

Disciplinary Panel Hearing

Case of

David McMullan

On

Wednesday 8 April 2026

Held Remotely via Teams

Panel

Jane Bishop (Lay Chair)
Deborah Fajoye (Lay Member)
Dr Stephen Moore FRICS (Surveyor Member)

Legal Advisor

Nick Hawkins

Representatives for the parties

As this was a Hearing on the papers neither party attended.

Charge Sheet

1. Between 9 October 2020 and 22 July 2023, Mr David McMullan acted dishonestly by preparing and issuing five home survey reports in which he described himself as holding the status of AssocRICS (Associate Member of RICS), knowing that he had not achieved that status.

Contrary to Rule 3 of the Rules of Conduct for Members 2020 and Rule 1 of the Rules of Conduct 2021

Mr McMullan is therefore liable to disciplinary action under Bye-law 5.2.2(a) and (c)

2. Between 9 October 2020 and 22 July 2023, Mr David McMullan acted without integrity by preparing and issuing five home survey reports in which he described himself as holding the status of AssocRICS (Associate Member of RICS), when he knew or ought to have known that he had not achieved that status.

Contrary to Rule 3 of the Rules of Conduct for Members 2020 and Rule 1 of the Rules of Conduct 2021

Mr McMullan is therefore liable to disciplinary action under Bye-law 5.2.2(a) and (c)

3. Between 9 October 2020 and 22 July 2023, Mr David McMullan acted dishonestly by preparing and issuing a number of home survey reports, in addition to those set out in allegations 1 and 2 above, in which he described himself as holding the status of AssocRICS (Associate Member of RICS), knowing that he had not achieved that status.

Contrary to Rule 3 of the Rules of Conduct for Members 2020 and Rule 1 of the Rules of Conduct 2021

Mr McMullan is therefore liable to disciplinary action under Bye-law 5.2.2(a) and (c)

4. Between 9 October 2020 and 22 July 2023, Mr David McMullan acted without integrity by preparing and issuing a number of home survey reports, in addition to those set out in allegations 1 and 2 above, in which he described himself as holding the status of AssocRICS (Associate Member of RICS), knowing that he had not achieved that status.

Contrary to Rule 3 of the Rules of Conduct for Members 2020 and Rule 1 of the Rules of Conduct 2021

Mr McMullan is therefore liable to disciplinary action under Bye-law 5.2.2(a) and (c)

Response

Mr McMullan had cooperated with the investigation and had made admissions to the facts alleged. As he had not made full admissions to either dishonesty or a lack of integrity, the Panel proceeded on the basis that all allegations were denied.

Preliminary Issue

1. On 13 March 2026 the Lay Chair granted a joint application for the case to be determined on the papers.

Background

2. Mr McMullan is a candidate member of RICS. Mr McMullan first enrolled with RICS as a candidate to become AssocRICS on 14 December 2014. He never completed that candidacy, however, in January 2021 he opted to change the route to qualification as AssocRICS and was enrolled on the Senior Professional Assessment route but never completed that application either.
3. As a result, Mr McMullan has been a candidate member since December 2014 and has been subject to RICS' Bye-Laws, Regulations and Rules since that date. He has never progressed from candidate to AssocRICS.
4. On 4 August 2023, Mr McMullan telephoned RICS and said that he was doing reports although he was not a member. He was referred to Regulation within RICS but there is no record of any further contact made by him about that matter.
5. A concern was raised with RICS on 8 January 2024 by a Mr Chan. Mr Chan's firm had referred work to Mr McMullan believing him to hold the designation of AssocRICS.
6. Mr Chan's firm had engaged Mr McMullan to survey and provide property survey reports for clients of the firm. Mr Chan provided RICS with three survey reports prepared by Mr McMullan:

- (a) A property in Cheshire – Report dated 14 October 2020 with an inspection date of 9 October 2020.
- (b) A property in Manchester – Report dated 13 July 2023 with an inspection date of 12 July 2023.
- (c) A property in Pendlebury - Report dated 21 July 2023 with an inspection date of 18 July 2023.

7. Each report was in the same format and provided the surveyor's name on the front page and was signed by the surveyor on the final page. The surveyor's name on each page was given as David McMullan AssocRICS and the sign off was David McMullan AssocRICS, Dip (Build) CSRT.
8. An information request was sent to Mr McMullan on 27 February 2024.
9. Mr McMullan responded on 7 March 2024: he said that having completed a survey report for Mr Chan through another supplier, Mr Chan had offered him some work. He had explained that although he had a lot of experience, he was not chartered. Mr Chan *"inferred that this did not matter so long as the reports were accurate"*. Mr McMullan says he explained to Mr Chan that he was expecting to become as AssocRICS, and adds: *"It may have been a language issue, but Mr Chan asked why I didn't sign off with the designation. I had thought I would soon be a member and it would be OK. For fear of losing, what at the time following Covid, was my only source of income, I stupidly agreed. I had thought that I would soon be a member and it would be OK."*
10. A further request for information was sent on 13 March 2024. It asked if he had done reports for anyone other than Mr Chan. It then asked: *"If you only carried out valuations for Mr Chan, please confirm how many were carried out or are the three reports which have been referred to RICS the only reports that were produced?"*.
11. Mr McMullan replied the same day stating: *"I had never carried out any other valuations for [sic] and if I recall these were the extent of valuations to Mr Chan"*.

12. After this letter, RICS received concerns about two further survey reports. They were provided by Mr Kee Man Chan, and Mr Lai Ngaor Li. The reports similarly described Mr McMullan as being AssocRICS. The Investigator, Carol Kerr, sent a further information request on 10 April 2024 which listed the two new reports and continued: *“This brings the total number of reports to 5. I would be grateful if you could confirm whether any other reports were prepared for Mr Chan and/or Lion Rock Properties and Lettings”*.
13. Mr McMullan replied the following day: *“Many other reports were prepared for Lion Rock over a three year period”* adding later in the letter *“I should never have felt it necessary to include AssocRICS”*.

The Hearing

14. The Panel considered a bundle of 260 pages, including a Case Summary prepared by counsel instructed by RICS.

Legal Advice

15. The Panel received and accepted the advice of the Legal Advisor. It was advised that RICS bore the burden of proof and the standard to be applied was the balance of probabilities.
16. In respect of the allegations that Mr McMullan had acted without honesty in Charges 1 and 3, the Panel was referred to the guidance given in the case of *Ivey v Genting Casinos [2017] UKSC 67*). The Panel had to take the approach of first ascertaining Mr McMullan’s state of knowledge or belief as to the facts and then determining whether the conduct was honest or dishonest by applying the objective standards of ordinary decent people
17. In respect of the allegations that Mr McMullan had acted without integrity in Charges 2 and 4, the Panel was referred to the guidance given in the case of *Wingate & Evans v SRA, SRA v Malins [2018] EWCA Civ 368*. Integrity is a separate and broader concept than dishonesty. It refers to the higher standards which society expects from a professional person and which the professions expect from their members. Integrity connotes adherence to the

ethical standards of the profession and applies not only to what professionals say, but what they do. It is linked to the manner in which the particular profession professes to serve the public.

18. Thereafter the Panel was advised that if it found any of the Allegations 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

19. In reaching its determination the Panel took careful account of all the evidence it had read. It noted that Mr McMullan admitted submitting all the reports set out in the Charge Sheet and that he had admitted representing that he was AssocRICS on the reports, when he was not.

Allegation 1

20. The Panel concluded that Mr McMullan knew he was not an Associate Member of RICS but nonetheless represented that he was. It further concluded that ordinary decent people would consider doing so to be dishonest.
21. The Panel therefore found Allegation 1 proved.

Allegation 2

22. The Panel concluded that Mr McMullan knew he was not an Associate Member of RICS but nonetheless represented that he was. Doing so fell well below the standards expected of a professional person and amounted to a lack of integrity.

23. The Panel therefore found Allegation 2 proved.

Allegation 3

24. The Panel concluded that Mr McMullan knew he was not an Associate Member of RICS but nonetheless represented that he was. It further concluded that ordinary decent people would consider doing so to be dishonest.
25. The Panel therefore found Allegation 3 proved.

Allegation 4

26. The Panel concluded that Mr McMullan knew he was not an Associate Member of RICS but nonetheless represented that he was. Doing so fell well below the standards expected of a professional person and amounted to a lack of integrity.
27. The Panel therefore found Allegation 4 proved.

Liability to Disciplinary Action

28. Having found Allegations 1 - 4 proved the Panel considered whether the facts rendered the Member liable to disciplinary action.
29. The Panel noted that any proven offence of dishonesty or lack of integrity is a serious matter for a professional surveyor. Mr McMullan's offences took place over a two and a half year period involving more than five survey reports. It concluded that the cumulative effect of its factual findings is to render Mr McMullan liable to disciplinary action.

Sanction

30. The Panel next turned to consider sanction.

Legal Advice

31. The Panel received and accepted the advice of the Legal Advisor. 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.
32. 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 practitioner and taking the minimum action necessary to protect the public and the wider public interest.

Determination on Sanction

33. 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.
34. The Panel began by identifying the aggravating and mitigating factors present. It found the following mitigating factors:
- Cooperation with the investigation.
 - No previous disciplinary findings.

35. The Panel found the following aggravating factors:
- There was actual harm to those who had relied on the survey reports, believing them to have been prepared by an AssocRICS surveyor.
 - There was reputational harm to the profession, as consumers knowing of this case might doubt the value of a RICS survey.
 - Mr McMullan had shown no insight into the seriousness of his wrongdoing.
 - Mr McMullan had not shown sufficient remorse.
36. The insufficient insight and remorse prevented the Panel finding that there was no, or little, risk of a repetition of this wrongdoing.
37. Notwithstanding the mitigating factors, the Panel determined that the aggravating factors marked the conduct out as towards the higher end of seriousness.
38. The Panel next considered the possible sanctions available to it, in ascending order of seriousness. In light of the persistent nature of the findings made and the lack of any demonstrable insight, the Panel was in no doubt that the sanctions of caution and reprimand were both insufficient to properly protect the public and insufficient to safeguard the wider public interest.
39. The Panel next considered undertakings and conditions. It considered that no undertakings had been offered. The Panel concluded that in this case conditions were inappropriate – there could not be a condition to behave honestly and with integrity as that is something expected of all members of the profession.
40. The Panel next considered whether to fine Mr. McMullan. It considered that whilst a fine at the appropriate level might go some way to marking the gravity of Mr. McMullan’s conduct, it was insufficient to properly assure public confidence in the profession and the upholding and declaring of proper professional standards. A fine would do nothing to protect the public.

41. The Panel finally considered expulsion from the profession. Whilst the Panel gave very careful consideration to whether a lesser sanction could be imposed in circumstances where the conduct related to a single client in an otherwise unblemished career, it considered that expulsion was the only sanction available to it, to ensure the public was protected from a professional who had behaved dishonestly and without integrity.

42. The Panel therefore concluded that Mr. McMullan should be expelled from membership.

Costs

43. The Panel noted the costs application from RICS in the sum of £2398.50. The Panel had been provided with a statement of means by Mr. McMullan, but he had made no representations as to the appropriate costs order. The Panel could see no reason not to award costs in full and therefore determined to make an order for costs in the sum of £2398.50.

Publicity

44. The Panel noted there is a presumption in favour of publicity. 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.