



ROYAL INSTITUTION OF CHARTERED SURVEYORS

Disciplinary Panel Hearing

Case of
Ms Emma Walker FRICS (6600739) – Member
EW Estates Ltd (847779) – Firm

Ashington

On
5 to 8 February 2024

At
Held remotely via Microsoft Teams

Panel
Dr Angela Brown (Lay Chair)
Mrs Jane Bishop (Lay Member)
Mr Mark Griffin (Surveyor Member)

Legal Adviser
Mr David Marshall

RICS Presenting Officer
Mr Ben Rich

Tribunal Executive
Mrs Jae Berry

Persons present
The member and the firm were not present and not represented

Introduction

Ms Emma Walker ('the Member') and EW Estates Ltd ('the Firm') appear before the RICS Disciplinary Panel in connection with the following allegations:

Charges

Member:

1. On or about 21 February 2022, Emma Walker ('the Member') submitted a Senior Professional Assessment ('SPA') to RICS. The submitted SPA contained inaccurate information regarding the Member's professional qualifications and/or work experience and she declared that she met the required eligibility conditions when she did not, causing her to be admitted as a Professional Member of RICS when she otherwise would not have been. In doing so, her conduct:

- a) Was dishonest in that she knowingly misrepresented her qualifications and/or exaggerated her experience in order to deceive RICS.
- b) Lacked integrity in that she misled RICS by providing information that she knew, or ought to have known, would be relied on by RICS, without taking sufficient care to ensure its accuracy.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

2. On or about 9 November 2022, Emma Walker entered into a loan agreement with Lee Jones whereby Lee Jones lent her £25,000 to be used for the sole purpose of renovation works to Bentinck Villas. Emma Walker was dishonest in that:

- a) She was not carrying out any renovation work at Bentinck Villas and/or
- b) The £25,000 or part of it was spent on a Rent to Serviced Accommodation ('R2SA') venture.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

3. Between 9 December 2022 and 31 January 2023, Emma Walker acted dishonestly in that she provided copies of five fake assured shorthold tenancy agreements relating to Bentinck Villas to Lee Jones, intending him to believe that they were genuine.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

4. Between 9 November 2022 and 31 January 2023, having received a loan of £25,000 from Lee Jones, Emma Walker acted without integrity by:

- a) Using the money for a purpose other than that agreed with Lee Jones and stipulated in the loan agreement and/or
- b) Failing to repay the money borrowed in accordance with the agreed repayment terms as set out in the loan agreement.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

5. Between 1 July 2022 and 14 December 2022, Emma Walker, in her capacity as director of EW Estates Ltd (the Firm), failed to comply with her professional obligations in that she did not ensure that all previous and current professional work was covered by adequate and appropriate professional indemnity cover.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

6. Between 15 December 2022 and 19 May 2023, Emma Walker, in her capacity as director of EW Estates Ltd (the Firm), failed to comply with her professional obligations in that she did not ensure that all previous and current professional work was covered by adequate and appropriate professional indemnity cover.

Contrary to Rule 1 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

7. Between 1 April 2022 and 19 May 2023, Emma Walker, in her capacity as director of EW Estates Ltd (the Firm), failed to ensure that services were provided by competent individuals who have the necessary expertise in that she caused or permitted one or more non-qualified surveyors to conduct building inspections and reports without adequate supervision.

Contrary to Rule 2 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

8. Between 7 December 2022 and 22 February 2023, Emma Walker, in her capacity as director of EW Estates Ltd (the Firm), failed in her duty to manage the Firm's professional finances responsibly in that:

- a) Cheque 001 issued in the sum of £7,200 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 9 and 12 December 2022.
- b) Cheque 002 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 16, 18, 20, 24, 26 and 30 January 2023.
- c) Cheque 003 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 16, 18, 20, 24, 26 and 30 January 2023.
- d) Cheque 002 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 1, 3, 7 and 9 February 2023.
- e) Cheque 003 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 1, 3, 7 and 9 February 2023.
- f) In December 2022, twenty-four Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in the account to meet them. Those Direct Debit payments having been returned on 8, 9, 16, 19, 21, 22, 23, 28, 29 and 30 December 2022.

g) In January 2023, four Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in the account to meet them. Those Direct Debit payments having been returned on 16 and 24 January 2023.

h) In February 2023, three Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in the account to meet them. Those Direct Debit payments having been returned on 1, 10 and 21 February 2023.

Contrary to Rule 5 of the Rules of Conduct

Emma Walker is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

Firm:

9. Between 1 July 2022 and 14 December 2022, EW Estates Ltd (the Firm) failed to comply with its professional obligations in that it did not ensure that all previous and current professional work was covered by adequate and appropriate professional indemnity cover.

Contrary to Rule 1 of the Rules of Conduct

EW Estates Ltd is therefore liable to disciplinary action under RICS Bye-law 5.3.2(c)

10. Between 15 December 2022 and 19 May 2023, EW Estates Ltd (the Firm) failed to comply with its professional obligations in that it did not ensure that all previous and current professional work was covered by adequate and appropriate professional indemnity cover.

Contrary to Rule 1 of the Rules of Conduct

EW Estates Ltd is therefore liable to disciplinary action under RICS Bye-law 5.3.2(c)

11. Between 7 December 2022 and 22 February 2023, of EW Estates Ltd (the Firm) failed in its duty to manage its professional finances responsibly in that:

a) Cheque 001 issued in the sum of £7,200 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 9 and 12 December 2022.

b) Cheque 002 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 16, 18, 20, 24, 26 and 30 January 2023.

c) Cheque 003 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 16, 18, 20, 24, 26 and 30 January 2023.

d) Cheque 002 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 1, 3, 7 and 9 February 2023.

e) Cheque 003 issued in the sum of £10,000 from the Firm's Lloyds Bank Business Account (account no ending 3860) was not honoured on presentation on 1, 3, 7 and 9 February 2023.

f) In December 2022, twenty-four Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in

the account to meet them. Those Direct Debit payments having been returned on 8, 9, 16, 19, 21, 22, 23, 28, 29 and 30 December 2022.

g) In January 2023, four Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in the account to meet them. Those Direct Debit payments having been returned on 16 and 24 January 2023.

h) In February 2023, three Direct Debit payments made from the Firm's Lloyds Bank Business Account (account no ending 3860) were returned when there were insufficient funds in the account to meet them. Those Direct Debit payments having been returned on 1, 10 and 21 February 2023.

Contrary to Rule 5 of the Rules of Conduct

EW Estates Ltd is therefore liable to disciplinary action under RICS Bye-law 5.3.2(c)

Response

Neither Ms Walker nor the Firm has made any admissions in respect of the allegations.

Summary

1. Ms Walker has been a member of RICS since 30 November 2018. She joined as an elected AssocRICS Member. She obtained Chartered Status on 11 May 2022 by following the Senior Professional Assessment (SPA) route. This involves, amongst other things, demonstrating qualifications and experience at a senior level. On 20 January 2023 she was elected to FRICS. She is the sole principal in the Firm EW Estates Ltd based in Ashington and was a director of that company, together with two family members. EW Estates Ltd has been regulated by RICS since 22 July 2020. Ms Walker and her firm came to the attention of RICS following a Member Support Visit on 27 February 2023 which raised a number of serious concerns and ultimately led to this hearing.

Burden and standard of proof

2. The Legal Adviser advised that the burden of proof on facts is on RICS. RICS must prove the case. Ms Walker does not have to disprove it. The standard to which RICS must prove its case is the balance of probabilities. It means that the Panel will find a fact proved if it considers that, on the evidence, the occurrence of the event was more likely than not.

Preliminary matters

Disclosure of potential interest

3. At the start of the hearing the Chair made a potential disclosure of interest, namely a tenuous connection with one of the firms involved, Pattinsons. In 2015 to 2017 she was in sporadic contact with Pattinson Estate Agents who had been advertising for home workers as self-employed estate agents. Her communication was by intermittent email enquiries and the occasional meeting – probably two altogether. She also visited a branch office to observe for an hour or so. She received some draft paperwork but the system was in the process of change and she never pursued it. She never worked for Pattinsons. She did not know Mr Pattinson, had never met him nor had any correspondence with him. She did not know and

had never had anything to do with Ms Walker or the Firm. The Legal Adviser advised that the test was whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Tribunal was biased. His opinion, as a fair-minded and informed observer was that what the Chair described could not conceivably lead him to conclude that there was a possibility that the Chair was biased. The Panel determined that there was no reason for the Chair to step down and strong reasons for her to remain so that the hearing could continue.

Proceeding in absence

4. Ms Walker did not attend at the start of the hearing. Mr Rich made an application for the hearing to proceed in her absence. At the point when the Legal Adviser was beginning to give his legal advice on the application, Mr Rich requested a pause because it had just come to his attention that an email had been received from Ms Walker. The email expressed concerns about the process but it was not clear whether or not Ms Walker was seeking an adjournment so she could attend at another time. If so, it was not clear what the grounds for an adjournment would be. Following enquiries, the Panel adjourned the hearing to the following day and arranged for the Tribunal Executive to send Ms Walker an email giving her the opportunity to make an application to adjourn by joining the hearing at 10:00. The email said that if she was not in a position to attend by video link, she should provide written reasons for her application.
5. The following morning Ms Walker emailed saying 'I am not in a position to make an application for adjournment' but also 'I would like the Panel to consider my representations.' Mr Rich submitted that the most generous way to interpret her emails was as an application for an adjournment. The Panel agreed and allowed Mr Rich to make further submissions opposing an adjournment.
6. Mr Rich pointed out that Ms Walker had not said when she received the notice of hearing and other documents. He submitted that if there was a delay in receiving them it was of her own making because she had never updated her contact details as she was required to do. He said that RICS had done everything it could to serve evidence on her including delivering to the address of another company controlled by Ms Walker. He pointed out that two letters sent by post had both been signed for by 'G Walker' which is the name of one of the other directors of EW Estates Ltd. Mr Rich referred to correspondence concerning another RICS hearing in this case. He submitted that there was a pattern of Ms Walker trying to frustrate the proceedings and providing an address only when it suited her.
7. Mr Rich and the Legal Adviser reminded the Panel of the principle set out in *GMC v Adeogba* [2016] EWCA Civ 162 and earlier cases. The Panel agreed that the fairest way to deal with the matter was to treat it as an application to adjourn although it was far from clear Ms Walker wished to attend a hearing at any date. It found that she had been properly served so the Panel had a discretion to proceed in her absence. In exercising the discretion it took into account that she had known about the allegations against her since about September 2023 and had received the papers for this hearing at some point, although she did not say when. She had had ample opportunity to engage with the process and attend her hearing or to explain why she could not attend. It found that she had a history of using delaying tactics and accepted Mr Rich's submission that she was seeking to derail the proceedings. It concluded that she had made a deliberate decision not to exercise her right to attend. She also appeared to have tried to block attempts by RICS to contact her by not updating her contact details. If she was disadvantaged, it was due to her own default in failing to keep her contact details up

to date. The Panel concluded that there was no point in adjourning because it was unlikely that she would attend on a future occasion. The Panel decided to proceed with the hearing. Ms Walker would be notified that she could attend and given instructions how to do so. In the event she declined to attend.

8. For the purposes of Mr Rich's submissions on this issue it became necessary for him to refer to correspondence which revealed that an interim measure had been imposed on Ms Walker's registration on or about 19 May 2023. Normally this Panel would not be informed of interim measures until the end of the hearing, if then. However, this Panel is quite capable of disregarding that information. It is well aware that interim measures are imposed on the basis of a risk assessment without making any findings of fact. This Panel has to determine a different question, namely whether or not the facts alleged have been proved.

Evidence

9. RICS had witness statements from twelve witnesses. Since Ms Walker had not indicated an intention to attend, had not attended and had not requested the attendance of any of the witnesses, Mr Rich did not propose to call them to give evidence in person. The Panel had no questions for the witnesses and agreed that this was a fair and proportionate way to proceed.
10. Ms Walker had not produced any form of witness statement although she did make some brief submissions in her email sent on 5 February 2024. The Panel took these into account. The key points from the email were:

2. ... I had to take a loan. This is the loan from Lee Jones, which is documented in your evidence. This loan was paid back in full, after my family were threatened by him with violence, ahead of the due date of any agreement. No 'false' tenancy agreements were provided to him. Imran Nabi, who I believe has also made a statement requested I support him throughout his AssocRICS assessment and when I was unable to support him further, I understand he took a [dislike] to this.

3. At no point was my company without insurance that I was aware of.

4. I have never provided false information when applying for membership - I had over 10 years experience in property when I applied, and whilst I understand my CV had very slightly different starting/end months on, the total was over 10 years.

What I may suggest, respectfully, that instead of trying to make an example of me, you consider what support you could have implemented to prevent this sorry state of affairs. I have thousands of happy customers, who have received exemplary service from me over the last 10 years and I feel targeted by RICS in trying to make an example of a small business who grew due to a gap in the market.

Finally, another surveying firm went into administration last year, with a whole host of issues being uncovered during the liquidation process - I see no disciplinary proceedings were issued and he remains a chartered surveyor. Would the fact that he is a middle aged man be the reason, and I am a young female?

11. Ms Walker also mentioned some personal circumstances which the Panel took into account.

Submissions

12. Since Ms Walker was not present and had not introduced any evidence Mr Rich did not make any closing submissions at the facts stage. In opening he had referred to the cases of *Ivey v*

Genting Casinos [2017] UKSC 67 and *Wingate v SRA* [2018] EWCA Civ 366. The Legal Assessor gave advice including on the tests for dishonesty and lack of integrity.

Findings of fact

Charge 1

13. There was no doubt that on or about 21 February 2022, Ms Walker submitted a completed Senior Professional Assessment form ('SPA') to RICS. A copy was produced to the Panel. Ms Walker did not deny it. Her position as stated in her 5 February 2024 email was that the information provided was true, subject to 'very slightly different starting/end months' on her CV.
14. In order to qualify for the SPA route to membership Ms Walker had to demonstrate 10 years of relevant experience. This would have to be at a senior level, namely 'An individual with advanced responsibilities who is recognised for their impact and career progression within the profession.' This was set out in the Senior Professional Assessment Applicant guide dated February 2022. The Guide also gave detailed information about the competencies she would have to demonstrate.
15. In her SPA, Ms Walker claimed to have achieved a Sava Level 6 **Diploma** in Residential Valuation in June 2020 after one year of study. The Panel had a witness statement from Jamie Edwards, a Lead Investigator for RICS. She conducted the investigation in this case. She contacted Sava and obtained a letter from the Director of Surveying Services which stated: 'Emma Walker took the Sava Level 6 **Certificate** in Residential Valuation via Sava and qualified on 1st June 2020 (this is not as 'big' as the Sava L6 Diploma in Residential Surveying and Valuation)'. Ms Edwards gave evidence that the Certificate qualification takes 9-12 months. The Diploma qualification takes 18-22 months. Although in her SPA Ms Walker claimed to have completed the Diploma, it came to light that in an email on 7 April 2020 to RICS she said 'I am currently doing SAVA's Certificate in Residential Valuation'. The Panel concluded that she had deliberately overstated her qualifications in this respect.
16. In her SPA, Ms Walker claimed 9 years and 11 months of relevant experience. Although not quite the 10 years required, the assessors accepted it at the time and she was granted membership. The first period she claimed was with MWB Business Exchange as 'Estates Manager' from September 2009 to September 2012. However, RICS has identified a CV provided by Ms Walker on 28 January 2021 which stated that she left MWB in April 2012, five months less experience than she claimed in her SPA.
17. The next period of experience claimed was with Pattinsons from January to December 2014 in the role of Assistant Surveyor. However, her January 2021 CV had only claimed one month with Pattinsons. That would reduce her experience by 11 months.
18. The Panel received a witness statement from Keith Pattinson, now the Chairman of Pattinsons but at the relevant time the Managing Director. He stated that he had checked the company records and found that Ms Walker had been added to the company phone system in January 2014 as a work experience person. He could not find the date she left. He said there was no record of her having been paid and no record that she ever performed any work during 2014, although she might have had work experience. He had spoken to the Head of Commercial at the time and he had no recollection of Emma Walker.

19. The next period claimed was with a company called Cell:cm as Assistant Surveyor from January to December 2015. This was said to be during a gap year from University. She said she was responsible for managing a portfolio of mobile phone mast sites and conducting rent reviews. She said that she 'gained excellent feedback from the client, as I managed to complete rent reviews which generated almost £1m in additional revenue'.
20. The Panel received a witness statement from Andrew Cranston who was one of two founding directors of Cell:cm Ltd – Chartered Surveyors. He described it as a 'regulated firm of Chartered Surveyors which provides specialist property consultancy services to landlords in the telecoms sector.' Mr Cranston remembered Ms Walker who he said was a full time undergraduate at that time she was with them. She started at Cell:cm on 9 March 2015 (not January 2015) on a 15 hours per week contract with flexible hours, depending on her University commitments. He said she was the junior member of staff in a small regional team. She had no direct client facing exposure. On 6 June 2015 she was appointed as a full-time Assistant Surveyor (Placement). He said that 'at no time was Emma Walker directly responsible for managing any sites for any clients of Cell:cm'. She had 'limited exposure to some work such as open market rent reviews ... Her role was to assist her manager and more senior colleagues in some of these tasks for internal discussion and report preparation.' Cell:cm terminated the contract on 31 July 2015. On this evidence the period of her experience is reduced by at least five months and she would have worked at a much lower level than she claimed. Mr Rich's submission was that none of her time with Cell:CM would have counted towards her 10 years' experience requirement.
21. The next period claimed was with Holmes and Hunter Ltd as 'Operations Director' from June 2017 to August 2020. RICS does not challenge that period, but it is relevant to Charge 3.
22. Ms Walker says that she 'never provided false information when applying for membership'. However, she has not sought to explain why the experience she claimed was different both from her own earlier CV and from her former employers' testimony. The Panel had no reason to doubt the truth of what the witnesses said and it accepted their evidence. It found that the submitted SPA contained inaccurate information regarding Ms Walker's professional qualifications and/or work experience and that she declared that she met the required eligibility conditions when she did not, causing her to be admitted as a Professional Member of RICS when she otherwise would not have been. Her true experience was some years short of what was required and at a lower level. Furthermore, the Panel was satisfied that she knew that she was supplying false information. The many discrepancies between her claims and the reality could not be the result of error. This was deliberate deception and clearly dishonest by the standards of ordinary, decent people.
23. The Panel found **charge 1(a) proved**.
24. Having found that Ms Walker was dishonest, it follows as a matter of course that she lacked integrity. The Panel therefore found **charge 1(b) proved**, but that adds nothing to the seriousness of the finding of dishonesty.
25. The Panel found that Ms Walker was in breach of Rule 1 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 2

26. There can be no doubt that Ms Walker entered into a Loan Agreement with Lee Jones. It was dated '11/9/22' but the evidence was that it was actually signed on 9 November 2022 when the money was paid. Mr Jones gave evidence and produced a copy of the signed agreement. Ms Walker did not dispute that she entered into this agreement. Mr Jones stated that she solicited the loan to 'invest in a renovation project of a property called Bentinck Villa's.' This was confirmed by a clause in the agreement which stated: 'The Loan shall be provided by the Lender to the Borrower to be used for the sole purpose of renovation works to Bentinck Villas, 1-2 Bentinck Road, Newcastle, NE4 6UR.'
27. In fact Ms Walker had no connection with Bentinck Villas and would never have been able to carry out a renovation project on that property. No renovation project took place, or was required, or was possible as the property was let to tenants of the true owner at the time. These facts were proved by the evidence of Imran Nabi, AssocRICS who was the joint owner of the building with his brothers. He produced the Land Registry entries showing that they had bought the freeholds in 2014. He produced Assured Shorthold Tenancy agreements showing that the flats were let by them at the relevant time. Ms Walker's only connection with the owners was that they had formerly been directors of Holmes and Hunter Ltd where Ms Walker had worked for about three years as stated above. She was involved in property lettings and would have known about Bentinck Villas from her time with Holmes and Hunter.
28. The Panel accepted the evidence of Mr Jones and Mr Nabi. The proven conduct was clearly dishonest. Ms Walker obtained a substantial loan by claiming to be in the final stages of carrying out a project which she knew she was not carrying out and could never carry out. The Panel found **charge 2(a) proved**.
29. As to charge 2(b), Mr Jones produced what he said were copies of WhatsApp messages with Ms Walker in which she told him: 'I spent the money on R2SA [Rent to Serviced Accommodation] that has gone tits up.' This was the only evidence in support of this charge as worded. However, in her email on 5 February 2024 Ms Walker described the reason for the loan as being 'Due to spending time away from the business this resulted in income taking a downturn'. The Panel accepted Mr Jones' evidence and was quite satisfied that Ms Walker borrowed the money for a different purpose from the one she described to him. However, the Panel could not make a finding as to what she did in fact use the money for, even on the balance of probabilities. The Panel did not feel able to accept any evidence from Ms Walker that was not supported by independent evidence. The Panel therefore found **charge 2(b) not proved**.
30. The Panel found that in respect of Charge 2(a) Ms Walker was in breach of Rule 1 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c). The seriousness of her misconduct in relation to the loan agreement was not reduced by the fact that it is not known what she spent the money on.

Charge 3

31. Ms Walker sent Mr Jones what purported to be copies of five assured shorthold tenancy agreements relating to that property. He forwarded these to Ms Edwards during the investigation and they were exhibited to her second witness statement. They are copies of the first page or two only of each agreement and significantly do not include a page which would show the date of the agreement. They appear to have been sent to Mr Jones in WhatsApp

messages. Mr Jones and Mr Nabi described these as 'fake' ASTs. Ms Walker's position as stated on 5 February 2024 was that 'No "false" tenancy agreements were provided to him'. It is not clear whether she was denying that she had sent them or whether she was denying that they were false.

32. The Panel accepted Mr Jones' evidence that they were sent but could not accept the description of them as 'fake'. It seemed equally, or more, likely that they were genuine but out of date ASTs. When Ms Walker worked for Holmes and Hunter Ltd she would have had access to such documents. In the documents seen by the Panel Ms Walker did not claim that they represented current tenancies. If she did, that is not an allegation against her. The Panel concluded that it could not be satisfied on the balance of probabilities that these could properly be described as 'fake assured shorthold tenancy agreements relating to Bentinck Villas'. Accordingly the Panel found **charge 3 not proved**.

Charge 4

33. The Panel has already found that Mr Walker dishonestly entered into the loan agreement knowing that she would not be able to use the money for the purpose agreed with Mr Jones. She agreed to a specific term in the loan agreement requiring her to use the money for that purpose when she knew she would never be able to comply with the term. Once she had received the money she used it for another purpose. She relied on her status as a Chartered Surveyor to give credibility to her deception. This was utterly reprehensible behaviour for a professional person. It fell well below 'the higher standards which society expects from professional persons and which the professions expect from their own members'. The Panel had no doubt that she displayed a lack of integrity. The Panel found **charge 4(a) proved**.
34. Ms Walker did not repay the loan in accordance with the terms of the loan agreement but she did repay it. The Panel was quite satisfied that she did not intend to use the loan for the purpose agreed. However, it does not follow that she did not intend to repay it. She may have believed, perhaps even on reasonable grounds, that she would be able to repay the loan in accordance with the terms. The Panel was not satisfied on the balance of probabilities that Ms Walker lacked integrity in the particular respect alleged in Charge 4(b). The Panel found **charge 4(b) not proved**.
35. In relation to Charge 4(a), the Panel found that Ms Walker was in breach of Rule 1 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 5

36. Ms Walker obtained professional indemnity insurance for EW Estates Ltd for the period from 1 July 2022 to 30 June 2023 through Howden Insurance Brokers. The cover was with Axa Insurance. On 29 July 2022 she provided RICS with a copy of the policy document. The Panel received a witness statement from Emily Gray, an Account Handler for Howden. Her evidence was that Ms Walker did not make the initial premium payments blaming the non-payment on problems with the direct debit. Despite numerous chasers from Howdens, and many excuses from Ms Walker, no premium payments were ever made. Finally on 17 November 2022 the policy was cancelled ab initio by the insurers. That meant that Ms Walker had no PI insurance from 1 July 2022.

37. In her email of 5 February 2024 Ms Walker denied being without insurance 'that I was aware of'. While she may not have been without an insurance **certificate**, because of the cancellation it was valueless and there was no insurance in place.
38. The Panel accepted the evidence presented and found **charge 5 proved**.
39. The Panel found that Ms Walker was in breach of Rule 1 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 6

40. Ms Walker eventually got PI insurance for EW Estates Ltd starting on 15 December 2022. This was obtained from Burns & Wilcox (the insurers) through JM Glendinning (Insurance Brokers) Real Estate Ltd. The Panel received a witness statement from Chris Hitch of Glendinning. He said that EW Estates had taken out a credit finance agreement to finance the premiums from a company called Premium Credit. One of the conditions of the credit agreement was to pay the first instalment within 30 days. That payment was not made so Premium Credit would not release the funds to pay the insurance premium. He said that multiple chasers were sent to EW Estates but there was no reply. The policy was cancelled ab initio on 25 May 2023. Again that meant that there was no PI insurance in place from 15 December 2023, although insurance documents would have been issued.
41. The Panel accepted this evidence and found **charge 6 proved**.
42. The Panel found that Ms Walker was in breach of Rule 1 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 7

43. The Panel received witness statements from four former employees of EW Estates Ltd. Laura Usher was a trainee surveyor working towards AssocRICS. She said that there was an occasion when Ms Walker spoke to her and another trainee surveyor called Charles Ross (who did not give a statement). Ms Walker told them they were ready to go out on their own to conduct surveys. From April 2022 Ms Usher started carrying out level 2 and level 3 Home Buyer Surveys and Valuations. In her statement Ms Usher said 'I did not think anything of this at the time, I trusted her and trusted that she knew what she was doing given her chartered status and her being a professional senior role.' 'The reports were "top and tailed" by standard phrases being added into them and had a desktop review by the admin staff.' They were not reviewed by qualified surveyors. Ms Usher thought she had carried out about 50 reports like this. She did not know it was wrong: 'I was in shock when I found out and very worried that I could lose everything that I had worked for'.
44. Matthew Storey was employed by EW Estates Ltd as a Lettings Assistant. He confirmed that there was no systematic review of reports by qualified surveyors. They were usually checked (and sometimes altered) by unqualified administrative staff. Ms Walker's signature was stored electronically so could be applied without her even seeing the reports.
45. Anthony Richardson was employed by EW Estates as a Booking Coordinator. He said he was one of several administrative staff who would 'top and tail' reports. They would check and correct grammar and spelling and anything else they thought was a mistake, and apply the electronic signatures. He said 'I do not remember any occurrence where Emma Walker signed the reports physically herself'.

46. Nicholas Hopwood, FRICS, was employed as a surveyor by EW Estates Ltd until he resigned on 6 July 2023. He said the main reason for this was 'my discovery of poor practices within the company'. He said that until shortly before he resigned he was not told and did not know that the people doing the surveys were not qualified.'
47. The Panel accepted this evidence and found **charge 7 proved**.
48. The Panel found that Ms Walker was in breach of Rule 2 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 8

49. The Panel had a witness statement from Vincent Cheng who was a Profession Support & Assurance Technical Specialist, working in Finance at RICS. He commenced a Member Support Visit (MSV) on 27 February 2023 at EW Estates Ltd. He identified a number of high risk issues as set out in an interim report. RICS therefore converted the visit to a Regulatory Review Visit (RRV). In his statement Mr Cheng sets out details of a number of dishonoured cheques and direct debits he identified on his visits (which were conducted remotely), some of them repeatedly dishonoured. These findings are the basis of the allegations in Charges 8(a) to (h). The Panel accepted Mr Cheng's evidence, which was not contradicted. It also examined a substantial sample of the bank account entries and confirmed that they were adequately reported in Mr Cheng's analysis. The Panel therefore found the facts alleged in **Charges 8(a) to (h) proved**.
50. One of the 'Example behaviours' required under Rule 5 of the Rules of Conduct is '5.8 Members and firms manage their professional finances responsibly'. While an occasional missed payment may not amount to a breach, the Panel was satisfied that the number of dishonoured cheques and direct debits, continuing over a period of three months was such that it showed a failure to manage the firm's finances responsibly. Ms Walker was undoubtedly in control of the Firm. The Panel found that she was in breach of Rule 5 of the Rules of Conduct and that she was **liable to disciplinary action** under RICS Bye-law 5.2.2(c).

Charge 9

51. The facts alleged in Charge 9 were the same as those under Charge 5 but directed against EW Estates Ltd rather than Ms Walker. The Panel found **Charge 9 proved** for the reasons given under Charge 5.
52. The Panel found that EW Estates Ltd was in breach of Rule 1 of the Rules of Conduct and that it was **liable to disciplinary action** under RICS Bye-law 5.3.2(c).

Charge 10

53. The facts alleged in Charge 10 were the same as those under Charge 6 but directed against EW Estates Ltd rather than Ms Walker. The Panel found **Charge 10 proved** for the reasons given under Charge 6.
54. The Panel found that EW Estates Ltd was in breach of Rule 1 of the Rules of Conduct and that it was **liable to disciplinary action** under RICS Bye-law 5.3.2(c).

Charge 11

55. The particulars under Charge 11 were the same as those under Charge 8 and the Panel found the facts alleged in **Charges 11(a) to (h) proved** for the reasons given under Charge 8.
56. The Panel has already decided that the number of dishonoured cheques and direct debits over a period of three months was such that it showed a failure to manage the firm's finances responsibly. The Panel therefore found that the Firm was in breach of Rule 5 of the Rules of Conduct and that it was **liable to disciplinary action** under RICS Bye-law 5.3.2(c).

Decision as to sanction

57. Having found that Ms Walker and EW Estates were each liable to disciplinary action in multiple respects, the Panel considered what sanction, if any, to impose. It had regard to the *Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules, Version 9 with effect from 2 February 2022* and its supplements. It bore in mind that sanctions should be proportionate.
58. The Panel first considered the seriousness of the breaches by reference to the suggested factors set out in paragraph 7 of the Sanctions Policy. It first identified aggravating factors.
59. Ms Walker's conduct undoubtedly involved very serious wrongdoing and dishonesty and it was deliberate. It enabled her to acquire full RICS membership, and even fellowship, when she did not qualify for it. It enabled her to benefit personally by being able to practise in a highly respected profession. It posed a major risk to the public and was seriously damaging to the profession. The professional status she had improperly gained facilitated further acts of dishonesty by her such as obtaining a loan from Mr Jones.
60. Ms Walker's actions presented a high risk of loss to all who came into contact with her. Her clients would have relied on her advice and opinions as a Chartered Surveyor when she was not entitled to that status. This was compounded by the fact that she had no professional indemnity insurance in place for nearly a year. It was further compounded by the fact that many of the reports signed by her or another qualified surveyor in the firm were not in fact prepared by the qualified surveyor but by unqualified staff whose work was sent out without being reviewed.
61. Ms Walker's trainees were seriously prejudiced. They were misled into acting beyond their competence and qualifications and risked losing everything they had worked for in their training. Mr Jones lost the return on the investment that he had been deceived into making and suffered considerable stress, inconvenience and delay in getting his money back. Those people who had cheques or direct debits dishonoured suffered loss.
62. Some of the breaches continued for a considerable time. The effects of obtaining chartered status by dishonesty continued indefinitely. The failure to have PI cover lasted for nearly a year.
63. As to mitigating factors, Ms Walker had no previous disciplinary history with RICS. If her account is accurate she was under some personal and emotional pressure. However the proper response to that was to seek help rather than resort to dishonesty. Most of the other suggested mitigating factors were not present.
64. The panel also took into account Supplement 1 to the Sanctions Policy: Sanction Guidelines. In relation to Ethical behaviour none of the suggested mitigating factors were present and almost all the aggravating ones were. In relation to Professional indemnity insurance, the Panel was not aware that there were any uninsured claims. None of the other mitigating

factors were present. Aggravating factors were the fact that there was a long period from when the PI insurance expired, and also that surveying work continued while the firm was uninsured.

65. The Panel went through the available sanctions in increasing order of seriousness. It was satisfied that the misconduct was far too serious to be dealt with by a caution or reprimand. Undertakings were not appropriate in a case where the member was not engaging with the process and in any case would not protect the public and the wider public interest, uphold proper standards and protect the reputation of the profession. Similarly requiring Ms Walker to take a specified action was not appropriate. The misconduct was too serious to be dealt with by a fine or conditions.
66. The only sanctions sufficient to protect the public and mark the gravity of the misconduct in this case were expulsion of Ms Walker and removal of EW Estates Ltd from the register. This was in line with the criteria in section 21 of the Sanctions Policy Guidance.
67. Under Rule 126, the decision of this Panel will take effect on expiry of any relevant appeal period, unless the Panel directs otherwise. The Panel considered that it was necessary to direct that the order take effect immediately. Ms Walker represents a significant danger to the public. She and her firm should not be allowed to remain registered even for a short period.

Existing interim measure

68. Mr Rich asked the Panel to revoke the interim measure currently in place since it would be superseded by the immediate order that has been made. The Panel agreed.

Publication

69. The Panel considered the policy on publication of decisions contained in the Sanctions Policy Supplement 3 - Publication of Regulatory Disciplinary Matters. It accepted the advice of the Legal Adviser. The Panel was unable to identify any reason to depart from the presumption that decisions will be published on the RICS website. On the contrary it was important that this decision should be published to demonstrate how seriously such departures from proper standards are regarded and to deter others.

Decision as to costs

70. Mr Rich applied for costs totalling £25,233 supported by a detailed schedule of costs. Ms Walker made no submissions on costs. The case was properly brought and the Panel was satisfied that in principle there should be an order for costs. This was a complicated case with multiple issues ranging over a wide range of facts. Ms Walker had been uncooperative. This was bound to increase the time and cost for RICS. The Panel was satisfied that the costs were reasonable in the circumstances, subject to one point. The case was concluded in four days rather than the five allowed so there was a saving of £960.
71. The Panel considered whether the amount of Ms Walker's contribution to these costs should be reduced because of her financial circumstances. In her email of 5 February 2024 she said that she had been made bankrupt in July 2023 but the Panel did not have any independent evidence of that. Ms Walker had not provided any evidence at all of her means. Based on the evidence before it, the Panel was not in a position to make a reduction. The Panel determined that Ms Walker should pay the costs of RICS in the sum of £24,273.

Summary

72. The Panel has ordered as follows:

- (a) Ms Emma Walker shall be expelled from RICS
- (b) The registration of EW Estates Ltd shall be removed
- (c) This order shall have immediate effect
- (d) The existing Interim Measure(s) is/are revoked
- (e) Ms Emma Walker and EW Estates shall pay the costs of RICS in the sum of £24,273
- (f) This order shall be publicised in the normal way.

Appeal Period

Ms Walker may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with Rule 152 of the Regulatory Tribunal Rules.

In accordance with Rules 166 and 167 of the Tribunal Rules, RICS' Chair of Governing Council may require a review of this decision on the grounds of undue leniency within 28 days.