

SINGLE MEMBER OF REGULATORY TRIBUNAL DECISION SHEET

RICS Regulatory Tribunal Rules 2020

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Marius Blake
Single Member Decision of: Patrick
Bligh-Cheesman
Case Number: REG0000162829
Date of Decision: 18 March 2022

CHARGE:

Between 1 January 2020 and 1 February 2021, you failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that you have not completed and recorded or caused to be recorded, at least 20 hours of CPD on the RICS CPD portal.

ALLEGED RULE/S BREACH

Contrary to Rule 6 of the Rules of Conduct for Members 2007

The Regulated Member is therefore liable to disciplinary action under Bye-law 5.2.2(c)

MATERIALS CONSIDERED

I have considered the Investigation Report, together with the associated statements and exhibits. In particular, I have noted the CPD records for Mr Blake, his explanation for the alleged breach and his returned listing questionnaire.

BACKGROUND

Mr Blake is a member of RICS (MRICS) and was first admitted on 27.11.1992. This is his third breach of CPD requirements.

FINDINGS OF FACT

The records show that he recorded 0 hours CPD in 2013 and 2014 and received a caution and caution and fine respectively for those breaches. Between 2015 and 2019 Mr Blake met the RICS CPD requirements. Having been a member since 1992 and been subject to two previous sanctions and having engaged with the investigation process, I am satisfied that he would have been aware of his obligations in respect of CPD.

I find the facts as set out in the investigation report proved. I have noted that Mr Blake has admitted the charge on his returned listing questionnaire.

LIABILITY FOR DISCIPLINARY ACTION

The requirement to complete and record CPD is designed to ensure that a member's knowledge is up to date and ultimately to ensure public protection. I find that Mr Blake's failure to comply with those requirements is sufficiently serious as to give rise to a liability to disciplinary action. I have noted that he has accepted this on his returned listing questionnaire.

REGULATORY SANCTION

This is Mr Blake's third breach of the RICS requirements for CPD and I find that he is liable to regulatory sanction. There is a presumption of expulsion for a third breach subject to the circumstances of the case and any mitigating or aggravating factors. Mr Blake had no recorded concessions at the time of the breach. He has explained that his brother died in December 2019 and that dealing with this loss and the challenges of Covid 19 and its impact upon running his business, made 2020 a very difficult year for him. He has apologised for his oversight and undertaken to complete his CPD before the end of year deadline. The Investigation Report states that he has ensured that his CPD for 2021 is completed. I am satisfied that Mr Blake has demonstrated insight and taken steps towards ensuring future compliance.

I have carefully considered the Sanctions Policy and the aggravating and mitigating factors of this case. Accordingly, I have decided that Mr Blake should not be subject to expulsion and will now consider the appropriate sanction.

Given the previous sanctions given to Mr Blake for breach of CPD requirements, I do not consider that either a caution or reprimand would be sufficient on their own. I do not consider that either a condition or undertaking to do something that is already an obligation on the regulated member would be appropriate. I do not consider that a fine on its own would be sufficient. I have therefore decided that Mr Blake should be subject to a caution and a fine set at a level above that for a second breach. I have noted that Mr Blake was sent a Means Form and Schedule of Costs on 11 February 2022. He did not return the means form.

ORDER MADE

In accordance with Part VI of the Disciplinary, Registration and Appeal Panel Rules, I make the following order:

That Mr Blake receive a Caution and a fine of £250

TAKING EFFECT OF ORDER

In accordance with Part VI of the [Disciplinary, Registration and Appeal Panel Rules OR Regulatory Tribunal Rules], this order will take effect 14 days from service of the Single Member's decision upon the Regulated Member, unless notification in writing is received from the Regulated Member or RICS stating that they consider that the findings and/or the Regulatory Sanction imposed by the Single Member are wrong.

COSTS

In accordance with Part VI of the Disciplinary, Registration and Appeal Panel Rules, I make the following order in respect to costs:

In the absence of any statement of means and/or any documentary evidence of Mr Blake's financial circumstances, I have been unable to identify any reason for reducing the costs. I have concluded that the costs are fair and reasonable. I therefore order that Mr Blake pay the costs of £350.

PUBLICATION

In accordance with Part VI of the [Disciplinary, Registration and Appeal Panel Rules OR Regulatory Tribunal Rules], the Single Member's Record of Decision will be published following the expiry of 14 days from service of the Single Member's decision upon the Regulated Member.