



**Mr Steven Lewis
Formerly Director,
Brian Cox & Company Limited t/a
Brian Cox & Co**

Disciplinary Tribunal Decision

March 2022

Disciplinary Tribunal Decision

Member:	Mr Steven Lewis (formerly MNAEA)
Position:	formerly a Director
Company/Employer:	Brian Cox & Company Limited t/a Brian Cox & Co
Address:	374 Oldfield Lane North, Greenford, Middlesex, UB6 8PU
Complainant:	Propertymark
Reference:	X0057916
Date:	23 March 2022

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 23 March 2022 to consider the case against Mr Steven Lewis.

The panel members were Mr Jim Atkins PPNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal), Mr Noel Hunter (lay panellist) and Mr Neville Pedersen MARLA (Honoured) FNAEA (Honoured) (member panellist).

The presenting Case Officer for Propertymark was Mr Hadley James Easterlow.

Mr Lewis did not attend the hearing.

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 Steven Lewis.

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

1.15. Timing of banking

- 1.15.1. A member's firm must bank all receipts of Client Money into an appropriate Client bank account within a maximum of two working days from the day on which it was received.

- 1.15.2. All payments out of a client bank account should be made promptly, and within not more than 1 calendar month of becoming due.

1.23. Reconciliation(s) – format and frequency

1.23.1. Every member's firm shall:

- (a) Ensure all monies due to member firm are removed prior to final reconciliations being undertaken.
- (b) At least once every two calendar months (and within no later than ten weeks of a previous reconciliation), reconcile the balance on their Client's cash book(s):
 - (i) With the balance in their Client Bank Account(s) using the bank/building society statement(s); and
 - (ii) With the total of each Client's balance in the Clients' ledger; and
- (c) Ensure that such documents necessary to support the reconciliation so produced have been kept safe, complete, and readily available in the cash book or other appropriate place.

1.23.2. All such reconciliations should be checked and signed by the PPD member of the company, or by such person formally appointed by the PPD, who shall not be the person responsible for the preparation of such reconciliation. (This could be a member of staff of the appointed reporting Accountant, provided this is carried out within ten working days of the reconciliation.)

1.23.3. Reconciliations must be stored so as to be readily available at audit or inspection, in accordance with 1.21.

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, or 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.

14. Duty to assist in disciplinary proceedings

- 14.1. Members shall co-operate with disciplinary investigations and/or proceedings taken against them or other members.
- 14.2. Members shall comply with the timescales described in the disciplinary procedures and are expected to attend disciplinary hearings. If these procedures result in a fine that is not paid within the prescribed time, then membership will automatically be terminated and the Propertymark will pursue payment and undertake civil action against the member if necessary.

- 14.3. Propertymark reserves the right to take disciplinary action regardless of any Ombudsman's actual or potential adjudication arising from the same matter.
- 14.4. Members must co-operate with compliance visits conducted by Propertymark staff or others acting on their behalf.
- 14.5. Members or their representatives are obliged to provide accounts or other records on demand (see Rule 1).
- 14.6. This rule applies to work undertaken during the period of membership, even if the member has subsequently left membership for any reason.

21. Continuing professional development (CPD) rules

- 21.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.
- 21.2. 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.
- 21.3. 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.
- 21.4. CPD must be provided annually for membership to continue.
- 21.5. If members belong to more than one division, they are required to submit twelve hours' CPD for each division demonstrating a relevant learning outcome.

In the absence of Mr Lewis, the Compliance Manager entered a plea denying the allegations on his behalf.

C. DECISION

Rule 1.15	-	Proven
Rule 1.23	-	Proven
Rule 13	-	Proven
Rule 14	-	Proven
Rule 21	-	Proven

The Compliance Manager drew the Tribunal's attention to correspondence that could have been regarded as mitigation for the rule breaches.

D. SANCTIONS

Rule 1.15	-	Caution
Rule 1.23	-	£500
Rule 13	-	Caution
Rule 14	-	Caution
Rule 21	-	£350

In addition, costs of this hearing of £233 were imposed against Mr Lewis in favour of Propertymark.

E. PUBLICATION

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

F. CLOSING STATEMENT

The Tribunal made the following statement:

"It is unfortunate that Mr Lewis was unable to attend today's hearing through illness.

In view of Mr Lewis's absence, we have held two separate hearings, although the allegations were originally listed as one joint.

The breaches are of a serious nature. Having considered all of the personal and professional circumstances of this case and recognising the equal liability of Directors we have made our decision accordingly."