



Appeal Tribunal Decision
In the matter of Case No 00800 NFOPP v Morgan Berry
Appeals Tribunal Hearing on 5 May 2011
At
Arbon House, 6 Tournament Court, Edgehill Drive, Warwick

To consider the appeal following:

Disciplinary Tribunal Hearing

9 June 2010

Case of

Mr S J Morgan and Mr N Mason, Morgan Berry, 227 Camberwell New Road,
Camberwell, London SE5 0TH

Formerly members of the NAEA having had their membership terminated at the disciplinary hearing on 9 June 2010.

At

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

The Rules found to have been breached by Mr Morgan & Mr Mason at a hearing held on 9 June 2010 and the penalties imposed were:

Rule 1(3)	-	£500 per person
Rule 1(4)	-	£1000 per person
Rule 1(5)	-	£500 per person
Rule 6	-	£500 per person
Rule 12	-	£500 per person

The Appeals Tribunal considered the case.

Prior to deliberation the Appeals Tribunal issued the following statement:

“Your letter to the NFOPP dated 21 July 2010 amongst other concerns expressed, you stated:

'There is certainly no evidence of any reasoned discussion taking place'.

Let me explain that whilst the presentation of the case was being recorded as is the appeal now, the moment that the hearing is adjourned and the members of the tribunal start their deliberations, the tape recorder is turned off.

From my own experience as Chairman of the Disciplinary Appeals Tribunal I can tell you that deliberations often take a great deal of time with much of the paperwork examined in great detail, so that whilst I cannot speak for the original Tribunal or their off-tape discussions, I can assure you that every piece of evidence that you present to us today, together with all other documentation that we have received on the case, and of course comments that you make to us in your appeal will be analysed in order to achieve a just decision."

Appeal Tribunal's Decision

After considering the evidence and after deliberation, the Appeal Tribunal made the following statement:-

"We have considered your appeals in great detail and though we have reduced all of the penalties imposed on each of you, we do share all of the concerns expressed by the Tribunal in their summary following the initial hearing. Accordingly, all of your appeals are rejected but the fines imposed have been changed as follows:

Rule 1(3), Mr Morgan, reduced from £500 to £250. Mr Mason, reduced from £500 to £250.

Rule 1(4), penalty of £1000 reduced to £500 on each of Mr Morgan and Mr Mason.

Rule 1(5), £500 reduced to £250 on each party.

Rule 6, £500 penalty reduced to £100 for each party.

Rule 12, £500 reduced to £250 on each party.

The costs of the original hearing were £638.14 for each party; this included one half of the cost of Stiles & Co's fees for each of you. In addition to that there are the costs of today's hearing of £97.50 per person.

The fines have been imposed on each of you individually as each of you were members of our Association, not the firm, and therefore each of you was obliged to abide by the Rules of our Association."