

propertymark

Mr Daniel Grimley MNAEA

Director,

Goodwin Ellis Property Services Ltd

t/a Goodwin Ellis

Disciplinary Tribunal Decision

May 2024

Disciplinary Tribunal Decision

Member:	Mr Daniel Grimley MNAEA
Position:	Director
Company/Employer:	Goodwin Ellis Property Services Ltd t/a Goodwin Ellis
Address:	124-126 Plumstead Common Road
Complainant:	Propertymark
Reference:	Y0002862
Date:	16 May 2024

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 16 May 2024 to consider the case against Mr Daniel Grimley.

The panel members were Mr Neville Pedersen MARLA (Honoured), FNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal); Mr Edward Johnson MARLA (member panellist); and Mr Steven Shaw (lay panellist).

The presenting Case Officer for Propertymark was Mr Ali Haider.

Mr Grimley attended the Hearing online via Zoom.

The Hearing took place in private and was recorded.

B. ALLEGATIONS

The Tribunal considered the allegations set out in the case summary sent to Mr Grimley.

It was alleged that Mr Grimley had acted in contravention of the requirements of the following Propertymark Conduct and Membership Rules.

1.6. Key elements

1.6.1. The relevant membership division requires its members to comply with these rules in respect of their Client Accounts to ensure that Clients' Money is protected. The key basic elements that must apply to Clients' Money entrusted to a PPD member's firm are as follows:

- (a) Each transaction must be properly recorded in the PPD member's firm's books/ledgers of account (paper, electronic or otherwise) so that it is clearly identifiable to an individual Client.

(b) Monies must be paid into a specifically designated Client (Bank) account with a recognised bank or building society and thus kept separate from the member's firm's own money.

(c) All transactions must be monitored and reconciled on a regular basis.

1.6.2. Client (Bank) Accounts must be properly designated (see clause 1.9 below), easily identifiable and the individual beneficial owners of any money contained therein should be attributable, without difficulty, for the following main reasons:

(a) To prevent a bank or building society offsetting a credit balance in one account against a debit or charge incurred by another.

(b) To enable a receiver or liquidator or other investigator to identify money that does not belong to the member or their business.

(c) To allow such accounts to easily be monitored and reconciled both internally and externally to demonstrate the financial integrity.

1.7. Access to, or availability of, Client Money

A member must ensure that, at all times, all Client Money is held in Client bank accounts and is available on demand to Clients without undue delay or penalty. (For the avoidance of doubt, Client Money must not be placed or held in offshore accounts or fixed/variable rate term bonds or similar funds or arrangements. Unless the bank or building society falls within the definitions in **1.2**, funds are available on demand and any penalty for withdrawal is paid by the member's firm.)

13. General Duty to Uphold High Standards of Ethical and Professional Behaviour

13.1. No member shall do any act (whether in business or otherwise) which:

13.1.1. Involves dishonesty, deceitful behaviour, misrepresentation; and/or

13.1.2. Involves other unprofessional practice or practice that is unfair to members of the public; and/or

13.1.3. In any other way brings Propertymark or any of its divisions or subsidiaries into disrepute.

23. Continuing Professional Development (CPD)

23.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.

23.2. Members are required to undertake at least twelve hours' CPD activity per year. At least four of the twelve hours must be obtained by attendance at relevant educational events and up to eight hours by relevant private study (except for those studying for Propertymark Qualifications relevant to their specialism). All CPD should be relevant to the membership specialism and/or relevant to business needs.

23.3. The CPD year runs from 1 January to 31 December and the twelve hours should be submitted by 31 January of the following year, listing the learning outcomes.

23.4. CPD must be provided annually for membership to continue.

23.5. If members belong to more than one division, they are required to submit twelve hours' CPD for each division demonstrating a relevant learning outcome.

Mr Grimley entered a plea admitting the alleged breaches of Rules 1.6.1(b), 1.7, 13 and 23.

C. DECISION

Rule 1.6.1(b) - Admitted

Rule 1.7 - Admitted

Rule 13 - Admitted

Rule 23 - Admitted

D. SANCTIONS

Rule 1.6.1(b) - £250

Rule 1.7 - £250

Rule 13 - Formal Warning

Rule 23 - £100

In addition, the costs of this Hearing of £559 were imposed against Mr Grimley in favour of Propertymark.

E. PUBLICATION

The outcome of the case fell within the Propertymark publication policy.

F. CLOSING STATEMENT

“We thank Mr Grimley for attending today’s Zoom Hearing. You pleaded guilty to each breach which highlighted the necessity to adhere to the Rules of membership. Client money management is a core principle of this Association, and your company has failed in this regard. The Tribunal would urge you and your staff to enrol on specific property management and client money courses to ensure full compliance to protect not only your landlords and tenants, but yourself and your company”.