 is due, July 2020.

77. The Panel found sub-charge 1(b)(i) not proved.

Charge 1(b)(ii) - proved

78. The conditions imposed by the July 2019 Disciplinary Panel were clear. The Panel concluded that it was reasonable to expect that Mr Samee would be able to understand the conditions and what was required of him. Compliance was a professional obligation for which Mr Samee was personally responsible. The Panel has not accepted Mr Samee’s explanations for not complying with condition 4. It has found that he did purport to be unable to comply with condition 7. The Panel concluded, having read and heard evidence from Mr Samee, that his actions were undertaken with knowledge and were deliberate. They were intended to, and did, frustrate the disciplinary conditions. Bearing in mind the guidance from the case of *Wingate and Evans* (referred to above), the Panel was satisfied that Mr Samee did not adhere to the ethical standards of the profession and that his actions lacked integrity.

79. The Panel found sub-charge 1(b)(ii) proved.

80. The Panel was satisfied that the matters found proved in Charges 1(a) and 1(b) amounted to a breach of Rule 3 of the Rules of Conduct for Members.

Liability to disciplinary action

81. The Panel considered the submissions of the parties and accepted the advice of the Legal Assessor.
82. The Panel's findings in Charges 1(a) and 1(b) concerned non-compliance with an order of an RICS disciplinary panel. They included findings of lack of integrity, actions which were inconsistent with the professional obligations of an RICS member and a breach of Rule 3 of the Rules of Conduct for Members.
83. The findings were serious and the Panel was satisfied they established liability to disciplinary action under Bye-laws 5.2.2(a), conduct liable to bring RICS into disrepute, and 5.2.2 (c), a failure to adhere to these Bye-laws or to Regulations or Rules governing Members' conduct.

Submissions on Sanction

84. Mr Geering did not propose a specific sanction, but referred the Panel to the Sanctions Policy 2008 (V8) and its supplements. He submitted that the Panel should consider the aggravating and mitigating factors present in this case. He submitted that where lack of integrity has been found, personal mitigation carries less weight. He suggested that very little insight or remorse had been shown by Mr Samee and therefore there remained a risk of repetition of the past conduct. There had been a pattern of behaviour which presented a risk to the public interest and undermined the effectiveness of RICS' regulatory regime. Mr Geering referred to the Sanctions Policy and submitted that, whilst it was a matter for the Panel, many of the factors indicating expulsion from membership were present in this case.

Private

85. [REDACTED]
86. [REDACTED]
87. [REDACTED]
88. [REDACTED]

Decision on Sanction

89. The Panel accepted the advice of the Legal Assessor and referred to RICS' Sanctions Policy and its supplements.
90. The Panel bore in mind the Overriding Principles set out in the Sanctions Policy. It was mindful that the purpose of sanctions is not to be punitive, though that may be their effect. The purpose of sanctions is to declare and uphold the standards of the profession, to safeguard the reputation of the profession, and of RICS as its regulator, and to protect the public.
91. The Panel was mindful that if it decided a sanction was required, it should adopt a proportionate approach and commence its consideration at the lowest sanction. Only if it

decided a sanction was insufficient should the Panel move to the next level of sanction. Having arrived at the sanction that it was minded to impose, the Panel should then review the next sanction above so as to satisfy itself that this would be disproportionate in the circumstances of the case.

92. The Panel considered very carefully all the information it had heard during the proceedings, including the evidence presented in mitigation, and the submissions of the parties.

93. The Panel identified the following as mitigating factors:

- a. The difficult personal circumstances which Mr Samee stated were relevant factors at the time;
- b. Mr Samee expressed remorse and apology at the final stage of this hearing and acknowledged he should have “done better” and been more proactive. However, the Panel felt able to give only limited weight to these expressions of apology as they were made very late in the day and at the same time, Mr Samee maintained many aspects of his denial of the charges.

94. The Panel identified the following as aggravating factors:

- a. There was a finding of lack of integrity;
- b. The current findings followed previous findings of the July 2019 Disciplinary Panel of dishonesty and lack of integrity;
- c. Intentional non-compliance with the July 2019 Disciplinary Panel decision;
- d. Failure to accept personal responsibility and be accountable, sought to blame others;
- e. A pattern of repeated non-compliance and cooperation with RICS’ regulatory requirements.

95. The starting point for the Panel was that the findings were very serious. The disciplinary hearing of July 2019 found Mr Samee guilty of dishonesty and lack of integrity, findings which in many cases would lead directly to expulsion. However, due to mitigating circumstances relating to his health at the relevant time, Mr Samee was permitted to remain in membership subject to conditions. In the view of this Panel, these were not onerous conditions and were widely drafted, but Mr Samee failed to comply with them. The Panel has been concerned that he failed, and continues to fail, to understand the importance of compliance with the order of a disciplinary panel of his own regulatory body. His actions undermine the effectiveness of RICS’ regulatory regime.

96. The Panel was mindful that Mr Samee appeared in person at this hearing, but concluded that he lacks any significant degree of insight into his actions. There remains a risk of repetition of his non-compliance. This constitutes a risk to the public, and to public confidence in the profession and in RICS as its regulator.

97. In deciding on a sanction, the Panel concluded that to take no action, or to impose a caution or a reprimand, would not be adequate, given the gravity of the matter and given that this is the second finding by a Disciplinary Panel that Mr Samee lacks integrity. Referring to the Sanctions Policy, the Panel took the view that this matter was not minor and there is a risk of repetition.
98. This case concerned Mr Samee's failure to comply with conditions. Given the risk of repetition and lack of insight it identified, the Panel could not be confident that Mr Samee would comply with further conditions, or with any undertakings it might impose. Further, the issues were too serious for either of these options to be appropriate.
99. The Panel concluded that in this case, a fine would serve no useful purpose.
100. The Panel considered that a number of factors referred to in the Sanctions Policy as likely to result in expulsion were present, including persistent and wilful failure to comply with a RICS rule of conduct, lack of integrity, persistent and serious failure to cooperate and breach of conditions imposed by RICS.
101. The Panel's conclusion was that the appropriate and proportionate sanction in this case was expulsion from membership of RICS.
102. For the avoidance of doubt, the conditions imposed by the July 2019 Disciplinary Panel now fall away and are no longer effective as a result of this Panel's order that Mr Samee be expelled from membership.

Costs

103. Mr Geering on behalf of RICS applied for costs in the sum of £8,750.00.
104. Mr Samee provided a statement of means to the Panel dated 1 May 2020. He said that he is unable to pay the costs sought by RICS. He has not worked since October 2018 and is not currently in employment. He is also the subject of costs orders in relation to the previous hearing and his appeal. Mr Samee submitted to the Panel that he had corresponded with RICS in the hope of finding a resolution which would avoid the cost of a further disciplinary hearing.
105. The Panel was mindful that it was able to impose a costs order which it considered fair and reasonable. The Panel carefully considered the parties' submissions and the information presented as to Mr Samee's current financial circumstances.
106. The Panel concluded that it was appropriate to make an order for costs in favour of RICS. Taking into account Mr Samee's means, the Panel determined that it would be fair and reasonable order would be to impose of a proportion of the costs claimed by RICS, in the total sum of £4,000.

Publication

107.Mr Geering on behalf of RICS submitted there should be publication of the decision in the usual form.

108.The Panel saw no reason to depart from the normal practice in this case. Part of the role of the Panel is to uphold the reputation of the profession, and publication of its decisions is an essential part of that role.

109.The Panel orders that this decision be published in accordance with the Regulatory Board Policy. The decision will include redactions in relation to those parts of the decision which the Panel has directed would be kept private.

Right of appeal

110.Mr Samee has the right to appeal against this decision within 28 days of service of notification of the decision.

Taking effect of decision

111.This decision will come into effect upon the expiry of the appeal period.