



In the matter of
Case No. 03540 Mr J Brine v Mr Paul A M Williamson MNAEA MICBA and Mr John D
Holmes MNAEA MICBA, Directors of
Ernest Wilson Limited

Disciplinary Tribunal Hearing held on
Thursday 24 March 2011

Case of

Mr Paul A M Williamson, MNAEA MICBA, and Mr John D Holmes MAEA MICBA,
Directors, Ernest Wilson Limited, The Business Centre, Deanhurst Park, Gelderd
Road, Leeds, LS27 7LG

Members of both NAEA and ICBA

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.
(Incorporating Clause 10 of the ICBA Code of Practice)

Rule 9 Duty to protect and promote clients' interests.

Mr Williamson & Mr Holmes entered a plea of guilty in respect of the breach of Rule 6 and not guilty to the remaining allegations.

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

Alleged Rule Breach	Findings	Sanction
Rule 2(2)(b)	Not Proven	
Rule 2(3)	Not proven	
Rule 6	Guilty plea	£350 fine each member
Rule 9	Not proven	

Costs of £80 in relation to each member were awarded in favour of the NFoPP.

Publication

This determination falls within the NFoPP publications policy.

The Tribunal issued the following statement:

“We are disappointed that this matter was not resolved between the parties involved. Had an effective complaints procedure been laid down and followed, as required, it would have given both parties the opportunity to air their position, much of which has been clarified only today.

We do not believe that Ernest Wilson made appropriate effort to effectively communicate with their former client which could well have resulted in settlement of this case.

Rule 6 has been specifically drawn to the member’s attention on a previous occasion. In the light of the above the proportionate penalty for the breach of Rule 6 heard today will be a fine of £350, together with costs of £80, against each member.”