

**In the matter of**  
**Case No. 01926 Mr A & Mr T Worrall v Mr Colin Guanaria MNAEA (Overseas),**  
**Partner of Bonin Sanso**

**Disciplinary Tribunal Hearing held on**  
**Wednesday 8 June 2011**

**Case of**

Mr Colin Guanaria, Partner, Bonin Sanso, Carrer Nou 14, Mahon, 07701,  
Balearic Islands

An overseas member of NAEA

At

NFoPP, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

**Alleged breaches as set out by the Disciplinary Caseworker**

**Rule 2(2)** No member shall do any act (whether in the business of estate agency or otherwise) which:

- (b) involves unprofessional practice or practice that is unfair to members of the public.

**Rule 2(3)** A member who is a principal shall be responsible for the proper supervision of his partners, fellow directors and staff in the conduct of his business and shall be liable under these Rules of Conduct for any breaches as if such breaches had been committed by him.

**Rule 6** Duty to abide by the aims and rules of the Association.  
(International Code of Practice 1, 6 & 9)

**Rule 9** Duty to protect and promote clients' interests.

**Rule 10** Duty as to conflicting interests.

Mr Guanaria entered a plea of not guilty to the alleged breaches.

After hearing the respective submissions and having considered the evidence presented, the Tribunal found as follows:

<b>Alleged Breach</b>	<b>Findings</b>	<b>Sanction</b>
<b>Rule 2(2)(b)</b>	Not proven	N/A
<b>Rule 2(3)</b>	Proven	£500 fine

<b>Rule 6 International Code of Practice 1, 6 &amp; 9</b>	Proven	No penalty
<b>Rule 9</b>	Not proven	N/A
<b>Rule 10</b>	Proven	£500

Costs of £152.00 were awarded in favour of the NFoPP.

**Publication**

This determination falls within the NFoPP publications policy.

The Tribunal issued the following statement:

“The Tribunal would like to take the opportunity of thanking Mr Guanaria and Messrs A and T Worrall for attending the meeting today.

The rules of the NAEA place a liability on all employers for the actions of their staff even if this has happened in spite of company procedures. Mr Guanaria has fallen foul of this situation.

It is accepted that Mr Guanaria himself was not at fault but has to take the responsibility for the employee’s failure to disclose a personal conflict of interest.”