



**In the matter of
Case No. 01912 Mr G Limehouse v Mr G Hart, William H Brown
Disciplinary Tribunal Hearing held on
Wednesday 21 July 2010**

Case of

Mr G P Hart FNAEA, William H Brown, 5 Bank Plain, Norwich, Norfolk,
NR2 4SF

At

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

Alleged breaches as set out by the Disciplinary Caseworker

The formal breaches are:

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 6 Duty to abide by the aims and rules of the Association.
(including Code of Practice 3f, 3h, 3p and 9b)

Rule 7(4) Before accepting instructions a member shall ascertain whether the prospective client has given the sole agency and/or sole selling rights to another agent. No attempt shall be made to induce the breaking of a valid sole agency and/or sole selling rights contract. If a prospective client wishes to give instructions regardless of an existing sole agency and/or sole selling rights contract the member shall not accept instructions before advising the vendor that he thereby lays himself open to a possible liability for payment of two commission claims.

Rule 8(2) A member shall ensure that each client is aware of the terms and conditions upon which his services, including lettings, management and commercial, are supplied and these shall be set out in writing.

Rule 9 Duty to protect and promote clients' interests.

Rule 12 Duty to applicants and others.

Mr Hart pleaded not guilty to the alleged breaches.

Findings

Rule 2(2)(b)	-	Proven
Rule 6 (Including Code of Practice 3f, 3h, 3p and 9b)	-	Not proven
Rule 7(4)	-	Not proven
Rule 8(2)	-	Not proven
Rule 9	-	Not proven
Rule 12	-	Not proven

Penalty

Rule 2(2)(b) - A monetary penalty in the sum of £250

Determination on Publication and Costs

Publication

The Tribunal orders publication in accordance with the Disciplinary Procedure Regulations.

Costs

The award for costs of £191.50 is made in favour of the Association.

Statement by Tribunal

The Tribunal thanks both the complainant and the member for attending today's hearing. Central to the hearing was a lack of clarity and understanding of agent's terms and local arrangements. It is essential that members of the public are fully aware of what they sign up to.

In the Tribunal's deliberations there were concerns that the member had not communicated with his client effectively and led her to believe that the commission would be shared when he did not have the authority to do so.