

propertymark

**Mr Duane Jibunoh MARLA,
Director,
D.I.J Real Estate Ltd t/a D.I.J Real
Estate**

Disciplinary Tribunal Decision

September 2023

Disciplinary Tribunal Decision

Member:	Mr Duane Jibunoh MARLA
Position:	Director
Company/Employer:	D.I.J Real Estate Ltd t/a D.I.J Real Estate
Address:	71-75 Shelton Street, London, WC2H 9JQ
Complainant:	Propertymark
Reference:	Y0002168
Date:	20 September 2023

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 20 September 2023 to consider the case against Mr Duane Jibunoh.

The panel members were Mr Jim Atkins PPNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal); Mr Richard Hair PPNAEA (Honoured) (member panellist); and Mr Stephen Shaw CBE (lay panellist).

The presenting Case Officer for Propertymark was Mr Ali Haider.

Mr Jibunoh attended the Hearing via Zoom.

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 Jibunoh.

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

1.6. Key elements

- 1.6.1. The relevant membership division requires its members to comply with these rules in respect of their Client Accounts to ensure that Clients' Money is protected. The key basic elements that must apply to Clients' Money entrusted to a PPD member's firm are as follows:

- (a) Each transaction must be properly recorded in the PPD member's firm's books/ledgers of account (paper, electronic or otherwise) so that it is clearly identifiable to an individual Client.
- (b) Monies must be paid into a specifically designated Client (Bank) account with a recognised bank or building society and thus kept separate from the member's firm's own money.
- (c) All transactions must be monitored and reconciled on a regular basis.

1.6.2. Client (Bank) Accounts must be properly designated (see clause 1.9 below), easily identifiable and the individual beneficial owners of any money contained therein should be attributable, without difficulty, for the following main reasons:

- (a) To prevent a bank or building society offsetting a credit balance in one account against a debit or charge incurred by another.
- (b) To enable a receiver or liquidator or other investigator to identify money that does not belong to the member or their business.
- (c) To allow such accounts to easily be monitored and reconciled both internally and externally to demonstrate the financial integrity.

10. Declarations

PPD members are required to make annual declarations in a format applicable to their relevant property business interests and with regard to the handling of Client Money. In any intervening period, PPD members are required to advise Propertymark if their firm commences handling Client Money. Additional declarations may also be required when Propertymark receives information that company responsibilities and/or business areas may have changed. All branches must be declared to Propertymark, with new branches and closures reported as and when necessary.

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, 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.

Mr Jibunoh entered a plea accepting the alleged breach of Rule 10 but denying the breaches in relation to the Rules 1.6 and 13.

After consideration of the evidence presented and submissions by the parties, the Tribunal announced the following findings:

C. DECISION

Rule 1.6	-	Proven
Rule 10	-	Admitted
Rule 13	-	Proven

D. SANCTIONS

After considering a plea in mitigation the Tribunal announced the following sanctions

Rule 1.6	-	£600
Rule 10	-	£400
Rule 13	-	£600

In addition, the costs of £1,080.82 from this Hearing and of the earlier adjourned Hearing were imposed against Mr Jibunoh in favour of Propertymark.

E. PUBLICATION

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

F. CLOSING STATEMENT

‘We are disappointed that the penalties offered to you previously by Propertymark were not accepted, as they would have negated the necessity of the previous hearing date adjourned and today’s Tribunal. In your mitigation statement, you acknowledged and accepted our findings. It is our opinion that you should have sought advice in respect of your business activities in advance.’