

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

**RICS Regulatory Tribunal Rules 2022**

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

**Regulated Member: Joseph Thilak**

**Single Member Decision of: Paul Curtis**

**Case Number: CON002257**

**Date of Decision: 24 March 2025**

### **CHARGE**

The charge against the Regulated Member is:

*"Between 1 January 2023 and 1 February 2024, 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 RICSCPD portal."*

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

**The Regulated Member is therefore liable to disciplinary action under Byelaw 5.2.2(c)**

### **ALLEGED RULE/S BREACH**

Rule 1 of the Rules of Conduct states:

*'members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS'*

Appendix A to the Rules of Conduct sets out the core professional obligations for members and firms. It states:

*'The following professional obligations to RICS are mandatory for RICS members.  
1, Members must comply with the CPD requirements set by RICS*

Rule 2 of the Rules of Conduct states:

*'Members and firms must maintain their professional competence and ensure that services are provided by competent individuals who have the necessary expertise'*

RICS' requirements in respect of CPD are set out in the document 'CPD Requirements and obligations' (the CPD requirements) and state that

*The key requirements are:*

- All members (AssocRICS, MRICS and FRICS) must undertake a minimum of 20 hours CPD each calendar year (January to December)*
- Of the 20 hours at least 10 hours must be formal CPD. The remainder can be informal CPD.*
- All members must maintain a relevant and current understanding of our professional and ethical standards during a rolling three-year period. Any learning undertaken in order to meet this requirement may count as formal CPD.*
- Members must record their CPD activity online by 31 January every year.*

Bye-Law 5.2.2 provides:

- *'A member may be liable to disciplinary action under these Bye-Laws, whether or not he was a member at the time of the occurrence giving rise to that liability, by reason of:...*

*(c) a failure to adhere to these Bye-Laws or to Regulations or Rules governing Members' conduct...'*

## **MATERIALS CONSIDERED**

**In assessing this case I have considered:**

- RICS Rules, Guidance, Law and Procedure
- An Investigation Report
- Witness Statement of Koli Khatun (Regulatory Support and CPD officer)
- Witness statement of Kieron Cathcart (Regulation Support Team Manager)
- Correspondence between RICS and the Regulated Member

- Schedule of Costs
- Head of Regulation Decision

## BACKGROUND

Joseph Thilak became an RICS Member on 20/12/2019. He has recorded CPD of 20 hours Formal CPD in 2019 and 2020 and 4 hours of Formal CPD in 2021. Mr Thilak was not required to complete CPD in 2019 as CPD is not required during the qualifying year.

Mr Thilak's first breach was in 2021 for which a caution was issued in 2022

Mr Thilak's second breach was in 2022 for which a caution and fine were issued in 2023

Mr Thilak has completed 0 hours CPD for 2023

As of February 25<sup>th</sup>, 2025, no CPD has been recorded.

Mr Thilak has no other sanctions recorded, he has paid his fine for the second year breach, and he has paid his membership fees in 2023/2024

## FINDINGS OF FACT

I have reviewed the evidence provided by RICS as set out in the **Materials Considered** and **Background** sections set out above. I am satisfied, from the statement of Koli Khatun that there were 0 hours of CPD recorded by Mr Thilak between 1<sup>st</sup> January 2023 and 1<sup>st</sup> February 2024.

I note further in the statement that a review of Mr Thilak's records indicate that at all relevant times the record contained a postal and e mail address.

I note from the statement of Kieron Cathcart that for the 2023 CPD year all members who had not recorded 20 hours of CPD, and who were not exempted from that requirement, were sent an e mail reminder beginning in November 2023. Accordingly, Mr Thilak should have received e mail reminders as set out below:

*6. Based on the member's location, the Member therefore ought to have received the following reminders:*

*CPD Notification 15/11/2023 English - APAC Email*

*CPD Notification 13/12/2023 English - APAC Email*

*CPD Notification 10/01/2024 English - APAC Email*

*CPD Notification 07/02/2024 English - APAC Email*

*CPD Notification 21/02/2024 English - APAC Email*

*CPD Notification 13/03/2024 English - APAC Email*

*CPD Notification 19/04/2024 English - APAC Hard copy letter*

*I can confirm that each of those emails contained the following paragraphs to ensure a consistent message:*

*"All practising RICS members are required to complete at least 20 hours of CPD (including 10 hours of formal CPD) by 31 December 2023 and record it online by 31 January 2024."*

*Our records indicate that, within a ten-year period, you have failed to comply with our CPD requirements on two or more previous occasions.*

*The RICS [Sanctions Policy](#) stipulates that such breaches may be referred to a Disciplinary Panel or a Single Member of the Regulatory Tribunal, and are likely to result in expulsion from RICS.*

It is acknowledged in the statement that if a member did not have an e mail address, or the email address was incorrect, then they would not have received a reminder. As a result, in April 2024 a hard copy letter was sent to the postal address of members who had breached for a third time as Kieron Cathcart sets out in respect of Mr Thilak:

*CPD Notification 19/04/2024 English - APAC Hard copy letter*

The obligation to complete and record CPD is contained within the rules and is not dependent upon the member receiving a CPD reminder from RICS, nevertheless RICS have made extensive efforts to remind Mr Thalik of his responsibilities.

These reminders, together with the fact that Mr Thalik has previously completed CPD and, furthermore, that he has been sanctioned twice before for a failure to complete his CPD lead me to find that:

- he has failed to comply with his CPD requirements
- he was in no doubt about his requirement to complete his CPD and
- he is aware of the consequences should he fail to do so.

**I therefore find the facts as set out in the charge proved**

## **LIABILITY FOR DISCIPLINARY ACTION**

The requirement to complete and record CPD is a mandatory and core obligation of RICS members. Its purpose is to ensure that there are consistent standards within the profession and that members maintain up to date knowledge in their area of expertise, and that they demonstrate this by completing a record.

Members of RICS should be aware, from the RICS sanctions guidance, that even the first breach of the CPD requirement can result in disciplinary action (a caution). This indicates the importance of CPD and the seriousness with which a breach is treated. In this case Mr Thalik has previously been subject to a sanction for breaching his CPD obligations on two occasions, I am satisfied that he understands those obligations and, that he is aware of the serious nature of a breach.

I find that Mr Thalik's failure to meet his CPD requirements is sufficiently serious to give rise to a liability for disciplinary action

## **REGULATORY SANCTION**

In reaching a decision on sanction I have had regard to the RICS Sanctions Policy: version 9 with effect from 2 February 2022. I have taken account of the overriding principles set out there namely:

- a. The principle of proportionality – the sanction must be proportionate to the breach and all the circumstances.
- b. The need to demonstrate to society and to other Members or Firms that RICS takes firm action in order to protect the public interest and promote regulatory compliance.
- c. The need to act in the public interest by protecting the public, the reputation of the profession and to declare and uphold proper standards.
- d. The necessity to deter the Regulated Member and other Members or Firms from future non-compliance.
- e. Regulatory Sanctions are not intended to be punitive but may have a punitive effect.

I have considered any aggravating and/or mitigating factors.

In terms of aggravating factors, I found the following:

- This is the third breach since 2020 so is not an isolated incident
- There is no evidence of any cooperation with the investigation from the member

In the absence of any communication from Mr Thilak I can find no mitigating factors.

I have considered the available sanctions in ascending order starting with the lowest first.

Caution:

I do not consider a caution would reflect the seriousness of the case and a previous caution has not resulted in compliance.

Reprimand:

I do not consider a reprimand would reflect the seriousness of the case.

Undertakings:

CPD is a mandatory requirement for RICS membership which Mr Thalik has now breached on three occasions, and I therefore consider undertakings would not be appropriate and, in any case, given the previous history are unlikely to ensure future compliance.

Fine:

Mr Thilik has been fined previously and, although the fine was paid it did not ensure future compliance so is inappropriate in this case

Conditions:

As previously considered CPD is a mandatory requirement and as such an order of conditions would be inappropriate.

I have carefully considered all the above sanctions I do not consider any of those sanctions to be appropriate or proportionate and so I move to the sanction of Expulsion.

Expulsion:

I have taken account of the Sanctions Guidance at Para 21.1(j) below.

### *21.1 Expulsion or withdrawal of registration from Regulation:*

*j. third breach of Rule 2 of the Rules of Conduct within 10 years of receipt of a caution for breach of the same Rule.*

Mr Thalik has failed to comply with a fundamental requirement of a member of RICS, the need to undertake and record CPD. He has failed to do that on three separate occasions. Despite two previous sanctions for non-compliance he has neither rectified his failings nor engaged with his regulator.

I consider that Expulsion from RICS Membership is the necessary and proportionate sanction. In making that finding I have carefully balanced the interests of the member against the wider public interest but have concluded that expulsion is the only sanction which will meet the overriding principles of

- protecting the public,
- maintaining confidence in the profession
- upholding proper professional standards
- acting as a deterrent to other members of the profession

### **ORDER MADE**

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

**Mr Joseph Thilak shall be expelled from membership of the RICS**

### **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

## **Costs**

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

**Mr Thilak shall pay costs in the amount of £350**

## **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.