

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

## **RICS Regulatory Tribunal Rules 2020**

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

**Regulated Member: Paul Matthew**  
**Single Member Decision of: Patrick**  
**Bligh-Cheesman**  
**Case Number: CON001656**  
**Date of Decision: 5 April 2023**

#### **1.CHARGE:**

Between 1 January 2021 and 1 February 2022, 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.

#### **2. ALLEGED RULE/S BREACH**

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

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

#### **3. MATERIALS CONSIDERED**

I have considered the Investigation Report, together with the associated statements, exhibits and further correspondence between RICS and Mr Matthew between 6.3.2023 and 28.3.2023.

#### **4.BACKGROUND**

Paul Matthew is a member of RICS (MRICS) and was first admitted on 30.6 2010. This is his third breach of CPD requirements.

#### **5. FINDINGS OF FACT**

The records show that he recorded 0 hours CPD in 2018 and 0 hours in 2019 and received a caution and caution and fine respectively for those breaches. He recorded 0 hours CPD for 2021 by the extended required date of 26.5.2022. He later submitted 43 hours formal CPD on 5.12.2022. Having been a member since 2010 and been subject to two previous sanctions, I am satisfied that he would have been aware of his obligations in respect of CPD. The fine in respect of the 2019 breach has not been paid but he has paid his membership subscription for 2021.

During the investigation, the records indicate that Paul Matthew should have received 8 written communications from RICS by way of reminders in respect of his CPD both before and after the due date for the 2021 CPD. On 5.8.2022 RICS sent a Letter before disciplinary action to Mr Matthew. No response to this letter was received. A Disciplinary Proceedings letter dated 28.11.2022 was sent to him together with a listing questionnaire, schedule of costs and means form. RICS received a response to this letter from Mr Matthew dated 5.12.2022 apologising for not having done his CPD and explaining that he had lost his job in June 2021 and still being unemployed. He said that he had completed his CPD requirement for 2022 but I note that he has an Unemployed Concession for 2022. There is no returned listing questionnaire in the report.

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

After reviewing the matter, on 16.1.2022 the Head of Regulation offered Mr Matthew the opportunity to accept a Regulatory Compliance Order with a fine of £300 and costs of £100 which he was asked to sign and return by 23.1.2023. RICS received back the Regulatory Compliance Order on 7.2.2023 but Mr Matthew asked for a reduction of sanction to a fine of £50 and costs of £25. This was rejected by the Head of Regulation but on 6.3.2023 RICS wrote to Mr Matthew offering to consider a payment plan. A response was required by 13.3.2023. This deadline was missed and the matter was referred for a SMD.

On 28.3.2023 Mr Matthew emailed RICS saying 'Please make payment plan in equal 12 months. Send me the link to pay'.

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

## **7. REGULATORY SANCTION**

This is Mr Matthew'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.

I have carefully considered the Sanctions Policy and the aggravating and mitigating factors of this case. I have noted that Mr Matthew has not paid the fine in relation to the 2019 breach, he is currently unemployed and has an unemployed concession. He has now submitted his CPD for 2021 and apologised for the breach of CPD requirements which he forgot to complete when he lost his job. He was offered the opportunity to sign a Regulatory Compliance Order but did not accept this within the allocated timescale.

Given the previous sanctions given to Mr Matthew for breaches of CPD requirements, I do not consider that either a caution, reprimand or fine on their own would be sufficient in this case. Taking into account that Mr Matthew has now submitted his CPD for 2021 albeit very late and is I believe, currently seeking employment, I believe that expulsion from membership would be excessive. I have therefore decided that Mr Matthew will be subject to a fine of £300 and a condition of membership that this and the costs of this decision are paid within 12 months of the date of service of this decision.

## **8. ORDER MADE**

In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order:

Mr Matthew shall pay a fine of £300 and will be subject to a condition of his membership of RICS that this fine and the costs of this decision are paid within 12 months of service of this decision.

## **9. TAKING EFFECT OF ORDER**

In accordance with Part VI of the 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.

## **10. COSTS**

In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order in respect to costs:

Mr Matthew has not returned the statement of means form but given his unemployed status, I have decided that he should pay a contribution of £100 towards the costs of this process. I therefore order that Mr Matthew pay costs of £100.

## **11. PUBLICATION**

In accordance with Part VI of the 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.