

propertymark

Mr Roy Pabari,

Director,

Hilton & Fox Limited t/a Hilton & Fox

Disciplinary Tribunal Decision

January 2024

Disciplinary Tribunal Decision

Member:	Mr Roy Pabari, a suspended member of NAEA
Position:	Director
Company/Employer:	Hilton & Fox Limited t/a Hilton & Fox
Address:	7 Glenmore Parade, Wembley, HA0 4PJ
Complainant:	Propertymark
Reference:	Y0002981
Date:	31 January 2024

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 31 January 2024 to consider the case against Mr Roy Pabari.

The 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 presenting Case Officer for Propertymark was Mr Ali Haider.

Mr Pabari and Ms Anisha Pattni, manager at Hilton & Fox, attended 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 Pabari.

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

1.15. Timing of banking

1.15.1 A member's firm must bank all receipts of Client Money into an appropriate Client bank account within a maximum of two working days from the day on which it was received.

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

1.18. Record keeping (firms using a CASP; see also 1.3.2)

Each member's firm must keep detailed accounting records, using a bookkeeping system that is adequately designed and operated. Such records need to record:

- 1.18.1. All Clients' Money received, held, or paid out by the firm.
- 1.18.2. The amounts, dates, names, property addresses, reference numbers and other relevant details to identify individual transactions.
- 1.18.3. Any other money dealt with through a Client bank account, attributable to individual Clients.
- 1.18.4. An individual Client's balance of monies held, and a balance of all Clients' Money held.

1.19. Books of record

All dealings referred to in clauses **1.18.1** to **1.18.4** above shall be recorded as appropriate, either:

- 1.19.1. In a Clients' cash book, or in a Client's column of a cash book; or
- 1.19.2. In a journal recording transfers from the ledger account of one Client to that of another.
- 1.19.3. **And**, in either case, additionally in a Clients' ledger or in a Client's column of a ledger.

1.20. Supporting documentation

Records must include a list of all persons for whom a member's firm is or has been holding Clients' Money, reconciliation documents, and a list of all the bank and building society account(s) in which the money is held and must include counterfoils or duplicate copies of all receipts issued in respect of Clients' Money received, which shall contain the particulars required to be shown in the accounts.

1.21. Preservation of records

The records kept for the purpose of complying with this Rule must be preserved for six years from the end of the accounting period to which they relate, or from when the account shows a nil balance following a cessation of the contractual relationship between the parties, whichever is the later. Propertymark recommends that a member's firm consult with their Accountant before disposing of, or destroying, any historic accounting records.

1.23. Reconciliation(s) – format and frequency

1.23.1. Every member's firm shall:

- (a) Ensure all monies due to member firm are removed prior to final reconciliations 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.

1.23.2. All such reconciliations should be checked and signed by the PPD member of the company, or by such person formally appointed by the PPD, who shall not be the person responsible for the preparation of such reconciliation. (This could be a member of staff of the appointed reporting Accountant, provided this is conducted within ten working days of the reconciliation.)

1.23.3. Reconciliations must be stored so as to be readily available at audit or inspection, in accordance with **1.21**.

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.

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.

Mr Pabari entered a plea denying the alleged breaches of Rules 1.15, 1.18, 1.19, 1.20, 1.21 and 13, and accepting the alleged breaches of Rules 1.23, 10 and 23.

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

C. DECISION

Rule 1.15	-	Proven
Rule 1.18	-	Proven
Rule 1.19	-	Proven
Rule 1.20	-	Proven
Rule 1.21	-	Proven
Rule 1.23	-	Admitted
Rule 10	-	Admitted
Rule 13	-	Proven
Rule 23	-	Admitted

D. SANCTIONS

Rule 1.15	-	£250
Rule 1.18	-	Formal Warning
Rule 1.19	-	Formal Warning
Rule 1.20	-	Formal Warning
Rule 1.21	-	Formal Warning
Rule 1.23	-	£250
Rule 10	-	£250
Rule 13	-	£250

Rule 23 - Caution

In addition, the costs of this Hearing of £409 were imposed against Mr Pabari in favour of Propertymark.

E. PUBLICATION

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

F. CLOSING STATEMENT

“Firstly, can we thank both of you for attending today as your input was very helpful. The suspension of membership will remain in place until such time as a Propertymark audit has been put in place. This to be completed at the member’s expense”.