Disciplinary Panel Hearing

Case of

John CHOI

On

Tuesday 15 September 2026

At

By Video conference

Panel

Niru Uddin (Chair, Lay)

Joan Waweru MRICS (Surveyor Member)

Victoria Thornes (Lay Member)

Legal Advisor

Chris Hamlet

RICS Representative

Hugh O'Brien Quinn

Registrant Representative

Not present and not represented

Tribunal Executive

Maria Choudhury-Rahman

The formal charges are:

1. The charges against Mr Choi are as follows:

Between 1 January 2024 and 1 February 2025, you have failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that you have not yet completed and/or recorded, or caused to be recorded, at least 20 hours of CPD on the RICS CPD portal.

Contrary to Rule 1 of the Rules of Conduct effective from 2 February 2022

Mr Choi is therefore liable to disciplinary action under Bye-law 5.2.2 (c)

Proceeding in absence:

2. The Panel convened to consider whether to proceed with the hearing in Mr Choi's absence. It considered a statement from Ms Maria Choudhury-Rahman dated 10 September 2026 in which she confirmed that on 2 July 2026, Mr Choi was served notice of the Hearing by email in accordance with Rule 53 of the Regulatory Tribunal Rules.

3. The Panel also considered a written application by Mr O'Brien Quinn, on behalf of RICS, dated 11 September 2026, to proceed in Mr Choi's absence, together with a correspondence bundle of 14 pages.

4. The Panel noted in particular that on 6 March 2026, Mr Choi responded to an email notifying him that his case had been referred to a Single Member of the Regulatory Tribunal by stating:

   "I had uploaded my CPD. Please accept my apology for late reply."

5. He further responded on the same day to the notification that a decision had been determined by that Single Member by stating:
   "I confirm to reject the decision."

6. Mr Choi did not respond to further correspondence from RICS regarding this hearing, sent to the same email address from which his responses were received, on 17 March, 22 June, 25 June, 2 July, or 19 August. It noted that Ms Choudhury-Rahman attempted to telephone Mr Choi on the two numbers registered on his RICS record.

7. The Panel was directed by the Legal Advisor to Rule 53 of the Rules regarding the requirements for Notice of this hearing and to Rule 81 of the Rules, which provides:

"… a Panel may proceed in the absence of the Regulated Member or Applicant provided it is satisfied that relevant notification as required by these Rules has been given and the Panel is satisfied that it is appropriate to do so, having considered the public interest and the rights of the parties."

8. The Panel was also directed to the cases of *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162 *R v Jones (Anthony) [2003] AC 1, HL and* ***Tsolo v NMC*** *[2025] EWHC 2324 (Admin)*. It was advised that a decision to proceed in the absence of the member is one to be exercised with caution, taking account of the features of the case and the reason(s) for the absence. It was reminded that there is an obligation on professional members to maintain an effective address for correspondence and to cooperate with their regulators. The Regulator is required to make reasonable efforts to ensure members are aware of the hearing – not every conceivable effort.

9. In respect of proceeding in absence, the Panel was advised that key factors to consider include:

    - Any reason for the absence

- Whether the absence is voluntary or the product of an intervening factor beyond their control
- The impact of an adjournment on the case, including on any witnesses
- Whether the hearing can be heard fairly in the absence of the member
- Whether an adjournment would secure the attendance of the member at a later date
- The length and effect of a delay
- The nature of the allegations and urgency in determining the issues

10. The Panel considered the following features to be relevant to its determination:

- Mr Choi had confirmed, by responding to RICS on 6 March 2026, that his registered email address was effective;
- RICS had made repeated efforts to contact him thereafter by email and telephone;
- Whilst Mr Choi had indicated that he rejected the Single Member decision, he had given no indication of his position on the charges, or the evidence, nor whether he wished to engage with the proceedings at this juncture or at some future occasion.

11. The Panel was satisfied that Mr Choi was aware of the proceedings generally, was likely to be aware of this specific hearing and he had made a decision not to engage with it. It further considered that no substantive unfairness arose as a product of proceeding in his absence.

12. Accordingly, the Panel directed that it was appropriate to proceed in Mr Choi's absence.

Factual Background

13. The Panel was referred to a Case Summary, produced on behalf of RICS, which set out a chronology of events and referred to relevant material within a 35-page bundle.

14. Mr Choi, who is based in Hong Kong, qualified as a professional member of RICS on 25 November 2004. All Members are required to undertake a minimum of 20 hours of Continuing Professional Development (CPD) each calendar year, of which at least 10 hours must be formal CPD. The activity must be recorded with RICS by 31 January of the following year.

15. The Panel was informed that by 31 January 2025, Mr Choi had recorded no hours of CPD for the calendar year 1 January 2024 to 31 December 2024 (the "2024 CPD period").

16. Mr O'Brien Quinn submitted on behalf of RICS that Mr Choi had been sent reminders of the CPD requirements on 13 November 2024 and 11 December 2024 and four further reminders were sent between 15 January and 12 March 2025. He highlighted that Mr Choi did not have a concession or exemption from the usual CPD requirements. He reminded the Panel that it is the Member's responsibility to ensure they complete and record the requisite CPD activity.

17. The Panel noted Mr Choi's email of 6 March 2026 in which he asserted that he had, in fact, uploaded his CPD. However, the records submitted to the Panel showed that Mr Choi had uploaded CPD concerning activity in 2025, not the 2024 calendar year to which the allegation relates.

18. No correspondence had been received from Mr Choi since 6 March 2026.

Law

19. The Legal Advisor reminded the Panel that the burden of proving disputed allegations rests with RICS. The standard of proof is the civil standard.

20. The Panel was advised that it should take account of all material produced in the case, that is, in the bundle produced by RICS, as well as the correspondence from the Member.

21. In this instance, it is a straightforward question of whether, as a fact, the Panel is satisfied that Mr Choi did, or did not, comply with the requirements to complete and/or record at least 20 hours of CPD for the period 1 January 2024 and 1 February 2025.

22. RICS rely on the absence of any *recorded* CPD activity over that period, rather than positive evidence that he did not complete it.

Panel Determination on Facts

23. The Panel carefully considered the allegation as framed by RICS. It was satisfied on the basis of the records produced that Mr Choi had not recorded any CPD for the 2024 CPD Period covered by this allegation.

24. As to the question of whether Mr Choi *completed* the CPD but simply failed to record it, the Panel noted that he had successfully recorded CPD hours in previous years and that he had uploaded CPD for the 2025 year. The process was accordingly familiar to him.

25. The Panel further observed that though Mr Choi had corresponded with RICS about this issue, albeit briefly, he had not provided any indication that he had had difficulties in uploading CPD activity for the 2024 CPD Period by way of any explanation.

26. The Panel inferred that the reason for this was that Mr Choi had not in fact completed any CPD activity over the 2024 CPD Period.

27. Accordingly, the Panel was satisfied that the charge was proved on the basis that Mr Choi did not complete, nor did he record, at least 20 hours of CPD on the RICS CPD Portal for the 2024 CPD Period, as alleged.

Liability to Disciplinary Action

28. The Panel was advised that having found the allegation proved, it should consider whether the conduct was of a nature and seriousness that warrants formal action on membership. Account should be taken of the Member's response to the allegations since they arose, including any steps taken to remedy the conduct.

29. The Panel was referred by the Case Presenter to Bye-Law 5.2.2(c). It was reminded that the completion and recording of CPD is a core professional obligation.

30. The Panel was further told that this was the third occasion that Mr Choi has failed to complete and/or record CPD in accordance with his professional obligations in the last ten years. It was referred to RICS' Sanctions Policy version 9 which emphasises the importance placed by RICS on the need to comply with CPD requirements and that a third breach carries a presumption of expulsion. It was submitted that the third breach here easily passes the threshold for liability to disciplinary action.

31. The Panel considered that the completion of CPD is a core requirement of members. CPD requirements are important. They are in place to ensure that members of the profession stay up to date with their professional obligations, which in turn serve to protect the public. It noted that Mr Choi has given no explanation for the failure, nor

has he given any indication that he acknowledges the failure and understands its seriousness.

32. Accordingly, the Panel was satisfied that the failure by the Member in this instance was sufficiently serious to warrant disciplinary action.

Sanction

33. The Panel was directed by the Legal Advisor to the Sanctions Policy, Version 9, with effect from 2 February 2022. This provides for general considerations at the sanction stage including:

    - The need to ensure any sanction is proportionate to the conduct in question
    - The need to act in the public interest rather than to punish the individual member

34. The Sanctions Policy directs that the Panel must consider aggravating and mitigating features before determining the appropriate sanction.

35. The Panel noted that there is an existing presumption of expulsion in the event of a third breach of CPD obligations within a 10-year period and it would not be appropriate to double-count that as an aggravating feature of the case.

36. The Panel observed that Mr Choi is an experienced professional of over 20 years. It considered that he understands the process and purpose of completing and recording CPD but failed to meet his obligations in this instance. It noted that he had disengaged from corresponding with RICS since 2021, with the exception of two short emails in March 2026, despite numerous attempts by RICS to contact him and alert him to the CPD requirements. It further noted that Mr Choi was given a previous caution for a breach of his CPD recording obligations, and a fine and further

caution was issued for a second breach thereafter. RICS' records show that the fine has not been paid.

37. The Panel noted that the previous cautions imposed had not served to deter Mr Choi from repeating the conduct. It was therefore concerned that there was no insight into the seriousness of his conduct.

38. The Panel further noted that Mr Choi paid his practising certificate for the year 2024/2025, which the Panel inferred reflected his intention to practice whilst knowing he had not complied with his CPD obligations.

39. The Panel considered that these factors aggravated the conduct proved.

40. In terms of mitigation, the Panel noted that aside from the previous breaches of CPD requirements, there was no other CPD history. It took account of the fact that the Member uploaded his CPD for 2025, which again reflected his knowledge of, and ability to, meet those obligations, but that did not serve to mitigate the failure to do so for the 2024 CPD Period.

41. The Panel had in mind that a finding of liability to disciplinary action did not automatically lead to a sanction but it determined, given the seriousness of the conduct proved, that a sanction was required in this instance, to protect the public, restore public confidence and uphold professional standards.

42. The Panel considered the full range of sanctions available to it as set out at Part V, paragraph 14 of the Sanctions Policy, in ascending order of seriousness:

    - Caution: The Panel noted that this is appropriate only where the breach is minor and unlikely to be repeated. By contrast, the Panel considered the present case to be a serious breach which had already been the subject of two

previous cautions. It concluded that there was a risk of repetition which a further caution was unlikely to address.

- Reprimand: Is appropriate where there has been or remains a risk of public harm. The Panel considered this sanction to be inadequate in addressing the seriousness of the breach and was unlikely to have a deterrent effect, given the history of previous cautions.

- Undertakings: The Panel observed that the Member was under an existing obligation to comply with CPD requirements and failed to do so. It considered that Undertakings were inadequate in reflecting the seriousness of the conduct found and were unlikely to ensure the Member refrains from repeating the breach given that they would simply mirror his existing professional obligations.

- Fine: The Panel noted that the Member was issued a fine for a previous breach which has not paid nor has it resulted in his compliance.

- Conditions: The Panel took the view that Conditions were neither workable nor appropriate given the seriousness of the conduct proved and the lack of engagement by Mr Choi. The Panel considered that the Member was unlikely to comply with conditions that simply mirrored his existing professional obligations and that returning the Member to practice under conditions would fail to reflect the gravity of the breach.

- Expulsion: The Panel noted the Sanctions Policy indicated that expulsion was the presumption in cases of this type. Whilst recognising that this represented the sanction of last resort, the Panel considered expulsion to be the only sanction capable of reflecting the seriousness of the successive breaches in the absence of any explanation from the Member, recognition of

its seriousness or indication that he has taken steps to prevent a recurrence. The Panel considered there was a clear imperative to restore public trust and confidence in the profession and to uphold standards of conduct that could only be met in this case with the imposition of the ultimate sanction. It could identify no reason to depart from the presumption of expulsion.

43. Accordingly, the Panel directed that Mr Choi be expelled from membership of RICS.

Costs and publication

44. The Panel was referred by the Legal Advisor to paragraph 92 of the Rules. This provides:

A Panel may make such order for costs against the Regulated Member, Applicant or RICS as it considers fair and reasonable, subject to the requirement that an estimate of costs incurred by a party will ordinarily be served on the other parties at least 24 hours before the hearing.

45. The Panel considered a Schedule of Costs submitted by RICS totalling £3,720 for the time spent in bringing the disciplinary hearing. The Member was provided with an estimate of the likely costs by email on 18 May 2026. The Panel was told that the Schedule itself was served on the Member by email on 1 September 2026. The Panel considered those costs to be fair and reasonably incurred and could identify no good reason to reduce the figure. It noted that no statement of means had been provided by Mr Choi or any other indication of his ability to pay.

46. The Panel was mindful that if it did not order the payment of costs, these would fall on the profession as a whole. It therefore concluded that it was appropriate for Mr Choi to pay the costs of bringing this case.

47. The Panel therefore orders that Mr Choi pay costs in the sum of £3,720 to RICS.

48. As regards publication, the Panel was referred to paragraph 94 of the Rules which itself referred to the RICS publication policy. The latter provides, at paragraph 3.2.1, as follows:

There is a presumption in favour of publication of Single Member Decisions and decisions of the Disciplinary and Appeal Panel.

49. Given that the vital function of these proceedings in publicly restoring trust and confidence and upholding standards in the profession, the Panel concluded that there was no good reason to depart from the presumption in favour of publication.

Appeal Period

50. Mr Choi may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with para 153 of the RICS Regulatory Tribunal Rules 2022, version 2.

51. Under Rule 167 of the Rules, the RICS' Chair of Governing Council may apply to the Appeal Panel within 28 days for a review of a finding or Regulatory Sanction if they believe it is unduly lenient.