



**In the matter of
Case No. X0057996
PropertyMark v Mr. Mark Long MNAEA**

**Disciplinary Tribunal Hearing held on
Thursday 2nd May 2019**

Case of

Mr Mark Long MNAEA, Director of Mark David Estate Agents Limited, Market Place, Banbury, OX15 0SB

at

PropertyMark, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Mr Long is a member of NAEA

Alleged breaches as set out by the Case Officer:

Conduct Rule

1. Accounting Rule (in particular)

1.27. Submission of report

The report referred to in this Rule must be submitted to PropertyMark by the member's firm no later than six months after the end of the accounting period to which it relates. Late submission of Accountant's Reports may be pursued as a disciplinary matter. Such matters will be dealt with outside of the disciplinary procedures. In these circumstances' members may not have an opportunity to explain the reasons for their delay. Instead, late submission is likely to result in an automatic fine of up to £200 per breach of every separate requirement. Failure to provide an Accountant's Report within twenty-eight days of the deadline will result in termination of all memberships of all PPD members responsible for the firm. This timescale may be altered with prior arrangement of PropertyMark.

1.36. Client accounting compliance check visits and investigations

Reason/rationale for such visits/investigations: In order to comply with obligations placed on PropertyMark under its Client Money protection scheme and its duty to both its own membership and the public to robustly monitor compliance with Accounting rules, PropertyMark may, at any time, carry out or authorise a visit or inspection as part of the random spot checks carried out by PropertyMark from time to time upon a member's firm(s) or as a result of information coming to the attention of PropertyMark.

1.38 Duty to co-operate and provide information/records

It is a condition of membership that a member's firm co-operates with such a visit or inspection and, in this regard, will be required to produce or make available, at a time and place duly notified, such records and documents (howsoever maintained or stored) as necessary for inspection and review by a person appointed by Propertymark, in order that a report on compliance may be produced. CASPs must ensure that their terms of business allow Propertymark access to their Client Account records for inspection visits or audit purposes.

1.46 Non-compliance – breaches of the Accounting Rule

For the avoidance of doubt, Propertymark considers breaches of, or a failure to comply with, the general or specific requirements of the Accounting Rule as a serious matter that may result in significant sanctions being imposed and may jeopardise membership.

12. General duty to uphold high standards of ethical and professional behaviour

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

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

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

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

13. Duty to assist in disciplinary proceedings

13.1 Members shall co-operate with disciplinary investigations and/or proceedings taken against them or other members.

13.2 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 (sic) will pursue payment and undertake civil action against the member if necessary

13.4 Members must co-operate with compliance visits conducted by Propertymark staff or others acting on their behalf.

13.5 members or their representatives are obliged to provide accounts or other records on demand (*see* Rule 1)

13.6 This rule applies to work undertaken during the period of membership, even if the member has subsequently left membership for any reason.

20. Continuing professional development (CPD) rules

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

20.2. 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.

20.3. 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.

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

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

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

Alleged Breach	Findings	Sanction
Rule 1.27 & 1.46	Admitted breaches	£300
Rule 1.36, 1.38 13.4	Admitted breaches Proven	£1500
Rule 12	Admitted breach	£400
Rule 20	Proven	£100

The sum of £130 was imposed on the member towards the costs of the hearing.

The case falls within the Propertymark Publications Policy.

The Tribunal issued the following statement:

“Today’s hearing has not just been about Mr. Long’s initial refusal to pay a £50 fine for late submission of an Accountant’s Report, there were earlier breaches of our rules.

The breaches that led to today’s hearing in chronological order are:

- The refusal by Mr. Long to allow Propertymark to carry out a compliance visit in February 2018

- Followed by website fee breaches in respect of VAT, and
- Approximately 8-months later the late submission of an Accountant's Report

These have cumulatively resulted in the need for today's hearing.

Mr. Long, your concerns about the direction of this Association should be addressed to the Chief Executive and are not relevant to this disciplinary hearing.

In reaching our conclusions we have taken into account all that you have said, nevertheless these are serious matter for which you are personally responsible, and we have imposed fines accordingly."