



**Appeal Tribunal Hearing on 1 February 2017
at
Arbon House, 6 Tournament Court, Edgehill Drive, Warwick CV34 6LG**

**Appeal Tribunal Decision
In the matter of Case No X0055006 NFoPP v Miss Sarah Randall**

**To consider the appeal following:
Disciplinary Tribunal Hearing
19 October 2016**

**Case of
Miss Sarah Randall, Employee, Mays of Lilliput Residential Lettings, 282 Sandbanks
Road, Poole, Dorset, BH14 8HU**

An Associate member of ARLA
At
NFoPP, Arbon House, Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Miss Randall was found to have acted in breach of the following NFoPP Membership and Conduct Rules at the hearing held on 19 October 2016 and the penalties imposed were:

Conduct Rule 12.1.1	-	£1000
Conduct Rule 19.3	-	£500

Costs of £142 were awarded in favour of the NFoPP against the member.

The Appeals Tribunal considered the case.

Appeal Tribunal's Decision

After considering the evidence and after deliberation, the Appeal Tribunal made the following findings:-

Conduct Rule 1.26.1 finding upheld but the sanction was reduced to £250

Conduct Rule 1.28 finding upheld but the sanction was reduced to £250

The Tribunal issued the following statement:

“The Hearing of the Disciplinary Appeals Tribunal on the 1 February 2017 was adjourned by the Chairman in order that additional material, in particular relating to the renewal of the Appellant’s membership, could be presented to members of the panel.

Subsequently, the Disciplinary Appeals Tribunal held a Conference call on the 24 February 2017, and after due consideration of the additional information, and of the evidence and transcript from the original Disciplinary Hearing of the 19 October 2016, the Tribunal upheld the original findings of the breaches of Conduct Rule 12.1.1 and Conduct Rule 19.3.

The Tribunal considered that the Appellant had been ‘cavalier’ in her attitude to her renewed membership, having been given clear information on the way in which her Associate membership could or could not be used. The wording of the offending paragraph in the company’s web-site had most probably been written by the Appellant (or was certainly based on material she had provided), and was clearly a misrepresentation and therefore misleading to members of the public. There was also clear evidence that the Appellant had been wrongly using the designatory letters FARLA on correspondence (see e-mail dated 14th October 2015). The Tribunal was also disappointed by the Appellant’s failure to co-operate in, or take seriously, the disciplinary investigation and procedures.

However, the Tribunal considered that the original penalties imposed were disproportionate to the seriousness of the breaches, and also taking into consideration that the Appellant had no previous disciplinary history, reduced the sanction on Conduct Rule 12.1.1 to £250, and on Conduct Rule 19.3 to £250. Costs will be imposed of £260.60 for the Appeal Hearing, plus the original costs imposed of £142.”