



ROYAL INSTITUTION OF CHARTERED SURVEYORS

Disciplinary Hearing

Case of

Nader AsadPoor [6853147]

On

Tuesday 29 April 2025

Held on the papers remotely via Microsoft Teams

Panel

Jane Bishop (Lay Chair)

Amit Jinabhai (Lay)

Andrew McFarlane (FRICS)

Legal Adviser

Margaret Obi

Tribunal Executive

Jae Berry

Background

1. This case was referred to a Disciplinary Panel for a hearing to consider an allegation against Mr AsadPoor relating to his Assessment of Professional Competence (APC). Mr AsadPoor was an APC candidate on 23 March 2021. At the point a person registers as an APC candidate, they agree to comply with RICS Rules and Professional Standards, including Byelaws and Rules of Conduct for Members.
2. It is alleged that Mr AsadPoor submitted his APC preliminary review assessment documentation as his own work when he knew that one or more of the sections listed in Appendix A were substantially the same as other published works. By so doing he acted both dishonestly and without the level of integrity required of a member of RICS. It is additionally alleged that the case study submitted as part of his APC, relating to 146-158 Kensington High Street, was fictitious and Mr AsadPoor dishonestly presented it to RICS as genuine works undertaken by himself.
3. RICS received Mr AsadPoor's APC preliminary assessment documentation on 2 July 2021 for pre assessment checks. On 5 July 2021, Mr AsadPoor was informed that the word count in the preliminary assessment documentation had been exceeded and that he needed to rectify this prior to the panel carrying out their assessment. On or about the 13 July 2021, Mr AsadPoor submitted an edited version of his assessment documentation, and this submission was sent to the assessment panel.
4. On 5 August 2021, the lead assessor for Mr AsadPoor's preliminary review submission raised several concerns after comparing his initial and revised submissions. These included the submission being poor quality in terms of spelling, grammatical, mathematical, and drafting errors. Also, that a significant proportion of the submission had potentially been 'borrowed' from elsewhere or was fictional because the property that formed the basis of the assessment was unoccupied and advertised for lease and, as such, could not have been the subject of a lease renewal as claimed in the case study. Following this concern, the preliminary assessment was examined using plagiarism software. The results showed a high level of similarity between the submission and other published documents.

5. An investigation commenced and a comparison document was drawn up highlighting the similarities between the assessment and example RICS papers. Between 6 September 2021 and 10 February 2022, the investigator sent a number of emails and letters to Mr AsadPoor and made efforts to contact Mr AsadPoor by telephone. Mr AsadPoor did not respond to any correspondence, nor did he provide any of the information requested until 15 February 2022.
6. On 15 February 2022, Mr AsadPoor sent an email stating: *"A draft file which was for personal illustration purpose ONLY been submitted as case study by mistake. Currently I am out of town and had changed my careers field for that reason I am not interested anymore and kindly close my enrolment and case."* Katie Duffy, RICS Assessment Coordinator, states in her witness statement dated 16 January 2023, *"I have no recollection of Mr AsadPoor bringing to my attention that he had submitted the 'incorrect case study' documents during the several conversations and email exchanges I had with him."*
7. On 5 June 2023, a Head of Regulation decision was made to refer Mr AsadPoor to a Disciplinary Panel. The charges are set out below.

Charges

1. *Mr AsadPoor acted dishonestly in that he submitted his Assessment of Professional Competence (APC) preliminary review assessments on or around 13 July 2021 as his own work when he knew that one or more of the sections listed in Appendix A were substantially the same as other published works, predominantly those relating to Example RICS APC assessment papers available on the RICS website and the internet.*

Contrary to Rule 3 of the RICS Rules of Conduct for Members 2020 Nader AsadPoor is therefore liable to disciplinary action under RICS Bye-law 5.2.2 (c).

2. *On or around 13 July 2021, Mr AsadPoor acted dishonestly by submitting to RICS an Assessment of Professional Competence containing a fictitious case study regarding a lease renewal of a ground floor retail unit at 146-158 Kensington High Street.*

Contrary to Rule 3 of the RICS Rules of Conduct for Members 2020 Nader AsadPoor is therefore liable to disciplinary action under RICS Bye-law 5.2.2 (c).

3. *Mr AsadPoor failed to act with integrity when completing and submitting his Assessment of Professional Competence (APC) preliminary review assessment on or around 13 July 2021 in that he submitted this work as his own when he knew, or should reasonably have known, that one or more of the sections listed in Appendix A were substantially the same*

as other published works, predominantly those relating to Example RICS APC assessment papers available on the RICS website and the internet.

Contrary to Rule 3 of the Rules of Conduct for Members 2020 Mr AsadPoor is therefore liable to disciplinary action under RICS Bye-law 5.2.2 (c)

8. The Regulatory Tribunal Manager informed the Panel via email on 28 April 2025 that RICS had received information that Mr AsadPoor had passed away. The email, dated 23 April 2025, states as follows:

“I write to you in my capacity as legal representative, having today been forwarded your recent email addressed to the late Mr. Nader Asadpoor by his widow.

Please be advised that Mr. Asadpoor tragically passed away over a year ago. His widow remains in a state of bereavement and distress, and I must express my concern regarding the continued correspondence directed towards her in relation to this matter.

...

I must formally request that all such communications cease immediately. Any further contact of this nature may be regarded as undue harassment and could lead to further legal recourse.

Please update your records accordingly to reflect the passing of Mr. Asadpoor and refrain from causing additional distress to his grieving widow.”

9. Although the death of Mr AsadPoor could not be confirmed it was clear that he would not be attending today’s hearing. In these circumstances, RICS requested that the Panel consider the matter on the papers in accordance with Regulation 67(c) of the RICS Regulatory Tribunal Rules (version 1) in the absence of both parties. The Panel acceded to this request on 28 April 2025.

Preliminary Matters

Adjournment

10. The Panel accepted the advice of the Legal Adviser and considered of its own volition whether, in light of the information that had been received regarding Mr AsadPoor’s death, the case should be adjourned to enable enquiries to be made and for formal confirmation to be obtained. Disciplinary and regulatory proceedings are quasi-judicial in character and must

adhere to principles of fairness, due process, and procedural propriety. Proceeding with a hearing in circumstances where there was credible evidence that the relevant person was deceased would not only breach those principles but may also call into question the validity and legitimacy of any findings or sanctions imposed.

11. The Panel first considered whether the information provided was credible. It noted that no official documentation had been provided by the legal representative (such as a death certificate, confirmation from a public register or communication from an estate executor) to support the assertion that Mr AsadPoor was deceased. Furthermore, the email from the legal representative was from a Gmail account rather than an official account and no detail was provided which would enable RICS to make timely enquiries such as the date, location and circumstances of Mr AsadPoor's death.
12. In light of the above, the Panel concluded that the information provided was not credible and therefore it determined that it would not be appropriate to adjourn the proceedings.

Service/proceeding in absence

13. The Panel accepted the advice of the Legal Adviser.
14. The Panel was provided with a copy of the Notice of Hearing, dated 20 February 2025, which confirmed that the hearing would be taking place remotely via Teams on 29 April 2025. The Notice of Hearing included the Regulatory Tribunal Rules v1 2020 ("the Rules"), the Rules of Conduct of Members (2 March 2020), Byelaws and the Sanctions Policy documents. The Notice of Hearing stated that if Mr AsadPoor did not attend, the Disciplinary Panel may proceed with the hearing in his absence. Under separate cover on the same date (20 February 2025) Mr AsadPoor was provided with a copy of the charge sheet and the evidence upon which RICS intended to rely.
15. In these circumstances, the Panel was satisfied that Mr AsadPoor had been provided with reasonable notice of the hearing in accordance with Rule 53(b)(i) of the Rules.

Findings of Fact

16. In reaching its decision the Panel considered the documentary evidence contained within the hearing bundle. The Panel accepted the advice of the Legal Adviser which included reference to the applicable burden and standard of proof. The Panel was aware that the burden of proving the facts was on RICS and Mr AsadPoor did not have to prove or disprove anything.

Charge 1

*“...acted dishonestly in that he submitted his Assessment of Professional Competence (APC) preliminary review assessments on or around 13 July 2021 as his own work...” – **Found Proved***

17. RICS relied on the evidence from the plagiarism software (Turnitin) which showed an overall similarity index of 90%. The primary source of similarity related to example papers that were available on RICS’ website. The Turnitin report identified a similarity index of 70% to such papers. In essence, Mr AsadPoor was accused of cheating, which is one of the most serious types of misconduct relevant to a member undertaking professional assessments.
18. The Panel noted that to some extent the similarity between Mr AsadPoor’s APC and other documents could be attributed to following the template that he had been provided with. However, the comparison document, provides a forensic analysis of Mr AsadPoor’s APC and other published works, predominantly those relating to assessment papers available on RICS’ website and the internet. Mr AsadPoor had changed the dates and locations, but the structure, style and other content of his submission was substantially similar to the published papers.
19. Mr AsadPoor did not dispute that he drafted his APC submission. He states that the document was submitted in error. However, he resubmitted an edited version of the same assessment when it was brought to his attention that he had exceeded the word limit.
20. The Panel concluded that Mr AsadPoor must have known that he had plagiarised the content of his APC submission from published sources. The Panel was satisfied that the only reasonable inference to be drawn from this action was that Mr AsadPoor intended to

pass the submission off as his own work. The Panel concluded that this was a form of cheating and that he intended to mislead an Assessor into thinking that the assessment met the APC criteria. The Panel, having found that Mr AsadPoor sought to mislead the Assessor, had no hesitation in concluding that this was dishonest by the standards of ordinary decent people. Mr AsadPoor knew that he was not permitted to plagiarise the work of others but chose to do so in an attempt to circumvent the assessment process.

Charge 2

“...acted dishonestly by submitting to RICS an Assessment of Professional Competence containing a fictitious case study...” – Found Proved

21. The Lead Assessor raised a number of concerns with regard to Mr AsadPoor's case study including a concern that it related to a fictitious property.
22. The property concerned was 146-158 Kensington High Street, W8. Mr AsadPoor states that *'N&S Group (UK) Ltd was instructed 'to negotiate a lease renewal of a ground floor retail unit at 146-158 Kensington High Street, W8' ('the Property')*. However, according to Companies House records N&S Group Limited was incorporated on 9 October 2018 and dissolved on 6 October 2020. Mr AsadPoor was the sole director throughout the company's existence. Mr AsadPoor stated in his case study that *'The Property was originally let in 15th March 1992 on a 25 year lease to XXX before it was assigned to Mia Mia (Fashion & Designs) Limited on 8nd (sic) June 2006...Mia Mia is in occupation of the Property...'* There is no record on Companies House of Mia Mia (Fashion & designs) Limited. Mr AsadPoor also stated: *'I was instructed in July 2019...'* but goes on to state: *'I inspected and measured the Property with my Supervisor on June 2019...The front elevation has a modern shop front and internally the unit was open plan with the tenant's typical fixtures and fittings.'* The Lead Assessor noted that Google maps images show that in 2008 Tesco Metro occupied 146-158 Kensington High Street. Tesco Metro was still occupying the premises in May 2015 but by August 2016 the premises was vacant.
23. Furthermore, Mr AsadPoor claimed that the property, when inspected in June 2019, contained *'the tenants typical fixtures and fittings'*. Google images from October 2018 suggest otherwise

as they show the premises with black hoardings with a To Let sign and in July 2019, there was a large To Let sign in the window. The Assessor also noted that in relation to the location of the premises Mr AsadPoor stated in his case study that “*The property is located in Situated in a prime location in Kensington adjoining an 11,000 sq ft Decathlon store and a new Robert Dyas store* (sic).” This wording is identical to that contained in the marketing brochure advertising the premises To Let in 2019.

24. The Panel was satisfied that the various inconsistencies between the information within Mr AsadPoor’s case study and the information from open-source material, was sufficient to demonstrate that the case study was fictitious. The Panel was satisfied that the only reasonable inference to be drawn from this action was that Mr AsadPoor intended to pass the case study off as genuine in an attempt to mislead the Assessor. The Panel had no hesitation in concluding that this was dishonest by the standards of ordinary decent people. Mr AsadPoor knew that he was required to submit a genuine case study but chose not to do so in an attempt to circumvent the assessment process.

Charge 3

*“...failed to act with integrity when completing and submitting his Assessment of Professional Competence (APC) preliminary review assessment on or around 13 July 2021...” – **Found Proved***

25. The Panel took into account its finding in relation to Charge 1. Having concluded that Mr AsadPoor had acted dishonestly in submitting his APC assessment, it also concluded that he had failed to act with integrity.

Liability to Disciplinary Action

26. The Panel was mindful that by falsifying APC submissions individuals who lack the necessary experience and competence may still progress to the final assessment interview and potentially gain RICS Membership, thereby presenting themselves as having met a standard they have not genuinely attained. If assessment standards are not maintained, public trust and confidence in RICS membership cannot be upheld.

27. The Panel was satisfied that Mr AsadPoor's dishonest actions and lack of integrity amounted to a serious falling short of his professional duties and the high standards expected of RICS members. It was Mr AsadPoor's responsibility to ensure that he was aware of the Rules and that he complied with them. The Panel concluded that Mr AsadPoor's acts and omissions demonstrated a lack of judgment and had the potential to seriously undermine public trust in the profession and the regulatory process.

28. The Panel concluded that in these circumstances, Mr AsadPoor is liable to disciplinary action, both to ensure accountability and to reinforce the high standards expected of all RICS members.

Sanction

29. The Panel bore in mind that the purpose of sanctions is not to be punitive, although they may have that effect. The purpose is to protect the public, to declare and uphold the standards of the profession, to safeguard the reputation of the profession and that of RICS as its regulator and to deter members from future non-compliance. Sanctions must be proportionate and considered in order of severity, starting with the least restrictive until a sanction, or range of sanctions, which meets the public interest has been reached.

30. As there has been no meaningful engagement from Mr AsadPoor the Panel was unable to identify any mitigating factors. The Panel noted that Mr AsadPoor has no adverse disciplinary history but concluded that this feature could not be properly described as mitigation given the high standards expected of RICS members.

31. The Panel considered the following to be aggravating features:

- Mr AsadPoor has not demonstrated any remorse or insight into the seriousness of his conduct or the impact of his behaviour on the profession.
- The nature and content of his APC submission demonstrates premeditation and planning.
- His dishonest behaviour was carried out for his own personal benefit.

No Action

32. The Panel first considered taking no further action. The Panel concluded that, in view of the nature and seriousness of Mr AsadPoor's conduct and behaviour, and the absence of any exceptional circumstances, it would not be in the public interest to take no further action.

Caution

33. The Panel then considered a Caution. The Panel noted that Mr AsadPoor's conduct was an isolated incident. However, submitting a plagiarised APC was deliberate and Mr AsadPoor has not demonstrated any remorse or insight. In the absence of any insight the Panel could not be reassured that the dishonesty would not be repeated. In any event, the Panel concluded that a Caution would be insufficient to mark the seriousness of Mr AsadPoor's disregard of his obligation to comply with RICS' Byelaws and therefore would not uphold trust and confidence in the profession and the regulatory process.

Reprimand

34. The Panel went on to consider a Reprimand. It noted that such a sanction may be appropriate where there has been or there is a risk of harm. The Panel concluded that there was a risk of reputational damage to RICS's assessment process. However, the Panel concluded the risk of potential harm was so serious that it required more than a formal admonishment to declare and re-affirm the standards expected of members. The Panel also concluded that a Reprimand would not send a clear message to the wider profession about the standards of conduct expected and would therefore be insufficient to maintain and uphold public trust and confidence in the profession and the regulatory process.

Financial Penalty

35. The Panel went on to consider whether a fine should be imposed. The Panel concluded that a financial penalty alone would be purely punitive and would not adequately address the Panel's concern regarding public protection and public trust and confidence in the profession. The Panel also concluded that even in combination with another sanction it would not

adequately address the Panel's concern regarding public trust and confidence in the profession.

Conditions or Undertakings

36. The Panel next considered whether conditions or undertakings should be imposed on Mr AsadPoor's membership. The Panel concluded that it could have no confidence that Mr AsadPoor would comply with conditions or undertakings, even if suitable conditions or undertakings could be formulated, given that pre-existing obligations were flagrantly breached. The Panel noted that Mr AsadPoor had proved difficult to regulate and, in the absence of meaningful insight, there was no indication that this had changed.

Expulsion

37. The Panel determined that Mr AsadPoor should be expelled from RICS membership. Expulsion is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public or the wider public interest. The Panel concluded that Mr AsadPoor's case falls into this category because his dishonest conduct represents a very serious departure from the standard expected and demonstrates a lack of appreciation of the importance of preserving the integrity of the assessment process. The Panel took the view that expulsion is justified and proportionate in this case in order to maintain public trust and confidence in the surveyors' profession and RICS as a regulator.

38. The Panel was mindful that expulsion may have negative reputational consequences for Mr AsadPoor. However, the Panel considered that Mr AsadPoor's interests were significantly outweighed by the need to protect the public, and the wider public interest.

39. Accordingly, the Panel decided that the appropriate and proportionate sanction is expulsion.

Publication and Costs

Publication

40. The Panel noted that it is usual for decisions to be posted on the RICS website. The Panel was unable to identify any reason for departing from normal practice in this case. Part of the role of the Panel is to uphold the reputation of the profession, and publication of its decisions is an essential part of that role.

41. The Panel orders that this decision is published on RICS' website.

Costs

42. The Panel carefully considered whether to make an award of costs. It was satisfied that the case had been properly brought, and that costs should be awarded otherwise the financial burden of bringing this case would fall on the profession as a whole. The Panel noted that Mr AsadPoor did not take the opportunity to make admissions or narrow the issues at an early stage of these proceedings which is likely to have reduced the preparation time that was required.

43. Accordingly, the Panel ordered Mr AsadPoor to pay the RICS costs in the sum of £1,282.50.