



**In the matter of
Case No. 02373 NFoPP v Mr Daniel R M McCarthy, formerly a Director of
Jupita Limited t/a GDH Property Management Services
(in liquidation)**

**Disciplinary Tribunal Hearing held on
Wednesday 9 February 2011**

Case of

Mr Daniel R M McCarthy, formerly a Director of Jupita Limited, t/a GDH Property Management Services, 9 Bridge Street, Stafford, Staffordshire, ST16 2HL
(in liquidation)

A former student member of the NAEA.

At

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

Alleged breaches as set out by the Disciplinary Caseworker

NAEA Rules of Conduct

Rule 1(2) All members who receive clients' money to which that Act does not apply shall keep, at an Authorised Institution, at least one Clients' Account distinct from any Statutory Clients' Account(s) into which shall be paid without delay any money which is to be held on behalf of clients, tenants, or applicants, other than deposits on transactions covered by the Act.

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 1(5) Existing members and new applicants for membership who handle clients' money whether in a statutory client account or otherwise must produce on application for membership and thereafter, annually, a report by an accountant approved by the Association, such report to be in the form approved by the Association and to be produced within 6 months of the end of the accounting year. If a report has not been provided within this period a letter will be sent to request production of the report within 28 days.

When a member retires from practice or ceases to be a member of the Association (whether by retirement, resignation, expulsion or otherwise) that member is obliged to deliver a report covering the period from the last report to the date upon which the member ceased to hold clients' money or to be a member.

Rule 3 Duty not to carry on business without adequate working capital.

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

Mr McCarthy entered a plea of not guilty to the charges.

After hearing the submissions and after considering the evidence presented the Tribunal found as follows:

Alleged Rule Breach	Findings	Sanction
Rule 1(2)	Proven	£500
Rule 1(4)	Proven	£500
Rule 1(5)	Proven	£200
Rule 3	Proven	£500
Rule 6	Proven	£500

Costs of £1371.31 were awarded in favour of the NFoPP.

Publication

This determination falls within the NFoPP's publications policy.

The Tribunal issued the following statement:

“The Tribunal is astounded by the member's lack of consideration of the need to present evidence to the tribunal or the seriousness of the case against him, this despite the fact that the member has had these papers for over five months from the point at when these proceedings began.”