

propertymark

**Mr Daniel Lyons MARLA
Director,
Eightfold Property Limited t/a
Eightfold Property**

Disciplinary Tribunal Decision

June 2023

Disciplinary Tribunal Decision

Member:	Mr Daniel Lyons MARLA
Position:	Director
Company/Employer:	Eightfold Property Limited t/a Eightfold Property
Address:	35 Providence Place, Brighton, BN1 4GE
Complainant:	Propertymark
Reference:	Y0002150
Date:	20 June 2023

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 20 June 2023 to consider the case against Mr Daniel Lyons.

The panel members were Mr Neville Pedersen MARLA (Honoured), FNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal); Mrs Janine Hytch FARLA, FNAEA, FNAVA (member panellist); and Mr Steven Shaw (lay panellist).

The presenting Case Officer for Propertymark was Ms Farrah Gibson.

Mr Lyons was not in attendance at the hearing.

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 Lyons.

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

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.

23. Continuing professional development (CPD) rules

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

23.2. 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.

23.3. 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.

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

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

In the absence of Mr Lyons, Mr David Oliver, Propertymark Compliance Manager, entered a plea denying the alleged breaches of Rules 13 and 23.

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

C. DECISION

Rule 13 - Proven

Rule 23 - Proven

D. SANCTIONS

Rule 13 - £500

Rule 23 - £250

In addition, the costs of this hearing of £574.35 were imposed against Mr Lyons in favour of Propertymark.

E. PUBLICATION

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

F. CLOSING STATEMENT

‘Compliance with all aspects of legislation relating to lettings is of paramount importance. Having continuous membership of a redress scheme is a legal requirement so as to protect the public, as is abiding by any sanctions imposed by said redress scheme. In having your membership terminated and reinstated on two occasions, delays in making payment of the penalty imposed, puts you in breach of Propertymark Rules’.

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**Mr Daniel Lyons MARLA
Director,
Eightfold Property Limited t/a
Eightfold Property**

Appeal Tribunal Decision

January 2024

Appeal Tribunal Decision

Member: Mr Daniel Lyons MARLA

Position: Director

Company/Employer: Eightfold Property Limited t/a Eightfold Property

Address: 35 Providence Place, Brighton, BN1 4GE

Reference: Y0002150

Date: 31 January 2024

A. INTRODUCTION

An Appeal Tribunal of Propertymark Limited was convened on 31 January 2024 to consider the appeal of Mr Lyons following a Disciplinary Tribunal held on 20 June 2023.

The Appeal Panel members were Mr Richard Hair PPNAEA (Honoured) (Retd) (member panellist acting as the Chairperson for the Tribunal); Ms Jacqueline Stone FNAEA (member panellist); and Mr Clive Wood (lay panellist).

The Case Officer for Propertymark was Mr Ali Haider.

Mr Lyons and his co-director, Mr James Hawley, attended the Appeal Hearing online via Zoom.

The Hearing took place in private and was recorded.

B. DISCIPLINARY HEARING FINDINGS AND SANCTIONS

Mr Lyons was found to have acted in breach of the following Propertymark Conduct and Membership Rules at the hearing held on 20 June 2023 and the penalties imposed were:

Alleged Breach	Findings	Sanction
Rule 13	Proven	£500
Rule 23	Proven	£250

The sum of £574.35 was imposed on the member towards the costs of the hearing.

The case fell within the Propertymark Publications Policy.

C. APPEAL TRIBUNAL'S DECISION

After considering the evidence, Mr Lyons's submission and after deliberation, the Appeal Tribunal made the following statement of findings:

"In respect of the breach of Rule 13, we find that proven, and in respect of Rule 23, we find that proven.

The sanctions in this case will be as follows;

In respect of the breach of Rule 13, we issue a Formal Warning.

In respect of Rule 23, we make a fine of £250.

In addition, there are costs of £491 for today's hearing.

The Appeal is dismissed.

The Tribunal has considered the mitigating factors and acknowledges the difficulties the member had in maintaining appropriate redress for clients. The fact remains that there was a period without necessary cover, hence, a breach of Rule 13, but with our appreciation of the difficulties, there is a reduction in the penalty made.

With regard to CPD, CPD is a requirement of all members, but the Appeal Panel is not aware that any CPD has been logged since the original finding''.

D. DECISION SUMMARY

Alleged Breach	Findings	Sanction
Rule 13	Proven	Formal Warning
Rule 23	Proven	£250

Additional costs of £491 for the Appeal Hearing were imposed on Mr Lyons in favour of Propertymark.