

Disciplinary Panel Hearing

Case of

Bruce Scott [005149]

On

Monday 16 June - Tuesday 17 June 2025

Held Remotely via Teams

Panel

Angela Brown (Lay Chair)

Andrew McFarlane (Surveyor Member)

Victoria Thornes (Lay Member)

Legal Adviser

Tim Grey

Representatives for the parties

Christopher Geering appeared on behalf of RICS

Marc Beaumont appeared on behalf of Mr. Scott who was also in attendance

Hearing Officer

Jae Berry

Allegation

1. Between around 14 and 17 January 2022 Mr Scott:

- a. obtained a copy of a case study written by DP with the intention of copying parts of it;*
- b. Submitted to RICS a case study, representing it was his own work, when he knew he had copied one or more of the particulars set out in Schedule 1 from DP wholly or in part;*
- c. His actions at (a) and / or (b):*
 - i. Lacked integrity,*
 - ii. Were dishonest.*

Contrary to Rule 3 of the Rules of Conduct for Members Version 7

Mr Scott is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c).

Schedule 1

	<u>Particulars of the Member's assessment copied wholly or in part from DP</u>
	The following paragraphs within 1. Introduction and Scope
a.	1.4
b.	1.5
c.	1.6
d.	1.7
e.	1.8
f.	1.9
g.	1.10
h.	1.15
i.	1.16
j.	1.19
k.	1.20
l.	1.21

m.	1.22
n.	1.23
o.	1.24
	The following paragraph within 2. Building Details & Fire Strategy review:
p.	2.1
	The following text Within 4. External Wall Construction & As-Built information review:
q.	<i>“a desktop study was undertaken prior to the site visit to establish if the materials and the technique of construction that were used are suitable for the use in multi-dwelling residential purposes. In terms of the cladding and wall structure, for this purpose we have relied in the drawings provided by the building manager</i>
r.	<i>“The elevation drawings provided are referenced as Contract Drawings. No ‘As Built ’ information was provided. It was noted that there were attachments such as balconies included in the construction of Strong Point. The elevation drawings are listed below: -</i>
s	Text associated with figure 4.5: <i>“shows an extract of the masonry construction to show the through wall build up. The drawings do not confirm if they as ‘as built ’provision.”</i>
t.	<i>“The detailed drawings provided did not fully give a clear picture of the Bronze Aluminium Cladding. The detailed drawings provided did not offer any information relating to the Bronze coated aluminium cladding to the as no specification or manufacturers information was provided”</i>
u.	The section entitled 6.1 Fire Performance Risk Factors
v.	The section entitled 6.2 Façade Configuration Risk Factors
w.	The section entitled 6.3 Fire Strategy design and hazards
x.	The section entitled 2. Conclusion
y.	The section entitled 3. Recommendations
z.	The section entitled 4. EWS outcome

Response

1. Mr. Scott admitted the Allegation in full and accepted that his admissions rendered him liable to disciplinary action.

Preliminary Application

2. On behalf of Mr. Scott, Mr. Beaumont made an application for those parts of the hearing concerning health to be held in private. Mr. Geering on behalf of RICS did not oppose the application.
3. The Panel accepted the advice of the Legal Adviser. It was advised that pursuant to Rules 55 and 59 it was empowered to direct that all or part of a hearing be held in private. While the notice requirements had not been complied with (Rules 56 - 58) the Panel was further advised that it must ensure that the proceedings are conducted fairly such that if it is necessary to do so to protect the private life of an individual a hearing should be held partially or wholly in private.
4. The Panel determined that it would hear those parts of the case in private where reference was made to the health of the Member. In making its decision, the Panel acknowledged that there is a presumption that all hearings will be held in public. In the circumstances of Mr. Scott's case, the Panel determined that the protection of the private life of the Member outweighed the principle of open justice and that those parts of the hearing concerned with health should be held in private.

Background

5. Mr. Scott joined the RICS' External Walls System Assessment Programme on 16 July 2021. The programme offers an Ofqual qualification which is accredited by the Awarding Body for the Built Environment ("ABBE"). It involves a multiple choice assessment, and completing a case study exercise which "requires the candidates to complete an analysis of the external wall structure of a building, write a report based on a template provided, and submit it together with the completed EWS1 form."
6. The RICS plagiarism policy is highlighted to candidates both at the start of the course and at the assessment stage. The case study instructions at the time stated: "for the purposes of this assessment, you **must** complete your submission independently..." And thereafter: "By submitting this report, you declare that it reflects **your own work**. Please refer to the Plagiarism policy provided with this course for further information."
7. Mr. Scott was working at FR Consultants at the time he joined RICS' External Walls System Assessment Programme. His colleague, Ms. Davinia Potterton, also applied at the same time. She went on to complete and submit her case study on 13 August 2021. However, Mr. Scott deferred completing the programme and did not submit a case study until 17 January 2022. He had left FR Consultants in November 2021. His case study exercise was similar but not identical to the one Ms. Potterton had completed.

8. Ms. Paxton, Qualification Standards and Compliance Manager at RICS, was responsible for the internal quality assurance of the programme. She ran the submissions through Turnitin, a software programme used to identify plagiarism. This noted a strong correlation between Mr. Scott's and Ms. Potterton's case studies. On 1 February 2022 Ms. Paxton referred the matter for further investigation on the basis of suspected plagiarism.
9. On 2 March 2022 RICS wrote to Mr. Scott. He replied on 13 March 2022 in the following terms: "I cannot deny these sections demonstrate a large degree of similarities. I will reflect this in my later explanation, however combined with an error in my submission and a lack of proper reading, time pressure, both at work and at home, I allowed this to happen which I deeply regret...I did see Ms. Potterton's work before I left FR Consultants, commenced stage 2 of the assessment and submitted my work...I was under significant pressure in my workplace... personal pressure coinciding with the final settlement of divorce, coupled with repeated delays by the RICS in releasing the stage 2 module had resulted in an uncharacteristic error of judgment, a lack of final proof reading and a submission within the final minutes of the deadline."
10. RICS wrote to Mr. Scott on 25 April 2022 and 17 May 2022. On 18 May 2022 he replied: "I can confirm that I obtained a hard copy of Ms. Potterton's case study for reference prior to leaving FR Consultants in November 2021. This was prior to the course intake I was sitting being issued with a case study for submission."
11. In response RICS asked for copies of any other messages or emails between himself and Ms. Potterton. He responded on 24 August 2022 in the following terms: "Thank you for your email. Further to my email to Ms. Plant dated 18th May 2022, there were no further messages or emails to my knowledge other than what was described in the email below. Further to your letter of 25th April 2022 and 17th May 2022, I can confirm that I obtained a hard copy of Ms. Potterton's case study for reference prior to leaving FR Consultants in November 2021. This was prior to the course intake I was sitting being issued with a case study for submission. I hope this can now draw a line under this matter."
12. Ms. Potterton provided a witness statement in February 2023 in which she commented: "On 14 January 2022 at around 4.20 PM, I received a phone call from Mr. Scott. I was surprised to receive his call because we were not close personally... Mr. Scott requested to look at my case study submission as a reference... I shared my case study with him through email on the same day of the call." Ms. Potterton's email to Mr. Scott was sent in the early hours of 15 January 2022. That account was at odds with the account first provided by Mr. Scott as to how he came by Ms. Potterton's report.
13. On 1 June 2023 in correspondence with RICS, Mr. Scott admitted the Allegation and provided some explanation and mitigation for his conduct.
14. On 13 September 2024 Mr. Scott contacted RICS through his legal representatives, withdrawing the admission: "My client withdraws any past purported admissions, which he made without advice and in a state of trauma at the idea of disciplinary proceedings. That withdrawal is made pending, and so as to facilitate, my assessment of the above materials."
15. On 9 April 2025 Mr. Scott's legal representative informed RICS that he did now admit the Allegation.

The Hearing

16. The Panel was provided with extensive documentary evidence on behalf of RICS, in the form of a 272 page bundle including a witness statement from Davinia Potterton, two witness statements from Ms. Paxton, a witness statement from Selina Naim, the RICS case investigator and a witness statement from Jae Berry the Regulatory Tribunal Manager, concerning service, as well as appended exhibits to each statement.
17. The Panel was also provided with several character references and an expert report, all submitted on behalf of Mr. Scott.

Submissions - Facts and Liability to Disciplinary Action

18. On behalf of RICS, Mr. Geering adopted the terms of the Case Summary and invited the Panel to accept Mr. Scott's admissions to the Allegation and that such admission rendered him liable to disciplinary action, given it was an allegation of a particularly serious type.
19. On behalf of Mr. Scott, Mr. Beaumont accepted that the Allegation would be found proved in its entirety and that it gave rise to a liability to disciplinary action. There was, he accepted, no tension between the case summary and the mitigation he would put forward in relation to sanction.

Legal Advice

20. The Panel received and accepted the advice of the Legal Adviser. It was advised that RICS bore the burden of proof and the standard to be applied was the balance of probabilities. The Panel was advised of the definition set out in *Wingate & Others v SRA [2018] EWCA Civ 366* concerning integrity and of the test set out in *Ivey v Genting Casinos [2017] UKSC 67* concerning dishonesty.
21. Thereafter, the Panel was advised that if it found any parts of the Allegation proved it should go on to consider whether that rendered the Member liable to disciplinary action. The Panel was advised that at this stage there was no burden or standard of proof. The question of liability to disciplinary action was a matter for the Panel's collective judgment. The Panel was further advised that for such a liability to exist the identified conduct must be serious. The Panel was advised to adopt the approach in *Roylance v GMC [2000] 1 AC 311* & *Nandi v GMC [2004] EWHC 2317*, liability to disciplinary action being akin to the definition of misconduct in those proceedings.

Determination on the Facts & Liability to Disciplinary Action

22. In reaching its determination the Panel took careful account of all the evidence it had read.
23. In relation to Allegation 1(a) the Panel gave very careful consideration to whether there was sufficient evidence to show that at the time he obtained it, Mr. Scott intended to copy Ms. Potterton's report. It concluded that having obtained the report only two days prior to the date set for final submission of his own report, in circumstances where he had actively sought it out and was under considerable time pressure, on the balance of probabilities the Panel concluded he had obtained it intending to copy it, either in part or in whole. The Panel bore in

mind he had admitted as much and therefore concluded there was sufficient evidence to find Allegation 1(a) proved.

24. In relation to Allegation 1(b) the Panel was in little doubt that the extensive copying shown by a comparison of the two reports showed Mr. Scott had serially copied from Ms. Potterton. He knew he was doing so and cannot have been under any illusion that he was submitting it as his own work, in his own name. He had also admitted this part of the Allegation. The Panel therefore concluded Allegation 1(b) was proved to the appropriate standard.
25. In relation to Allegation 1(c)(i) and (ii) the Panel was left in no doubt that cheating in the manner outlined at 1(a) and (b) showed a demonstrable lack of steady adherence to the ethical standards of the profession and thereby demonstrated a clear lack of integrity. Whilst it did not follow from a finding of lack of integrity that Mr. Scott had been dishonest, in applying the test for dishonesty as outlined in *Ivey*, the Panel was satisfied that Mr. Scott's actions had been dishonest. The Panel noted Mr. Scott's admissions and found Allegation 1(c) proved in its entirety.
26. Mr. Scott's conduct was a serious departure from the standards expected of a chartered surveyor. He had been dishonest and shown a troubling lack of integrity in submitting as his own, a plagiarised report for assessment. Had it not been detected, such plagiarism would have potentially gained him a qualification he was neither entitled to have, nor which had been achieved on his own merit. The Panel therefore considered Mr. Scott's conduct to be extremely serious and certainly sufficient that it rendered him liable to disciplinary action.

Sanction

27. The Panel next turned to consider sanction.

Submissions

28. Both advocates put a number of cases before the Panel in order to assist it with the sanction process. Whilst the Panel was assisted by the submissions of both parties it derived relatively little assistance from the cases, all of which were cases that were either decided in other jurisdictions, or were fact specific.
29. On behalf of RICS, Mr. Geering made no positive submission as to the necessary sanction. He submitted that the Panel should adopt a proportionate approach and commended the Sanctions Policy to the Panel. In so doing he took the Panel to the parts of the guidance concerning dishonesty and submitted that such cases come towards the top end of the range of seriousness. Mr. Geering submitted that cases involving dishonesty inevitably require a balance between the public interest in upholding standards and public confidence in the profession, whilst balancing that against the interests of the particular Member. Usually, he submitted, the balance comes down in favour of the public.
30. Mr. Geering submitted in SRA cases, absent exceptional circumstances, dishonesty would result in expulsion from the profession and that by analogy it should be treated equally as seriously across the professions.

31. Mr. Geering further submitted that Mr. Scott's conduct disclosed a serious case of dishonesty which was towards the upper end of seriousness. He had sought a qualification he didn't have the skills or knowledge for. There was therefore a risk the public would rely on Mr. Scott displaying skills he did not possess. The plagiarism concerned, amongst other things, fire performance risk, fire hazards and the fundamental safety of buildings which raised real concerns for public protection.
32. Mr. Geering submitted that Mr. Scott's decision to cheat had been a premeditated one, in which he had sought out Ms. Potterton and her report and showed a significant degree of pre-planning. Whilst Mr. Geering accepted Mr. Scott had admitted the allegation and should therefore receive some credit for doing so, he submitted those admissions had initially been based on a misleading account of how he came by the report, that sought to minimise his misconduct. Further, the admissions had been retracted before being made afresh, which cast significant doubt on the extent of Mr. Scott's insight and honestly held contrition.
33. [REDACTED]
34. [REDACTED]
35. Mr. Geering further submitted that there was no evidence before the Panel of insight or of any basis for showing how Mr. Scott had addressed remediation of his conduct. There was therefore no basis for asserting there was a lower risk of repetition than had been the case at the time of the proven allegation. Nor had Mr. Scott shown any acknowledgement of the abuse of Ms. Potterton's trust his conduct had exhibited. He had not apologised to her. Whilst Mr. Geering noted some evidence of remorse, it was accompanied by no evidence of reflection or learning.
36. In relation to mitigating factors, Mr. Geering submitted Mr. Scott's good character should be taken into account, as well as the testimonials and references provided on his behalf. There was, Mr. Geering acknowledged, no criticism of Mr. Scott's client facing work.
37. In relation to publicity, Mr. Geering invited the Panel to make an order for publicity. Mr. Geering submitted there were no exceptional circumstances in this case that warranted departure from the normal order, although any such publicity should of course take account of the privacy measures in place.

38. In relation to costs, Mr. Geering made an application for costs in the sum of £9,310.00.
39. On behalf of Mr. Scott, Mr. Beaumont accepted that Mr. Scott had committed an act of dishonest plagiarism and that in some circumstances such conduct would merit expulsion. However, he submitted there were unique circumstances in his case that meant such a course was not the necessary sanction.
40. Mr. Beaumont distinguished the sanctions regime at the SRA from the RICS sanction regime and noted that whilst the former required exceptional circumstances to be found in order to avoid expulsion in cases of dishonesty, the RICS guidance referred to extenuating circumstances. This was, Mr. Beaumont submitted, a lower bar.
41. The central question, Mr. Beaumont submitted was, “why did someone with so much to lose step from the pathway of propriety when he had no record of misconduct whatsoever.” In so submitting, he took the Panel to the character references and testimonials provided on behalf of Mr. Scott, which he submitted demonstrated that he was an exemplary professional in excellent standing.
42. [REDACTED]
43. Mr. Beaumont further submitted that Mr. Scott was clear in his instructions that this conduct would never be repeated and that he was painfully aware that all his hard work to become a chartered surveyor had been imperiled by his onward action and that Mr. Scott wished to apologise publicly.
44. Mr. Beaumont submitted that this was a single isolated incident of dishonest conduct in an otherwise unblemished career, that Mr. Scott was a diligent practitioner and a competent surveyor and that this was not dishonesty in his client facing work.
45. Mr. Beaumont further submitted that Mr. Scott had a young family and that whilst a severe sanction was inevitable it could and should stop short of expulsion. Instead, he submitted, Mr. Scott should be fined £25,000, a sum he asserted would be raised by Mr. Scott remortgaging his home or obtaining a loan from his family.
46. A fine, Mr. Beaumont submitted, would meet the needs in this case.

47. In answer to Panel questions Mr. Beaumont submitted that Mr. Scott was assisted in the management of his professional time by his immediate superior Mr. Lee, who has administered a plan to manage Mr. Scott's workload. That involves them meeting weekly to undertake the necessary planning together. There are occasions when Mr. Scott runs out of time in relation to client matters, but that is managed by communication with clients. Mr. Beaumont disassociated himself and Mr. Scott from comments made by Mr. Scott's father in correspondence with RICS.

Legal Advice

48. The Panel received and accepted the advice of the Legal Adviser. The Panel was advised that in considering sanction there is no burden or standard of proof. The question of sanction is a matter for the Panel's judgment. The Panel was advised that having found liability to disciplinary action, it was required to consider what if any sanction to impose. It was advised that the purpose of sanctions is not to be punitive but to protect the public and the public interest in the wider sense, namely, to maintain public confidence in the profession and to declare and uphold standards.
49. The Panel was reminded that in deciding upon sanction it should have regard to the Sanctions policy, and apply the principle of proportionality, weighing the interests of the public with those of the Member and taking the minimum action necessary to protect the public and the wider public interest.
50. On invitation from Mr. Beaumont, the Legal Adviser advised the Panel that the word "extenuating" has a different dictionary definition to the word "exceptional" and that the former appears in the RICS Sanctions Policy.
51. On invitation from Mr. Geering, the Legal Adviser reminded the Panel of the difference between submissions made by advocates and evidence provided by witnesses. Submissions were not evidence and should only be adopted if they accorded with the Panel's own view of the evidence. Evidence itself was of significantly greater weight, susceptible as it was, to forensic testing through cross-examination, and whilst not all evidence might be accepted, it should be given such weight as the Panel saw fit.

Determination on Sanction

52. The Panel began by identifying the aggravating and mitigating factors present. In relation to aggravating factors the Panel determined that Mr. Scott's conduct had involved wrongdoing, dishonesty and showed a lack of integrity, and was clearly intentional. Had the plagiarism not been detected, Mr. Scott would likely have gained a qualification to which he was not entitled. In turn that would have represented a real risk to the public who put faith in his skills and qualifications to undertake the specific role(s) he was appointed to. Mr. Scott is an experienced chartered surveyor. Whilst all chartered surveyors must be expected to behave honestly and with integrity, it was particularly concerning to note that someone who has been a member of RICS for 10 years had behaved in such a dishonest fashion.

53. The Panel further noted the length of time over which Mr. Scott had conducted a premeditated attempt to cheat. This was not a one-off 'moment of madness' but an intentional and prolonged passage of conduct lasting a number of days in January 2022.
54. Whilst the Panel did not conclude that Mr. Scott had sought entirely to conceal his wrongdoing, he had sought to compound his dishonesty in misrepresenting to RICS how he came to be in possession of Ms. Potterton's report, and thereby downplay his culpability.
55. In relation to mitigating factors, the Panel considered that whilst the dishonest conduct lasted over a period of a number of days, it was conduct that had not occurred before in Mr. Scott's professional life and had not occurred since. The Panel took into account several testimonials attesting to Mr. Scott's character and otherwise positive contribution to the profession. Mr. Scott had shown some remorse, and had admitted his wrongdoing, although the extent to which that was a genuine admission in light of his change of position during the investigation, was of considerable concern such that the Panel felt unable to attach as much weight to the admission as might otherwise have been the case.
56. The Panel noted this was a single instance of cheating, which although serious had not been repeated in other examinations. The Panel had regard to the fact there was also no evidence of dishonesty or lack of integrity in Mr. Scott's dealings with clients. The Panel further noted that Mr. Scott had been cooperative with RICS throughout the investigation, albeit not always fulsome in his candor and responses. The Panel noted the personal pressures of divorce and financial issues he was struggling with at the time. The Panel bore in mind the effect on his family of any sanction imposed upon Mr. Scott.

57. [REDACTED]

58. [REDACTED]

59. The Panel then turned to consider the available sanctions in turn. It concluded that the sanction of caution or reprimand was wholly insufficient to reflect the gravity of Mr. Scott's behaviour or sufficient to protect the public and safeguard the wider public interest.
60. The Panel next considered the imposition of a fine. The Panel considered the supplement to the Sanctions Policy and noted that fines may be of an unlimited amount per breach, although it noted that any fine imposed must be proportionate. It also noted the submissions made by Mr. Beaumont of a high level of fine. The Panel therefore considered the level of fine that was necessary in order to uphold public confidence and maintain and declare standards. A low or nominal fine, the Panel concluded would be insufficient to protect that public interest. The Panel determined that a significant fine would have the effect of maintaining and upholding standards and sending out a clear message to the profession and the public alike, which would in turn serve to uphold public confidence in the profession and the Regulatory process. However, the Panel did not consider that the imposition of a financial penalty, however large, would be sufficient in and of itself to adequately mitigate the risk of repetition and thereby protect the public.
61. Whilst the Panel noted Mr. Beaumont's submissions that Mr. Scott had achieved insight, the Panel had before it no evidence of any sort attesting to Mr. Scott's insight, reflection or remediation. Even those submissions made on his behalf could only assert measures taken by Mr. Lee to assist Mr. Scott, rather than any pro-active attempts by Mr. Scott to properly engage with his identified failings. This was of grave concern to the Panel and means absent real and profound learning on Mr. Scott's part, the risk of repetition remains a significant one.
62. The Panel therefore turned to consider whether workable conditions could be formulated to meet the overarching need to protect the public. In so considering, the Panel determined that given Mr. Scott had shown very little demonstrable insight to date, save for expressing his remorse, any period of conditions would have to be sufficiently long to enable him to develop such insight. The period of conditions would necessarily have to be carefully managed to ensure Mr. Scott is supported in his learning journey and that in the meantime there are sufficient safeguards to prevent or ensure early detection of the repetition of conduct that might pose a risk to the public.
63. Having identified the deficiencies in Mr. Scott's insight, the Panel determined that by reason of the very particular circumstances of this case as distinct from other cases involving dishonesty, a set of workable conditions could be assembled so that Mr. Scott could remain a Member of RICS whilst also ensuring protection of the public and the wider public interest.
64. In so determining the Panel did go on to consider whether expulsion was a necessary and proportionate sanction and concluded that whilst it was an extremely fine judgment, it was able to impose conditions to meet the needs given the particular circumstances of this case.
65. *The panel considered that the sanctions identified in these particular circumstances were the least restrictive form of sanctions necessary to protect the public and the wider public interest.*
66. The Panel therefore concluded that Mr. Scott should pay a fine of £25,000 to reflect the seriousness of his conduct, and be subject to the following conditions for a period of five years:

Your Membership will be subject to the following conditions of practice for a period of 5 years:

1. You must allow RICS to exchange information with any person involved in monitoring your compliance with these conditions.
2. You must personally ensure RICS is notified of any role to which you are appointed and for which RICS membership is required, before starting it.
3. You must inform your employer of these conditions within 7 days of them taking effect.
4. You must inform any future employer of these conditions when accepting a role for which you are required to have RICS membership.
5. At any time you are employed or providing chartered surveying services which require you to be a member of RICS you must place yourself and remain under the supervision of a workplace supervisor, nominated by you and agreed by RICS.
6. You must personally ensure your workplace supervisor provides reports to RICS at 6 monthly intervals addressing the management of your workload, planning your work, and time management.
7. You must attend and provide confirmation of satisfactory completion of a RICS approved course on professional ethics within 6 months of the effective date of these conditions.
8. [REDACTED]
9. During the currency of these conditions any breach shall be brought before the Disciplinary Tribunal who may impose further conditions and/or any other sanction it considers necessary.
10. These conditions will be subject to review shortly before the end of the period. One month prior to that review you must provide RICS and the Reviewing Panel with a reflective piece which should address the insight you have developed over the period, concerning the dishonesty and integrity issues identified in this case and more widely, particularly in terms of the effect of a lack of integrity and probity on the public and the profession.
11. Upon review, the Reviewing Panel may revoke the order of conditions, may impose a further order of conditions or impose any other sanction it considers necessary in all the circumstances. Any further order will be for a period specified by the Reviewing Panel.

Costs

67. The Panel noted the costs application from RICS in the sum of £9,310.00 and considered the relevant supplement to the Sanctions Policy. The Panel considered the Schedule of Costs, and also the Statement of Means provided by Mr. Scott. The Panel noted that Mr. Scott did not seek to resist a costs order in the full amount. In the circumstances the Panel determined to make an order for the full costs of £9,310.00.

Publicity

68. The Panel noted there is a presumption in favour of publicity. The Panel was mindful of the importance of publication in maintaining public confidence in the profession and declaring and upholding standards. In the absence of any factors indicating publicity was not appropriate, the Panel determined to make an order for publicity in accordance with the publication policy save that any mention of Mr. Scott's health condition should be omitted from that publicity.