

Disciplinary Panel Hearing by way of written representations

Case of

**Mr Peter Lawrence FRICS [0038335]
Aldershot, Hants, GU12**

On

Wednesday 09 November 2016

Via Telephone Conference

Chairman

Catherine Audcent (Lay Chair)

Members

Christopher Pittman (Surveyor Member)

Joshua Askew (Surveyor Member)

The Panel considered the following:

Mr Lawrence may be liable for disciplinary action under Byelaw 5.2.2(d) by reason of having been convicted by the Crown Court at Croydon on 23 October 2015 of the below offences:

- 1) Theft – other – including theft by finding x1,
- 2) Dishonestly make false representations to make gain for self/another or cause loss to other/expose other to risk x4
- 3) Dishonestly making false representations to make gain for self/another or cause loss to other/expose other to risk x1
- 4) Theft – other – including theft by finding x1
- 5) Theft – other – including theft by finding x3
- 6) Dishonestly making false representations to make gain for self/another or cause loss to other/expose other to risk x1
- 7) Theft – other – including theft by finding

DETERMINATION

Findings of Fact

1. The Panel considered whether service had been effected under Rule 23 of the Disciplinary and Appeal Panel Rules 2009 (“The Rules”). The charge letter had been sent by First Class post, Special Delivery post and email on 4 October 2016. RICS provided a signed delivery receipt dated 11 October 2016 and Mr Lawrence responded to that correspondence by returning an annotated Listing Questionnaire dated 28 October 2016 to the Panel. Accordingly, the Panel was satisfied that service had been properly effected pursuant to Rule 23.
2. The Panel next considered whether the case was suitable to be heard by way of written representations. The bundle included a copy of a Certificate of Conviction from Croydon Crown Court, dated 1 April 2016. This confirmed Mr Lawrence’s conviction on 23 October 2015 and his consequent sentencing on 2 December 2015.
3. The Panel noted that Mr Lawrence had completed the Listing Questionnaire, by which he confirmed that he admitted the RICS charge and that he was content for the hearing to proceed by way of written representations.
4. In view of the information provided in the Listing Questionnaire dated 28 October 2016, and the written submissions provided by Mr Lawrence during the RICS investigation, the Panel concluded that it was appropriate to proceed by way of written representations.

Panel’s Decision

5. In the light of Mr Lawrence’s admission, and Certificate of Conviction from Croydon Crown Court, the Panel found the facts proved in respect of the offence for which Mr Lawrence was convicted.
6. Mr Lawrence was also found liable to disciplinary action under Bye-Law 5.2.2(d), owing to the serious nature of the criminal offences for which he was convicted, for which he was given a four year prison sentence.

Penalties

7. The purpose of sanctions is not to be punitive, although that may be their effect. Sanctions are to enforce and uphold proper standards of professional conduct, to uphold the reputation of the profession and that of its regulatory function, and to protect the public. Here, the conviction relates to a matter outside work. However behaviour outside work by a member, can also impact on public trust of Chartered Surveyors and the reputation of RICS.
8. The Panel has considered carefully its indicative sanctions guidance. That guidance indicates that first the Panel must consider whether to impose a disciplinary sanction. If it decides to do so it starts at the lowest sanction, and only if it considers that sanction

inadequate does it move onto the next sanction. Before deciding upon a sanction, the Panel checks to make sure that the next sanction up is not disproportionate before coming to a conclusion. The Panel will consider carefully both mitigating and aggravating factors before arriving at a conclusion.

9. The Panel considered the submissions made by Mr Lawrence received by RICS on 21 June 2016 and those made on the Listing Questionnaire. It identified mitigating factors and noted that Mr Lawrence had co-operated with the RICS investigation and admitted the charge, albeit that he had not reported his offence to RICS. Furthermore, at the Crown Court, the Judge commented in mitigation,

'I balance [the aggravating factors] against what has been an unblemished career, whereby you have come before this court at 78 years of age, with no previous convictions recorded against you [and] with your own health difficulties'.

10. The Panel considered that there were significant aggravating factors:

- The convictions related to matters of theft and dishonesty, and the loss to multiple victims was in excess of £200,000;
- In his sentencing remarks, His Honour Judge Flahive noted that the offending behaviour continued *'over a significant period of time'* and that Mr Lawrence had *'abused the trust that was placed in [him]'*;
- In the written submission received by RICS on 21 June 2016, Mr Lawrence demonstrates a lack of insight in stating that his main victim was *'supportive of my endeavours....and gave me considerable moral and financial support'*. This is contrary to the finding of the Crown Court since His Honour Judge Flahive said, *'the loss to your main victim ... in real terms to her is almost £150,000'*;
- This lack of insight is further demonstrated by Mr Lawrence attempting to distinguish between his professional and personal life, in suggesting that the conviction related to matters in his personal life rather than his professional career.

11. The Panel first considered whether to impose no sanction, but considered that the matter is too serious for there to be no sanction. The Panel considered the imposition of a caution or a reprimand to be inappropriate for the same reasons.

12. The Panel considered whether it was possible to impose an undertaking or conditions on Mr Lawrence's continued membership of RICS, but concluded, given that Mr Lawrence's behaviour was unrelated to matters outside of his professional practice, that such sanctions were inappropriate. Furthermore, neither undertakings, conditions nor a fine could address the seriousness of the matter.

13. Having taken into account both the aggravating and mitigating factors, the Panel bore in mind that under paragraph 22 of RICS' sanctions policy, a conviction for a serious criminal

offence is listed as an example of conduct for which the likely sanction in the absence of extenuating circumstances, is expulsion.

14. The offences of which Mr Lawrence stands convicted mean he falls far short of the standard expected of a Chartered Surveyor. The Panel has been unable to identify insight or remorse on the part of Mr Lawrence and his criminal behaviour is not only of a very serious nature but it involved a number of victims over a period of time: it is of such gravity that it is fundamentally incompatible with continued membership of RICS. Therefore the Panel has concluded that the only appropriate penalty is to expel Mr Lawrence from membership of RICS.

Determination on Publication and Costs

Publication

15. This order is to be published in line with the RICS policy on publication of decisions (supplement 3 of the sanctions policy): in Modus, on the website and in a local newspaper.

Costs

16. The Panel orders that Mr Lawrence pay costs in the amount of £600.

Appeal Period

17. Mr Lawrence has 28 days, from the service of the notification of the decision, to appeal this decision in accordance with Rule 59 of the Disciplinary, Registration and Appeal Panel Rules.
18. In accordance with Rule 60 of the Disciplinary, Registration and Appeal Panel Rules, the Honorary Secretary of RICS has 28 days, from the service of the notification of the decision, to require a review of this Decision.