



**In the matter of  
Case No. 01990 NFOPP v Miss A Mansell, formerly of A Mansell & Co Limited  
Disciplinary Tribunal Hearing held on  
Thursday 9 September 2010**

**Case of**

Miss A Mansell, formerly of A Mansell & Co Limited, 483 Merton Road,  
London, SW18 5LE

At

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

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

**The alleged breaches are:**

**Rule 1(3)** Money may be drawn from Clients' Account(s) only:

- (a) for payment, on proper authorisation, to the person entitled to receive it; or
- (b) in discharge of a sum owed to the member by the person otherwise entitled to receive it; or
- (c) for payment into another client account kept by the member; or
- (d) to correct an inadvertent overpayment into the account; or
- (e) to withdraw interest which has accrued on the account; and
- (f) if there are sufficient funds available to the credit of the client to fully cover the payments;

always provided that in the operation of Statutory Clients' Accounts, the provisions of the Estate Agents Act and of the Estate Agents (Accounts) Regulations 1981 or any other Regulations made in pursuance of that Act have precedence over these Rules.

**Rule 1(4)** Every member shall maintain proper internal accounts showing the up-to-date position in relation to sums falling within Rules 1(1) and 1(2), and the heading under Rule 1(3) for all withdrawals. There shall be maintained on the Clients' Account(s) at all times balances to satisfy the indebtedness shown in the internal accounts.

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

- (c) in any other way brings the Association into disrepute.

**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 3** Duty not to carry on business with inadequate working capital.

**Rule 6** Duty to abide by the aims and rules of the Association.

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

Miss A Mansell pleaded not guilty to the alleged breaches.

### **Findings**

<b>Rule 1(3)</b>	-	Proven
<b>Rule 1(4)</b>	-	Proven
<b>Rule 2(2)(c)</b>	-	Proven
<b>Rule 2(3)</b>	-	Proven
<b>Rule 3</b>	-	Not proven
<b>Rule 6</b>	-	Proven
<b>Rule 9</b>	-	Proven

### **Penalties**

<b>Rule 1(3)</b>	-	A monetary penalty in the sum of £500
Rule 1(4)	-	A monetary penalty in the sum of £500
Rule 2(2)(c)	-	A monetary penalty in the sum of £500
Rule 2(3)	-	A monetary penalty in the sum of £500
Rule 6	-	A monetary penalty in the sum of £250
Rule 9	-	A monetary penalty in the sum of £500

### **Determination on Publication and Costs**

#### **Publication**

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

#### **Costs**

The award for costs of £59.50 is made in favour of the Association.

## **Statement by Tribunal**

For anyone to see their business fail is traumatic, so for Miss Mansell to attend the hearing today the Tribunal extends its thanks.

However, the matter before the Tribunal is very serious, the total loss, as stated in papers, is not accepted by Miss Mansell, however, even at the lower amount she suggests, the amount is significant and the penalties reflect the seriousness of the matter.

As the employer Miss Mansell has strict liabilities that cannot be avoided, albeit she is herself the victim of fraud. The Tribunal concluded that too much trust at too earlier a point in the employment of Miss Gilbody and lack of adequate references left Miss Mansell exposed to risk which subsequently proved to be the case.

Miss Mansell is currently suspended from membership of this Association; given the serious nature of the breaches the Tribunal has no option but to terminate her membership forthwith.