

**propertymark**

**Y0002858**

**Mr Robert Pavitt  
Former Director of,**

**Jane Thorne Property Services Limited**

**Disciplinary Tribunal Decision**

**16<sup>th</sup> May 2024**

# Disciplinary Tribunal Decision

<b>Member:</b>	Mr Robert Pavitt
<b>Position:</b>	Ex-Director
<b>Company/Employer:</b>	Jane Thorne Property Services Limited
<b>Address:</b>	259 Oakleigh Road North, Whetstone, N20 0DG
<b>Complainant:</b>	Propertymark
<b>Reference:</b>	Y0002858
<b>Date:</b>	16 <sup>th</sup> May 2024

## A. INTRODUCTION

An Appeal Tribunal of Propertymark Limited was convened on 16<sup>th</sup> May 2024 to consider the case against Mr Robert Pavitt.

The panel members were Mr. Neville Pedersen FNAEA (Honoured) MARLA (Honoured), (member panellist acting as the Chairperson for the Tribunal); Mr. Steven Shaw (lay panellist); and Mr. Edward Johnson MARLA (member Panellist).

The presenting Case Officer for Propertymark was Miss Farrah Gibson.

Mr Robert Pavitt attended the Hearing in person.

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 Pavitt.

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

### 5. Propertymark Client Money Protection (CMP)

5.8 Where a successful claim is made on the CMP scheme it will constitute a serious breach of the Membership and Conduct Rules, such that disciplinary proceedings may follow.

5.9 Where a payment is made by the CMP scheme to compensate any third party for the default howsoever arising of a sole trader, partnership, limited liability partnership or limited company (“the Business”) or of any CASP (as defined in clause 1.3) to whom the custody of client money has been entrusted by the Business then any individual member of Propertymark who is associated with the Business as either a sole trader, principal, director, employee, shadow director, member, consultant, partner, or shareholder shall be jointly and severally liable to indemnify Propertymark or its insurers in respect of any such payment.

### **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.

### **14. Duty To Assist In Disciplinary Proceedings**

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

14.2 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 Propertymark will pursue payment and undertake civil action against the member if necessary.

14.3 Propertymark reserves the right to take disciplinary action regardless of any Ombudsman’s actual or potential adjudication arising from the same matter.

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

14.5 Members or their representatives are obliged to provide accounts or other records on demand (see Rule 1).

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

## **B. DISCIPLINARY HEARING FINDINGS AND SANCTIONS**

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

### C. DECISION

Rule 5	-	Proven
Rule 13	-	Proven
Rule 14	-	Not Proven

### D. SANCTIONS

Rule 5	-	£1,000
Rule 13	-	£1,000
Rule 14	-	N/A

Additionally, the costs of this Hearing of £492 were imposed against Mr Pavitt in favour of Propertymark.

### E. PUBLICATION

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

### F. CLOSING STATEMENT

“We thank Mr Pavitt for his attendance today under very difficult circumstances. We appreciate the problems you have had but as a member of this Association, you have signed up to a set of rules which we should look to enforce. As a PPD (Principle, Partner, Director) you are ultimately responsible for oversight of your co-director and your employees.

Under Rule 5, in the event of a Client Money Protection payment made by Propertymark a PPD is jointly and severally liable to indemnify Propertymark or its insurers in respect of any such payment.”