



## **ROYAL INSTITUTION OF CHARTERED SURVEYORS**

### **Disciplinary Panel Hearing**

#### **Case of**

**Mark Zimmermann [0852067]  
Lincolnshire**

#### **On**

Wednesday 20 May 2026

#### **At**

Remotely via Microsoft Teams

#### **Panel**

Nirupar Uddin (Lay Chair)  
Jason Tucker (Lay Member)  
Joan Waweru (Surveyor Member)

#### **Legal Adviser**

Rosemary Rollason

#### **Member**

Mark Zimmermann – not present or represented

#### **RICS Representative**

Ben Rich, Counsel

#### **Tribunal Executive**

Jae Berry

## **Introduction**

The case of Mark Zimmermann (“Mr Zimmermann”) was considered by the RICS Disciplinary Panel in connection with the following allegations:-

1. Between 8 November 2023 and 30 November 2023, Mr Mark Zimmermann MRICS prepared a Level 2 survey and valuation report regarding a property in Park Road, Spalding, Lincolnshire. The report and attached Terms and Conditions contained the following assertions:
  - (a) This Home Survey – Level 2 (survey and valuation) service has been produced by a surveyor, who is a member of the RICS Valuer Registration scheme (At section A of the report) and
  - (b) The service will be provided by an AssocRICS, MRICS or FRICS member of the Royal Institution of Chartered Surveyors (RICS) who has the skills, knowledge and experience to survey and report on the property. Where the surveyor is also providing a valuation of the property, they have the skills, knowledge and experience to provide such a valuation and are a member of the RICS Valuer Registration Scheme (At paragraph 2 of the Standard Terms of Engagement at p53 of the report).

Mr Zimmermann acted dishonestly by including either or both above assertions as he was not a member of the RICS Valuer Registration Scheme and knew that he was not a member of the RICS Valuer Registration Scheme.

### **Contrary to Rule 1 of the Rules of Conduct 2021 with effect from 2 February 2022**

#### **Mr Zimmermann is therefore liable to disciplinary action under Bye-law 5.2.2(c)**

2. Between 8 November 2023 and 30 November 2023, Mr Mark Zimmermann MRICS prepared a Level 2 survey and valuation report regarding a property in Park Road, Spalding, Lincolnshire. The report and attached Terms and Conditions contained the following assertions:
  - (a) This Home Survey – Level 2 (survey and valuation) service has been produced by a surveyor, who is a member of the RICS Valuer Registration scheme (At section A of the report) and
  - (b) The service will be provided by an AssocRICS, MRICS or FRICS member of the Royal Institution of Chartered Surveyors (RICS) who has the skills, knowledge and experience to survey and report on the property. Where the surveyor is also providing a valuation of the property, they have the skills, knowledge and experience to provide

such a valuation and are a member of the RICS Valuer Registration Scheme (At paragraph 2 of the Standard Terms of Engagement at p53 of the report).

Mr Zimmermann acted without integrity by including either or both above assertions as he was not a member of the RICS Valuer Registration Scheme and knew or ought to have known that he was not a member of the RICS Valuer Registration Scheme.

**Contrary to Rule 1 of the Rules of Conduct 2021 with effect from 2 February 2022**

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

3. *(As amended at the hearing)*

Between 13 February 2025 and 28 February 2025, Mr Mark Zimmermann MRICS failed to comply with his professional obligations, in that he failed to cooperate with RICS and provide information reasonably requested from him on or after 12 February 2025.

**Contrary to Rule 1 of the Rules of Conduct 2021 with effect from 2 February 2022**

**Mr Zimmermann is therefore liable to disciplinary action under Bye-law 5.2.2(c).**

**Preliminary matters**

Proof of Service

1. The Panel had sight of a Notice of Hearing dated 10 February 2026. The Notice was sent to Mr Zimmermann by email at his preferred RICS email address in compliance with Rule 53 of the RICS Regulatory Tribunal Rules, Version 3 with effect from 14 March 2024 (“the Rules”).
2. The Panel also had sight of a confirmation of email delivery to the preferred email address on 10 February 2026 at 15.23.

3. The Panel noted that the details relating to service were confirmed in the witness statement of Ms Berry, RICS Regulatory Tribunal Manager, dated 30 April 2026 and the exhibits thereto.
4. The Panel was made aware that when the Notice of Hearing was sent to Mr Zimmermann under Rule 53 of the Rules, an incorrect edition of the Rules was sent to him. When this was noted, the correct Rules, namely Version 3 with effect from 14 March 2024, was sent to him shortly before the hearing date. The Panel was satisfied that the content of the relevant parts of the Rules applicable to this hearing did not vary between the two versions of the Rules and that no prejudice was caused to Mr Zimmermann by the error. The Panel did not consider that this matter should lead it to conclude that effective service in accordance with the Rules had not been made.
5. The Panel concluded that good service of notice of the hearing had been made in accordance with Rule 53 of the Rules.

#### Application to proceed in absence

6. Mr Rich, on behalf of RICS, made an application for the Panel to proceed in the absence of Mr Zimmermann in accordance with Rule 81 of the Rules.
7. The Panel considered the submissions and accepted the advice of the Legal Adviser in deciding whether to exercise its discretion to proceed in absence. The Panel was mindful that this discretion should be exercised with the utmost caution and with the fairness of the proceedings at the forefront of its mind. The Panel considered the factors drawn to its attention from the relevant case law authorities.
8. Mr Zimmermann has not responded to the Notice of Hearing and has not engaged at all with these proceedings. Having reviewed the hearing documentation, including the additional correspondence bundle, the Panel noted that RICS had made extensive efforts to engage with Mr Zimmermann by e-mail, letter and telephone. Mr Zimmermann has not responded to any of these communications. He has not contacted RICS nor requested an adjournment, nor indicated that he is unable to participate in the hearing today for any reason.

9. In the circumstances, the Panel concluded that Mr Zimmermann has waived his right to attend this hearing and has voluntarily absented himself. There is no indication that he would attend on a future date if the matter were adjourned today and therefore an adjournment would serve no useful purpose.
10. The Panel was mindful of the general public interest that a hearing should take place within a reasonable time and that regulatory allegations should be resolved as expeditiously as possible.
11. The Panel considered that there would be some disadvantage to Mr Zimmermann in not being in attendance to present a defence at this hearing. However, a Member cannot be compelled to attend a hearing if they do not wish to do so. The Panel was satisfied that it could ensure that the hearing is as fair as circumstances permit in Mr Zimmermann's absence.
12. In all the circumstances, the Panel decided it was fair and in the public interest for this hearing to proceed today.

Application to amend Allegation 3

13. Mr Rich applied to amend the three dates referred to in Allegation 3 to February 2025, as opposed to February 2024.
14. The Panel was reminded by the Legal Adviser of its power to amend the allegation under Rule 122. The Panel was satisfied these were effectively typographical errors and it was clear from the case documentation and RICS' case summary that the correct dates were 2025. On this basis, and taking into account that Mr Zimmermann is not engaging with these proceedings, the Panel was satisfied that he has not suffered any prejudice and there is no injustice in making the amendments sought. The Panel considered it was also important that the allegations accurately reflect RICS's case and evidence.

## **Documents**

15. The Panel received the following:

- Electronic hearing bundle comprising 156 pages, which included RICS' case summary dated 27 December 2025 and RICS' evidence, including witness statements and exhibited documents;
- Witness statement of Jae Berry dated 30 April 2026, and exhibits, confirming service of the Notice of Hearing; and
- Additional correspondence bundle (received on the morning of the hearing).

## **Burden and standard of proof**

16. The Panel received advice from the Legal Adviser as to the burden and standard of proof. The advice highlighted that RICS is required to prove the allegations to the civil standard; that is, it is more likely than not that any event material to those allegations occurred. This is a fresh hearing and there is no requirement for the Member to prove anything. The question of whether or not any facts found proved give rise to liability to disciplinary action is a matter for the Panel's own judgment.

## **Response to the charges**

17. No response to the allegations or other comments or submissions have been received by RICS from Mr Zimmermann. The Panel proceeded on the basis that the charges were denied by Mr Zimmermann.

## **Background summary**

18. Mr Zimmermann was elected MRICS on 1 January 1999 and joined the RICS Valuer Registration Scheme ("the Scheme") in April 2011. RICS' records show that Mr Zimmermann was removed from the Scheme on 29 April 2021. RICS sent Mr Zimmermann an e-mail dated 30 April 2021 informing him that he had been removed from the Scheme as he had not renewed his registration, despite reminders in May 2020, June 2020 and March 2021.

19. On 21 May 2024, RICS received a concern from a member of the public in respect of a Level 2 Home Survey and Valuation Report (“the Report”) provided to her by Landmark Surveyors and Valuers Limited. The Report indicated that it was written by Mr Zimmermann and it was signed by him. The Report was dated 29 November 2023 and indicated that the inspection was carried out on 18 November 2023. The terms and conditions are referred to within the Report as having been received on 9 November 2023. The Report related to a property in Spalding, Lincolnshire. The assertions referred to in Allegations 1 and 2 appeared at pages 3 and 53 of the Report.
20. RICS contacted Mr Zimmermann in relation to this and other matters on 16 July 2024 by an email sent to his preferred email address which he had selected on his RICS record. The preferred email address was a company address for Landmark Surveyors and Valuers Limited. RICS received no response to its e-mail. However, Companies House records showed that Landmark Surveyors and Valuers Limited was struck off on 9 July 2024 and officially dissolved on 16 July 2024 and it was therefore possible that Mr Zimmermann had never received RICS’ email.
21. RICS sent a further e-mail on 31 July 2024, again with no response. A further e-mail was sent on 15 August 2024, also with no response. RICS then sent a letter by recorded delivery to Mr Zimmermann's home address on 22 January 2025. No reply was received. The Post Office did not provide proof to RICS that the letter had been delivered.
22. On 12 February 2025, RICS sent a further letter to Mr Zimmermann's home address by recorded delivery. That letter was delivered on 14 February 2025. The proof of delivery indicated it was signed for by ‘*Zimmermann*’.
23. An Allegation Letter was sent to Mr Zimmermann's home address by recorded delivery on 3 June 2025. This was delivered and signed for by ‘*Zimmermann*’. Whilst the Allegation Letter invited a response, no response was required and no information was sought in that letter.
24. RICS has received no other communication from Mr Zimmermann up to and including the date of the hearing.

25. RICS has received no further communication from Mr Zimmermann, including in relation to the notice of this hearing and the Allegations.

## **Evidence**

26. The Panel considered the evidence of Jamie Edwards, Lead Investigator employed by RICS who provided three witness statements setting out the chronology of RICS' investigation concerning Mr Zimmermann's case. Ms Edwards produced the documentation and relevant correspondence as exhibits to her witness statements.

## **Submissions on facts and behalf of RICS**

27. On behalf of RICS, Mr Rich adopted RICS' written Case Summary dated 27 December 2025 and made further oral submissions in respect of the alleged facts. He reminded the Panel that the burden of proving the factual allegations rested upon RICS and this remains the case even where the Member is absent from the proceedings. Mr Rich submitted that the Panel should find the facts alleged in Allegations 1, 2 and 3 proved on the balance of probabilities, based upon the evidence submitted by RICS.

## **Legal Advice**

28. The Panel received and applied the advice of the Legal Adviser. The Panel was reminded that the burden of proof is upon RICS, which brings the charges, throughout. The standard of proof to be applied in relation to the facts is the civil standard, that is the balance of probabilities. This means that before finding a fact proved the Panel must be satisfied that it is more likely than not that it occurred.

29. The Panel should consider and make findings only on the allegations brought by RICS and consider each of the particulars of the charge separately.

30. In respect of the allegation of dishonesty in Allegation 1, the Panel was referred to the test set out in *Ivey v Genting Casinos t/a Crockfords [2017] UKSC 67*.

31. In respect of the allegation of lack of integrity in Allegation 2, the Panel was referred to the guidance set out in the case of *Wingate and Others v SRA [2018] EWCA Civ 366*. In that case, the Court of Appeal said that integrity connotes adherence to the ethical standards of one's own profession and that professional integrity is linked to the manner in which that particular profession professes to serve the public. The Court explained that the concept of integrity is "*a useful shorthand to express the higher standards which society expects from professional persons*".

### **Findings of fact**

32. The Panel considered the submissions of Mr Rich on behalf of RICS. It accepted the advice of the Legal Adviser. No submissions had been received from Mr Zimmermann.

33. The Panel considered all the documentary evidence presented in RICS' hearing bundle. It took account of three signed witness statements from Jamie Edwards, RICS' Lead Investigator, respectively dated 3 June 2025, 17 June 2025 and 19 August 2025. As exhibits to her witness statements, Jamie Edwards produced copies of RICS' emails and letters sent to Mr Zimmermann and relevant documents which RICS relied upon in support of the factual allegations.

#### ***Allegation 1: Dishonesty re claiming Valuer Registration Scheme membership***

34. In relation to the factual matters alleged in Allegation 1, the Panel was provided with the witness statements from Jamie Edwards, Lead Investigator for RICS. Ms Edwards exhibited the Report in respect of the property in question. The Panel noted that the Report was stated to have been prepared by Mr Zimmermann and was signed by him, dated 29 November 2023, following an inspection stated to have been carried out on 18 November 2023.

35. The Panel noted that the assertions referred to in Allegation 1 at paragraphs (a) and (b) were included within the Report at paragraphs 3 and 53, i.e. that the service was provided, and the report was prepared, by a surveyor who had the skills knowledge and experience to provide such a valuation and who was a member of the RICS Valuer Registration Scheme.

36. The Panel further noted the RICS documents also produced by Jamie Edwards confirming that Mr Zimmermann had been removed from the Scheme on 29 April 2021 and that RICS informed him of this in an email dated 30 April 2021.
37. The Panel was satisfied that the correspondence and documents came from a reliable and credible source, namely RICS' records, and they were produced by Ms Edwards in her formal capacity as an employee of RICS. The Panel was satisfied that it could rely upon these documents. The Panel was satisfied that the facts alleged at Allegation 1 were proved on the balance of probabilities.

*Dishonesty*

38. The Panel considered the first element of the **Ivey** test for dishonesty. In respect of Mr Zimmermann's state of knowledge or belief as to the facts, the Panel considered all the circumstances and concluded the following on the balance of probabilities, based on the evidence presented by RICS:
- Mr Zimmermann was aware that he had been removed from the RICS Valuer Registration Scheme on 29 April 2021 and was informed by RICS of his removal on 30 April 2021. He had therefore not been a member of the Scheme since April 2021;
  - The Panel concluded that Mr Zimmermann would have been aware of his removal. He had not made any attempt to renew his membership since April 2021;
  - Consequently, he must have been aware that he was not entitled to describe himself as a member of the Scheme and was therefore not entitled to carry out RICS Level 2 Survey Valuations;
  - Mr Zimmermann would have been aware that membership of the Scheme is intended as a mark of competence and reliability and that purchasers may be more likely to instruct a surveyor to undertake a valuation if the surveyor appears to be a member of the Scheme.
39. Mr Zimmermann had not provided RICS or this Panel with any alternative account or explanation of his conduct.

40. In relation to the first limb of the *Ivey* test, the Panel was satisfied on the balance of probabilities that Mr Zimmermann knew that he was not a current member of the Scheme when he undertook the valuation and prepared the Report. He had been a member of the Scheme for a number of years and after being removed from membership, he is not understood to have applied to join the Scheme again.
41. In relation to the second limb of the ***Ivey*** test, the Panel was in no doubt that in these circumstances, Mr Zimmermann's conduct would be considered dishonest by the standards of ordinary decent people.
42. The Panel therefore concluded on the balance of probabilities that Mr Zimmermann acted dishonestly and accordingly found Allegation 1 proved.

*Contrary to Rule 1 of the Rules of Conduct 2021*

43. Rule 1 provides that "*Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS.*"
44. Having found that Mr Zimmermann acted dishonestly, the Panel found proved he had acted contrary to Rule 1.

***Allegation 2: Lack of integrity re claiming Valuer Registration Scheme membership***

45. The underlying factual evidence in respect of Allegation 2 was the same as in respect of Allegation 1. The Panel was satisfied that the facts of Allegation 2 were therefore proved on the balance of probabilities.

*Lack of integrity*

46. The Panel considered whether Mr Zimmermann's actions lacked integrity as explained in the guidance in the case of *Wingate and Evans*, as drawn to its attention by Mr Rich and the Legal Adviser.

47. The Panel was satisfied that Mr Zimmermann's actions did not reflect the high ethical standards which RICS, as the professional regulator for the surveying profession, expects from its members. The Panel concluded that his conduct in representing himself to a client and the public as a member of the Scheme who was entitled to undertake the valuation when he was fully aware that he was not, constituted a lack of integrity.

*Contrary to Rule 1 of the Rules of Conduct 2021*

48. Rule 1 provides that "*Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS.*"

49. Having found that Mr Zimmermann's actions lacked integrity, the Panel found proved he had acted contrary to Rule 1.

***Allegation 3: Failure to cooperate with RICS***

50. The Panel considered the evidence of Jamie Edwards, RICS' Lead Investigator and the exhibited copies of RICS' emails and letters sent to Mr Zimmermann. The Panel accepted the evidence of Jamie Edwards to the effect that the communications were sent to Mr Zimmermann and that RICS received no response from him to any of these communications.

51. The Panel was satisfied that the documentary evidence came from a reliable and credible source, namely RICS' records, and was produced by an RICS employee in her official capacity. The Panel was satisfied that it could rely upon these documents and upon the evidence of Ms Edwards.

52. The Panel was mindful that in order to establish a failure on the part of Mr Zimmermann, it must be satisfied there was a duty upon him to cooperate with our RICS's investigation. The Panel noted that this obligation was clearly specified under Rule 1 of the Rules of Conduct for members and therefore members are under a duty to cooperate with RICS.

53. The Panel had queried the period referred to in allegation 3 with Mr Rich. The panel noted that as a matter of fairness, RICS had confined the allegation to refer to the letters in respect of which it had received from Royal Mail confirmations of delivery indicating that the letters were signed for by '*Zimmermann*'. RICS accepted it could not be sure that Mr Zimmermann

had received the earlier emails sent to the company e-mail address. The Panel considered that the relevant period was 14 February 2025, when there was evidence that the relevant letter had been received by Mr Zimmermann, until the deadline specified for his response, 24 February 2025.

54. The Panel found the facts alleged in Allegation 3 proved on the balance of probabilities, on the basis that the relevant period was between 14 February 2025 and 24 February 2025.

*Contrary to Rule 1 of the Rules of Conduct 2021*

55. Rule 1 provides that “*Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS.*”

56. Having found that Mr Zimmermann had not cooperated with RICS investigation and therefore had not complied with his obligations to RICS, the Panel found proved he had acted contrary to Rule 1.

**Liability to disciplinary action**

57. Mr Rich submitted on behalf of RICS that findings of dishonesty and lack of integrity would amount to serious breaches of RICS’ Rules of Conduct and would render the Member liable to disciplinary action. Further, the duty to cooperate with an RICS investigation is an important part of RICS’ ability to regulate its members and protect the reputation of the public interest. Mr Rich submitted that this aspect alone would be sufficient to render Mr Zimmermann liable to disciplinary action.

58. The Panel accepted the advice of the Legal Adviser and considered the submissions on behalf of RICS. It noted that each of the allegations alleged that Mr Zimmermann is liable to disciplinary action pursuant to Bye-law 5.2.2(c), that is, failure to adhere to the rules and regulations governing Members’ conduct.

59. The question of whether or not any facts admitted or found proved give rise to liability is a matter for the Panel’s own judgment. However, in order to establish liability, the conduct in question must be serious. The Panel referred to the guidance in the case of ***Roylance v GMC [2000] 1 AC 311***, liability to disciplinary action being akin to the definition of misconduct in

those proceedings. The Panel was advised that for liability to disciplinary action to be found proved, the falling short must be serious.

60. In the light of Mr Zimmermann's actions as alleged and found proved in respect of Allegation 1, which included that he had acted dishonestly, the Panel was satisfied that Mr Zimmermann's misconduct was serious and fell far short of the standards expected of Members of RICS. The Panel was therefore satisfied that Mr Zimmermann is liable to disciplinary action.

61. In the light of his actions as alleged and found proved in respect of Allegation 2, which included that he had lacked integrity, the Panel was satisfied that Mr Zimmermann's misconduct was serious and fell far short of the standards expected of Members of RICS. The Panel was therefore satisfied that Mr Zimmermann is liable to disciplinary action pursuant to Bye-law 5.2.2(c).

62. In the light of his actions as alleged and found proved in respect of Allegation 3, the Panel was satisfied that Mr Zimmermann's misconduct in failing to cooperate with RICS' investigation, and thereby comply with his professional obligations to RICS, was serious and fell far short of the standards expected of Members of RICS. The Panel was therefore satisfied that Mr Zimmermann is liable to disciplinary action pursuant to Bye-law 5.2.2(c) conduct.

63. The Panel therefore determined that Mr Zimmermann is liable to disciplinary action under Bye-law 5.2.2(c) in respect of Allegations 1, 2 and 3.

### **Sanction**

64. Having found that liability to disciplinary action was established, the Panel considered what if any sanction it should impose. The Panel received and accepted the advice of the Legal Adviser as to the available sanctions and the principles relevant to its consideration of sanction. The Panel referred to RICS Sanctions Policy and its supplements.

65. Mr Rich on behalf of RICS had not made any submissions proposing a specific sanction, nor had Mr Zimmermann provided any submissions on the issue of sanction, but had identified factors relevant to the Panel's consideration of sanction.

66. In considering sanction, the Panel was mindful of the public interest. It took account of the overriding principles relevant to sanction as set out in the Sanctions Policy, namely:

- The principle of proportionality - the sanction must be proportionate to the breach and all the circumstances;
- The need to demonstrate to society and to other Members or Firms that RICS takes firm action in order to protect the public interest and promote regulatory compliance;
- The need to act in the public interest by protecting the public, the reputation of the profession and to declare and uphold proper standards;
- The necessity to deter the Regulated Member and other Members or Firms from future non-compliance;
- That regulatory sanctions are not intended to be punitive but may have a punitive effect.

67. The Panel referred to the Sanctions Policy and the factors set out at paragraph 7 when assessing the seriousness of the breach and the possible sanction. The Panel concluded that the following factors were present in this case:

- a. The breach involved wrongdoing
- b. The member was dishonest
- c. The breach was deliberate
- d. The member benefited by representing himself to a member of the public as a member of the scheme
- h. The member was experienced as a surveyor and was a member of the Scheme for a number of years prior to these events
- i. The member has no RICS disciplinary history
- k. The two types of misconduct were both isolated incidents

- s. He has not taken responsibility for any failings
- u. He has not made any admissions or expressed regret
- x. He has not cooperated with RICS' investigation.

68. Taking into account the above indicators of seriousness, the Panel concluded that the allegations of dishonesty and lack of integrity it had found proved were of a very serious nature. The conduct in question was directly linked to the member's practice as a surveyor and member of RICS. Falsely representing himself as a member of the Scheme and undertaking valuation work which he was not entitled to undertake, had a direct impact on members of the public who rely on such an accreditation to ensure that they instruct an appropriately qualified and skilled valuer. Such conduct impacts on the reputation of the profession and undermines public confidence in RICS as the regulator of the surveyors' profession.
69. In respect of Allegation 3, the Panel bore in mind that the period referred to in the allegation brought by RICS during which Mr Zimmermann failed to cooperate with RICS was a confined period of time. Nevertheless, the Panel concluded that this was a serious finding, as cooperation with investigations by the regulator is a core obligation of an RICS member. Failure to comply with these obligations undermines and obstructs RICS' ability to fulfil its regulatory function to act in the public interest and undermines public confidence in RICS as the regulator.
70. Having concluded its findings were very serious, the Panel considered the guidance in relation to any further aggravating or mitigating factors. The allegations themselves involved findings of lack of integrity and dishonesty and those matters had already been taken account of in the Panel's decision. The Panel did not identify any additional aggravating factors beyond the very serious proven allegations.
71. The only mitigating factor was that the Panel had been informed that Mr Zimmermann has no previous RICS disciplinary history.

72. Bearing these findings in mind, the Panel proceeded to consider whether it should impose a sanction upon Mr Zimmermann. Given the gravity of its findings in this case, the Panel concluded that a sanction was required.

73. In considering the appropriate level of sanction, the Panel applied the principle of proportionality. A sanction must be proportionate to the breach and all the circumstances. Proportionality requires the Panel to weigh the interests of the public with those of Mr Zimmermann. The Panel was mindful that it should therefore impose the lowest sanction which appropriately meets the requirements of public protection and the public interest. The Panel adopted a proportionate approach, considering the available sanctions in ascending order of seriousness.

74. In light of the serious nature of the findings made, the Panel was in no doubt that the sanctions of caution and reprimand were both insufficient to protect the public. They would be insufficient to safeguard the wider public interest.

75. The Panel next considered undertakings. The Panel did not consider that the conduct found proved in this case, namely dishonesty, lack of integrity and failure to comply with professional obligations to RICS, was readily amenable to undertakings. The Panel could have no confidence that Mr Zimmermann would comply with undertakings, given his failure to engage with these proceedings. Further, the Panel also concluded such a sanction would not be an appropriate response to the need to maintain professional standards and public confidence in the surveyors' profession and in RICS as its regulator. In the view of the Panel, the same considerations applied to an order imposing conditions.

76. Similarly, the Panel concluded that in this case a fine would neither protect the public nor would it address the issues of the maintenance of professional standards, and of public confidence in the surveyors' profession and in RICS as its regulator.

77. The Panel next considered the sanction of expulsion from membership of RICS. The Panel reached the conclusion that in the circumstances of this case, this was the necessary and appropriate sanction. The findings were very serious and there was no mitigation beyond the absence of previous disciplinary history. These considerations in the Panel's view outweighed the interests of Mr Zimmermann. The Panel considered that only expulsion would

uphold RICS' standards and ensure public confidence in the profession and in RICS as its regulator was maintained.

78. The Panel's conclusion was that the conduct found proved was fundamentally incompatible with continued membership of RICS. The Panel therefore concluded that Mr Zimmermann should be expelled from membership of RICS.

### **Costs**

79. The Panel accepted the advice of the Legal Adviser and referred to Supplement 2 to the Sanctions Policy.

80. The Panel noted the costs application from RICS in the total sum of £4,923.00.

81. The Panel noted that RICS had sent the Schedule of Costs to Mr Zimmermann on 12 May 2026 which met the requirement of 24 hours in Rule 92 of the Rules.

82. No information as to means or submissions in relation to costs had been provided by Mr Zimmermann.

83. In the circumstances, the Panel saw no reason not to award costs in the sum claimed by RICS. It was mindful that in the absence of a costs order, the burden of the costs would fall upon the wider surveyors' profession. The Panel concluded it should make a costs order in the sum sought by RICS, £4,923.00.

### **Publication**

84. The Panel referred to Supplement 3 to the Sanctions Policy.

85. The Panel noted there is a presumption in favour of publicity. In the absence of any submissions from the parties indicating publicity was not appropriate, the Panel determined to make an order for publicity in accordance with RICS' publication policy.

86. The Panel was mindful of the importance of publication of the decision of the Tribunal in maintaining public confidence in RICS and deterring similar conduct in the future.

**Appeal Period**

Mr Mark Zimmermann may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with Rule 152 of the Regulatory Tribunal Rules.

In accordance with Rules 166 and 167 of the Tribunal Rules, RICS' Chair of Governing Council may require a review of this decision on the grounds of undue leniency within 28 days.