

propertymark

**Mr Michael Joyce MARLA
FNAEA**

**Partner, M Joyce & A Joyce
t/a PM Lettings**

Disciplinary Tribunal Decision

November 2020

Disciplinary Tribunal Decision

Member: Mr Michael Joyce MARLA FNAEA
Position: Partner
Company/Employer: M Joyce & A Joyce t/a P M Lettings
Address: 45 Limpsfield Road, South Croydon, CR2 9LA
Reference: X0059605
Date: 17 November 2020

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 17 November 2020 using the Zoom virtual conferencing platform to consider the case against Mr Michael Joyce MARLA FNAEA.

The panel members were Mr Richard Hair PPNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal), Mr Richard Copus CPEA FNAEA (Honoured) FNAVA (member panellist) and Mr Clive Wood (lay panellist).

The presenting Case Officer for Propertymark was Miss Laura Hanley-Gorton.

The member was in attendance at the hearing accompanied by his Accountant, Mr Nigel Searle.

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 Joyce on 27 October 2020.

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

Propertymark Conduct and Membership Rules

Conduct Rule 1.15

Timing of banking

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

Conduct Rule 1.23

1.23.1 Every member’s firm shall:

- (a) Ensure all monies due to the member firm are removed prior to final reconciliation 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

Conduct Rule 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.

C. DECISION

The Tribunal considered the evidence provided by the Case Officer and the submissions from Mr Joyce and Mr Searle before reaching their findings.

Rule 1.15	-	Proven
Rule 1.23 (1.23.1, 1.23.2, & 1.23.3)	-	Proven
Rule 21	-	Admitted

Mr Joyce submitted a plea in mitigation supported by information provided by Mr Searle.

D. SANCTIONS

Rule 1.15	-	£150
Rule 1.23.1	-	£150
Rule 1.23.2	-	£150
Rule 1.23.3	-	£100
Rule 21	-	£50

In addition, costs were imposed of £163 against Mr Joyce in favour of Propertymark.

E. PUBLICATION

The Tribunal's decision falls within the Propertymark publication policy.

F. CLOSING STATEMENT

The Tribunal made the following statement:

"We are disappointed that the member finds himself in front of us today and trust that he will now understand the need to act expediently and with greater focus with respect to regulation.

We hope not to see you again."