



## **ROYAL INSTITUTION OF CHARTERED SURVEYORS**

### **Disciplinary Panel Hearing**

Case of

**PAVLOS GENNIMATAS**

**On**

Tuesday 30 April 2024

**At**

Held virtually by Microsoft Teams

#### **Panel**

Dr Angela Brown, Chair  
Miriam Karp, Lay member  
Dr Stephen Moore, Surveyor member

#### **Legal Assessor**

Fiona Barnett

#### **RICS Representative**

Marie-Claire Frankie

#### **Regulatory Tribunal Executive**

Maria Choudhury-Rahman

#### **Member**

Mr Pavlos Gennimatas

1. Mr Gennimatas attended and was not represented.

### **The Charge:**

2. The charge against Mr Gennimatas is:

Between 1 January 2022 and 1 February 2023, you have 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

### **Contrary to Rules 1 and 2 of the Rules of Conduct**

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

### **Response**

3. Mr Gennimatas said he accepted the charge in that he did complete, but did not record his CPD.

### **Background**

4. Mr Gennimatas has been a professional Member of RICS since 10 June 2014.
5. RICS' requirements in respect of CPD are set out in the document 'CPD Requirements and obligations'. They include requirements that 'All members must undertake a minimum of 20 hours CPD each calendar year (January to December), of which at least 10 hours must be formal CPD. Members are required to log CPD via the RICS online portal, and must record their CPD activity by 31 January after the CPD year.
6. It is alleged that by 31 January 2023, Mr Gennimatas had failed to record any hours of CPD for the calendar year 1 January 2022 to 31 December 2022.
7. Given that this was Mr Gennimatas' third alleged breach of his CPD requirements, his case was initially referred to a Single Member of the Regulatory Tribunal. That Single Member found the charge proved and imposed a sanction.
8. Rule 115 of the Regulatory Tribunal Rules, (version 2, with effect from 2 February 2022), ("the Rules"), sets out the absolute right for a Regulated Member to reject the findings and/or sanction imposed by a Single Member of the Regulatory Tribunal. Mr

Gennimatas exercised that right, and the matter is before the Disciplinary Tribunal to consider afresh.

## **Evidence**

9. The Panel had before it the RICS solicitor's bundle of documents, running to 77 pages. Mr Gennimatas also provided the Panel with documents which were as follows:
  - CPD spreadsheet.
  - Timetable for High Potentials Leadership Program, October 16 to 21, 2022, ("HPLP").
  - Email to Mr Gennimatas from Harvard Business School, dated 22 April 2022, confirming admission to HPLP
  - Evaluation reminder email to Mr Gennimatas, dated 28 October 2022, in relation to HPLP.

## **Submissions**

10. Ms Frankie submitted that this was the third breach of CPD requirements within a 10 year period, and that no concessions were recorded for the 2022 year. She submitted that the Panel should find Mr Gennimatas is liable to disciplinary action
11. Mr Gennimatas made no submission on this issue.

## **Findings of fact**

12. In reaching its decision on the facts, the Panel reminded itself that where the facts are in dispute, the burden of proof rests with RICS and that the standard of proof applicable in these proceedings is the civil standard. This means that the Panel must not find a fact proved unless it is satisfied, on the balance of probabilities that it is true, i.e. that it is more likely than not to have occurred as alleged.
13. The Panel considered the statements from Fay Reaney, RICS Investigation Specialist, dated 18 November 2023, the CPD printouts within the RICS bundle relating to Mr Gennimatas' CPD activity, and the information contained within the RICS website setting out the CPD requirements and obligations for members.
14. The Panel accepted the evidence from Ms Reaney, who provided details of Mr Gennimatas' CPD activity from 2013 to 2022. Ms Reaney stated that the CPD recorded by Mr Gennimatas for 2022 was 0 hours. She also confirmed that Mr Gennimatas did not have any concessions for that year.




15. Mr Gennimatas did not challenge this evidence. He admitted that he did not record the CPD for the relevant year, albeit he said he did complete it.
16. The Panel was satisfied, having seen the information on the RICS website, that there was an obligation on Mr Gennimatas to complete 20 hours of CPD activity in the 2022 year and to record his CPD on the RICS portal by 31 January 2023. He had not done so, and accepted that he had not done so. The Panel therefore found the factual allegation proved.
17. The Panel had regard to Rules 1 and 2 of the Rules of Conduct which state,  
  
**Rule 1:** "Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS".  
  
**Rule 2:** "Members and firms must maintain their professional competence and ensure that services are provided by competent individuals who have the necessary expertise."  
  
18. The Panel was satisfied that Mr Gennimatas' failure to complete his CPD and record it online amounted to a breach of Rules 1 and 2 of the Rules of Conduct.

### **Decision on liability to disciplinary action**

19. The Panel's view was that Mr Gennimatas' failure to comply with the CPD requirements and his breach of Rules 1 and 2 of the Rules of Conduct amounted to a serious falling short of his professional obligations. It is the duty of an RICS member to ensure that they are aware of the CPD requirements and to comply with them. The CPD requirements are designed to ensure consistent standards within the profession, that individuals maintain up to date knowledge in their area of expertise, and that members demonstrate this by the completion of a record at RICS. The purpose of the record is so that RICS can monitor compliance.
20. CPD obligations are an important part of RICS membership, and all members of RICS agree to abide by their professional obligations. The Panel was informed that RICS had sent Mr Gennimatas 6 reminder emails to complete and record his CPD, however he still failed to do so and did not respond to any of the reminders. This was the third such failure in a 10 year period. Members of the public are entitled to expect that members of RICS are competent and up to date with recognised professional standards. The failure to fulfil professional obligations is likely to seriously undermine public confidence in the profession. In the circumstances, the Panel was satisfied that Mr Gennimatas was liable to disciplinary action.

## Submissions on sanction

21. Ms Frankie referred the Panel to version 9 of the Sanctions Policy, and reminded the Panel that it may expel Mr Gennimatas for a third breach of RICS' CPD rules in the absence of extenuating circumstances. She informed the Panel that Mr Gennimatas has completed and exceeded his CPD requirements for the 2023 CPD year.
22. Mr Gennimatas gave evidence. He said that he tries to meet and exceed the standards set by RICS professionally. He said he works for a large private real estate investor, and is responsible for the living sector platform for Europe. He said his role is to increase value and ensure high quality standards, and that the way he operates within the company shows he is a strong ambassador for the RICS Rules of Conduct in his day to day job.
23. Mr Gennimatas said that within the last 4 years, there have been very challenging circumstances in his personal life. 
24. In response to Panel questions, Mr Gennimatas said he missed the reminder emails from RICS and has not checked whether they were actually there. He said he also had not seen the penalty previously imposed. Mr Gennimatas said that his CPD portal was locked when he tried to access it, but accepted he had not tried to upload the CPD in the 2022 year.
25. Mr Gennimatas said he felt that completing his CPD was the number one priority rather than recording it, and that not recording it was an oversight. He said he was under a lot of stress at that time and had also "left other things behind". He said there wasn't a particular event that stood in the way of recording his CPD, but that his wider situation prevailed.

## Decision as to sanction

26. The Legal Assessor advised the Panel that the purpose of a sanction is to protect the public, safeguard the reputation of the profession and to declare and uphold proper standards of conduct and behaviour. Further, any sanction imposed must be proportionate. If the Panel is minded to impose a sanction, it must consider the sanctions in order of severity, starting with the least severe. It must satisfy itself that any sanction it imposes is the minimum necessary to meet the public interest.
27. The Legal Assessor referred the Panel to the RICS Sanctions Policy, (version 9 with effect from 2 February 2022), ("the Policy"). This states, at paragraph 21.1, that in the absence of extenuating circumstances, a third breach of Rule 2 of the Rules of Conduct within 10 years of receipt of a Caution for breach of that rule, is likely to result in expulsion. Nevertheless, the Legal Assessor's advice was that it was incumbent upon



the Panel to consider and balance any aggravating and mitigating factors, and to approach the sanctions in ascending order of seriousness, as stated above.

28. The Panel identified a number of aggravating factors.
29. First, the failures to comply with RICS' CPD recording requirements were repeated. This was Mr Gennimatas' third breach of his CPD obligations within a 10 year period. Mr Gennimatas first breached the Rules in 2018 and was given a Caution. He breached the Rules for the second time in 2021 and was given a Caution and a fine. The Panel attributed significant weight to this as an aggravating factor. Its view was that these repeated breaches were indicative of a disregard of the need to comply with the professional obligations set out by the RICS. A surveyor who has previously fallen foul of his regulatory obligations ought to have paid much closer attention to the importance of regulatory compliance. RICS is a professional membership organisation which sets standards for its members as a condition of membership. From the inception of the compulsory recording of CPD online, RICS has publicised its policy on sanctions for non-compliance. It is not difficult to record CPD online. Compliance is not optional.
30. Further, Mr Gennimatas asserted that he had "missed" 6 emails, and said he still does not know whether he had actually received them. In the Panel's view, this is additional evidence that he was not taking proper steps to comply with the requirements of his regulatory body and monitor his compliance. There has been no suggestion from Mr Gennimatas that the emails were sent to an incorrect address, and it appeared from the documentation before the Panel that he did receive the single member decision, which was sent to the same email address. The Panel found Mr Gennimatas' assertion that he "missed" these emails indicative of a cavalier attitude toward the need for compliance with expected standards.
31. In mitigation, the Panel accepted that Mr Gennimatas admitted the charge and it attributed some weight to this. However, the Panel attached little weight to the other matters put forward by Mr Gennimatas in mitigation for the following reasons.
32. Mr Gennimatas told the Panel that he was facing difficult personal circumstances during the 2022 CPD year and the Panel accepted that this was likely to have been a stressful time for him. However, it had seen no independent evidence to corroborate his assertions, and in any event, it heard no evidence to explain why his difficult personal circumstances prevented him from complying with the requirement to log his CPD on the RICS portal. In spite of his difficulties, he had still managed to complete his CPD, and had been able to attend a leadership course over several days in the USA in October 2022.

33. Overall, the Panel found the repeated breaches, and failures to react/respond to communications from RICS to be significant aggravating factors. Balanced against this, there was limited mitigation. In addition to the matters stated above, the Panel had not heard a convincing apology, or any sincere expression of regret or remorse. For these reasons, it could not be satisfied that a similar breach would not occur in future.
34. The Panel first considered whether to take no action. It decided that the matters were too serious for no sanction to be imposed.
35. It next considered a Caution. A Caution is likely to be imposed in circumstances where the breach is minor and is unlikely to be repeated. The Panel decided that a Caution was inappropriate. Mr Gennimatas has been cautioned on two previous occasions, but this sanction had been insufficient to prevent a further breach.
36. The Panel then considered a Reprimand, however, it decided that a Reprimand was insufficient to meet the public interest. It would not serve to prevent any repetition, and would not be sufficient to maintain public confidence in the profession and uphold proper standards of conduct.
37. The Panel considered undertakings and decided that this was not a case in which undertakings would be appropriate.
38. The Panel then considered whether to impose a fine but decided that this would be inappropriate for two reasons. First, Mr Gennimatas had been fined previously and it had not served as a deterrent. Second, the Panel had seen his statement of means and taken account of his financial circumstances. It decided that to impose a fine would be a punitive measure in any event.
39. The Panel next considered whether it would be appropriate to impose conditions on Mr Gennimatas' membership to address the regulatory breach. It was mindful that any conditions must be specific, measurable, achievable, realistic and time bound. Its view was that Mr Gennimatas had limited insight into the seriousness of his failure to uphold the standards of RICS, and that the mitigation was very limited. The imposition of conditions on his membership would, in the Panel's view, be insufficient in all the circumstances to uphold the public interest. It would not send a strong enough message to Mr Gennimatas, the public and the profession that all members must uphold the standards imposed by RICS at all times and that compliance is mandatory. The Panel was not convinced that Mr Gennimatas would comply with conditions in any event, given his repeated failures to comply with RICS' requirements in relation to CPD in the past.

40. The Panel therefore considered Expulsion. It had weighed the aggravating and mitigating factors above, and concluded that any mitigation was very limited and was far outweighed by the aggravating factors. It could identify no extenuating circumstances which would justify stopping short of Expulsion. The Panel had identified a risk of repetition, and concluded that Expulsion was the only sanction which would ensure there could be no repetition and which would be sufficient to uphold the public interest. Any sanction less than Expulsion would not send the proper message to the public, the profession, and to Mr Gennimatas about the high standards of conduct expected of a RICS member. The Panel therefore ordered that Mr Gennimatas be expelled from RICS membership, and that this was an appropriate and proportionate measure in all the circumstances.

### **Publication**

41. Mr Gennimatas said that he did not have any exceptional circumstances to justify not publicising the decision.

42. The Panel considered the guidance as to publication of its decisions set out in Supplement 3 to the Sanctions Policy, (with effect from 14 March 2024). It bore in mind that there is a presumption in favour of publication of decisions of the Disciplinary Panel.

43. The Panel heard no argument to dissuade it from making a publicity order. It therefore ordered that this decision should be published in Modus and on the RICS website, in accordance with the provisions of Supplement 3.

### **Costs**

44. Ms Frankie requested costs for RICS in the sum of £3650.

45. Mr Gennimatas provided the Panel with a completed schedule of means form. He said he believed in what RICS represents, but that the costs requested were not an insignificant amount. He referred the Panel to matters set out in his means form, and asked the Panel to bear this in mind when considering the issue of costs.

46. The Panel found that the costs claimed by RICS were reasonable and fair in the circumstances. RICS had properly brought the case and had succeeded.

47. Further, the Panel had received no supporting evidence from Mr Gennimatas which would persuade it that he was unable to pay. It decided to make a costs order of £3650 to be paid by Mr Gennimatas to RICS.



## **Appeal Period**

48. Mr Gennimatas has 28 days from service of the notification of this decision to appeal in accordance with Rules 152 and 153 of the Rules.
  
49. In accordance with Rules 166 and 167 of the Rules, RICS Chair of Governing Council may apply to the Appeal Panel for a review of a finding or Regulatory Sanction imposed by a Disciplinary Panel. The Chair of Governing Council must serve the application for review upon the Head of Regulatory Tribunals within 28 days of receipt of receiving the request.