

In the matter of
Case No. X0055275
**Mr. F Lavers v Mr. Martin Collenette MARLA, Cornwall Homeseekers, Tre Place,
Tabernacle Street, Truro, Cornwall, TR1 2EJ**

Disciplinary Tribunal Hearing held on
Thursday 23 March 2017

Case of
Mr. Martin Collenette MARLA, a Director,
of Cornwall Homeseekers Limited, t/a Cornwall Homeseekers, Tre Place,
Tabernacle Street, Truro, TR1 2EJ

A member of ARLA
at
Propertymark, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Alleged breaches as set out by the Disciplinary Case Manager:

Conduct and Membership Rules

Rule 3.1 – Complaint Handling Procedure

A PPD member's firm must have a written, in-house complaints handling procedure. A suggested format for a procedure is available from NFOPP Regulation or from the NFOPP regulation website.

Rule 3.2

The procedure must advise complainants how to complain to an independent redress scheme and to NFOPP Regulation.

Rule 3.3

A PPD member's firm must supply details of the complaints procedure to a complainant as soon as the firm becomes aware of a complaint, or to a complainant who expresses a wish to make a complaint.

Rule 12.1.2

General duty to uphold high standards of ethical and professional behaviour

No member shall do any act (whether in business or otherwise) which:
Involves unprofessional practice or practice that is unfair to members of the public

Rule 13.1

Duty to assist in disciplinary proceedings

Members shall co-operate with disciplinary proceedings taken against them or other members.

After consideration of the facts and submissions the Tribunal found as follows:

Alleged Breach	Findings	Sanction
Conduct Rule 3.1	Proven	£1000
Conduct Rule 3.2	Proven	
Conduct Rule 3.3	Proven	
Conduct Rule 12.1.2	Proven	
Conduct Rule 13.1	Proven	

Costs of £80 were imposed on Mr. Collenette in favour of the Propertymark.

The Tribunal issued the following statement:

“You have admitted breaches of membership rules 3.1, 3.2, 3.3, 12.1.2 and 13.1 on behalf of Mr. M Collenette.

As a result of such little evidence produced prior to or even at today’s hearing we are concerned at the lack of adequate procedures within your office. As a result we are suspending Martin Collenette’s membership of ARLA until such time as a full inspection of your office procedures and files, also an audit of your client account has been carried out by Propertymark. This will be at the member’s expense.

Prior to the inspection and audit we would urge you to consider your complaints procedure, an effective documents management system, efficient email and mail handling and that your firm is data protection compliant.

We also impose a fine on Mr. M Collenette across all admitted offences of £1,000 inclusive together with costs towards today’s hearing of £80.”