

# **SINGLE MEMBER OF REGULATORY TRIBUNAL DECISION SHEET**

## **RICS Regulatory Tribunal Rules 2020**

### **Part VI, Regulatory Tribunal Single Member Decision**

**Regulated Member:** Ray Allison  
**Single Member Decision of:** Patrick  
Bligh-Cheesman  
**Case Number:** REG0000162716  
**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 Allison and his explanation and for the alleged breach.

#### **BACKGROUND**

Mr Allison is an associate member of RICS and was first admitted on 24 January 2013. This is his third breach of the RICS CPD requirements.

#### **FINDINGS OF FACT**

The records show that Mr Allison received a caution for a 2013 breach and a caution and fine for a 2017 breach. Having been a member since 2013 and been subject to two previous sanctions, I am satisfied that he would have been aware of his obligations in respect of CPD. Based upon RICS records, he should have received 6 CPD reminders between 17.11.2020 and 4.5.2021

I find the facts as set out in the investigation report proved.

## **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 Allison's failure to comply with those requirements is sufficiently serious as to give rise to a liability to disciplinary action.

## **REGULATORY SANCTION**

This is Mr Allison'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 Allison had no recorded concessions at the time of the breach. Mr Allison has explained that he had a number of personal and health issues during Covid which had prevented him from completing his CPD. I note however, that no documentary evidence has been provided in support of his health issues.

He also explained that the loss of his job and the selling of his home due to the breakdown of his marriage had diverted his attentions. In correspondence he has admitted not following the regulations and said he would understand if that led to his expulsion.

Mr Allison was served with a Means Form and Schedule of Costs on 8 February 2022. He did not return the Means Form.

I have carefully considered the Sanctions Policy and the aggravating and mitigating factors of this case. Given the sanctions given to Mr Allison for previous breaches of CPD requirements, I do not consider that either a caution, reprimand or fine or combination thereof would be sufficient in this case. 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 have therefore decided that Mr Allison should be subject to expulsion.

## **ORDER MADE**

In accordance with Part VI of the [Disciplinary, Registration and Appeal Panel Rules OR Regulatory Tribunal Rules], I make the following order:

That Mr Allison should be expelled from RICS membership

## **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 OR Regulatory Tribunal 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 Allison'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 Allison should 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.