

Disciplinary Decision of the Valuers Registration Board of Queensland

Complaint: C193-5/14/JF

To: The Valuer

Complaint

By an Investigation Report dated 2 September 2014 by Mr Marcus Johnson, details of the complaint and investigation were provided to the valuer and to the Valuers Registration Board of Queensland (the Board).

Information Notice of Intention to take Disciplinary Action

By Information Notice dated 17 September 2014, the Valuer was advised that the Board intended to take disciplinary action against him and afforded the Valuer the opportunity to provide a submission in this regard.

Submissions by the valuer

A submission was put forward by the valuer in regard to the disciplinary action to be taken.

Decision

The Board's reasons for taking disciplinary action were based on the findings in the Investigator's Report and contained in the Information Notice dated 17 September 2014, and these are as follows:

1. Breach of API Code of Professional Conduct Rule 1.1, which states:
"Members must carry out their professional duties ethically, with honesty, competence, and in good faith, without personal bias, and in a manner that upholds the values and reputation of the property and valuation profession."
2. Breach of API Code of Professional Conduct Rule 3.1, which states:
"A Member must maintain the strictest independence and impartiality when making a valuation and/or where the exercise of objective judgement is required. In such circumstances, a Member must not:
 - (a) adopt the role of advocate in a case where their duty is to exercise independence and impartiality."
3. Breach of API Code of Professional Conduct By-law 24.2.1, which states:
"A Member is guilty of Professional Misconduct if:
 - (a) they commit a breach of the Professional Rules;
 - (a) they engage in conduct which is prejudicial to the good name and reputation of the Institute."

The Board has decided to take the following disciplinary action against the valuer:

1. Reprimand you;
2. Order you to give an undertaking to abstain from acting in an unprofessional manner; and
3. Publication of the Decision on the Board's website without your name.

Penalty

A monetary penalty of ten (10) penalty units (\$1,100) is being imposed.

If the valuer does not pay the monetary penalty within twenty-eight (28) days of receipt of this Decision, the valuer's registration will be suspended until such time as the penalty is paid in full. If upon subsequent renewal of the valuer's registration the monetary penalty still remains outstanding, the valuer's registration will be cancelled.

Appeal

Under Section 61(1)(c) of the *Valuers Registration Act 1992*, the valuer has a right of appeal of the Decision of the Board to the Queensland Civil and Administrative Tribunal (QCAT).

Dated this 30th day of October 2014

Mr Greg Clarke
Chairman of the Board