



ROYAL INSTITUTION OF CHARTERED SURVEYORS

Disciplinary Panel Hearing

Case of

**Mr Paul Boothman [1121719]
York YO26**

On

Wednesday 19 February 2025

At

Held remotely via Microsoft Teams

Panel

Ms Alison Sansome (Lay Chair)
Ms Miriam Karp (Lay Member)
Dr Stephen Moore (Surveyor Member)

Legal Adviser

Mr Peter Steel

RICS Representative

Mr Ben Rich (Barrister)

Mr Paul Boothman

was present and represented himself

Tribunal Executive

Ms Jae Berry

Introduction

1. Mr Paul Boothman ("Mr Boothman") appears before the RICS Disciplinary Panel in connection with the following allegations:-

1. Between 6 May 2021 and 14 May 2021, Paul Boothman completed and submitted an application for Firm Registration to RICS in relation to BEM Facilities Limited (BEM), whose sole director was Gemma Boothman. Within that application Paul Boothman provided the following information to RICS:
 - i. BEM had a single Principal who was an RICS Professional.
 - ii. Paul Boothman was the Director/Principal of BEM.
 - iii. No principal of BEM was under investigation by any professional regulatory body including RICS.

Mr Boothman acted dishonestly in that he:

- a) Represented to RICS that he was the sole principal of BEM when he knew that he was not the sole principal of BEM or alternatively was not a principal of BEM at all, and/or
- b) Having represented to RICS that he was the sole principal of BEM, he falsely stated that he as sole principal was not under investigation by a professional regulatory body, namely RICS.

Contrary to Rule 3 of the Rules of Conduct for Members, Version 7

Mr Boothman is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

2. Between 6 May 2021 and 14 May 2021, Paul Boothman completed and submitted an application for Firm Registration to RICS in relation to BEM Facilities Limited (BEM), whose sole director was Gemma Boothman. Within that application Paul Boothman provided the following information to RICS:
 - i. BEM had a single Principal who was an RICS Professional.
 - ii. Paul Boothman was the Director/Principal of BEM.
 - iii. No principal of BEM was under investigation by any professional regulatory body including RICS.

Mr Boothman acted without integrity in that he:

- a) Represented to RICS that he was the sole principal of BEM when he knew or ought to have known that he was not the sole principal of BEM or alternatively was not a principal of BEM at all, and/or

b) Having represented to RICS that he was the sole principal of BEM, he stated that he as sole principal was not under investigation by a professional regulatory body, namely RICS, when he knew or ought to have known since 5 May 2021 that RICS was investigating concerns raised about him.

Contrary to Rule 3 of the Rules of Conduct for Members, Version 7

Mr Boothman is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

3. On or about 18 May 2022, Paul Boothman completed and submitted an annual return to RICS in relation to Boothman Property Associates (BPA) formerly regulated under the name BEM Facilities Limited. Within that annual return Paul Boothman provided the following information to RICS:
 - i. BPA had a single Principal who was an RICS Professional.
 - ii. Paul Boothman was the Director/Principal of BPA
 - iii. No principal of BPA had been a principal of a firm that had closed in the previous 2 years due to corporate insolvency.
 - iv. No principal of BPA had been under investigation by any professional regulatory body including RICS in the previous 2 years.

Mr Boothman acted dishonestly in that he:

- a) Represented to RICS that he was the sole principal of BPA when he was not and/or
- b) Having represented to RICS that he was a principal of BPA, failed to disclose that he had been a principal of a firm that had closed in the previous 2 years due to corporate insolvency and/or
- c) Having represented to RICS that he was a principal of BPA, failed to disclose that he had been under investigation by RICS in the previous 2 years.

Contrary to Rule 1 of the Rules of Conduct with effect from 2 February 2022

Mr Boothman is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

4. On or about 18 May 2022, Paul Boothman completed and submitted an annual return to RICS in relation to Boothman Property Associates (BPA) formerly regulated under the name BEM Facilities Limited. Within that annual return Paul Boothman provided the following information to RICS:
 - i. BPA had a single Principal who was an RICS Professional.
 - ii. Paul Boothman was the Director/Principal of BPA.

- iii. No principal of BPA had been a principal of a firm that had closed in the previous 2 years due to corporate insolvency.
- iv. No principal of BPA had been under investigation by any professional regulatory body including RICS in the previous 2 years.

Mr Boothman acted without integrity in that he:

- a) Represented to RICS that he was the sole principal of BPA when he knew or ought to have known that he was not and/or
- b) Having represented to RICS that he was a principal of BPA, failed to disclose that he had been a principal of a firm that had closed in the previous 2 years due to corporate insolvency and/or
- c) Having represented to RICS that he was a principal of BPA, failed to disclose that he had been under investigation by RICS in the previous 2 years.

Contrary to Rule 1 of the Rules of Conduct with effect from 2 February 2022

Mr Boothman is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

- 5. Between 19 January 2022 and 2 September 2022, Paul Boothman failed to comply with his professional obligations to RICS in that as a principal of a Firm, Boothman Font Limited, that was required to register for regulation by RICS, he neither applied for the Firm to be registered for Regulation nor took all reasonable steps within his power to ensure that an appropriate application to register for regulation by RICS was made on behalf of Boothman Font Limited.

Contrary to Rule 3 of the Rules of Conduct for Members and/or Rule 1 of the Rules of Conduct with effect from 2 February 2022 and/or Rule 3.2 of the Rules for the Registration of Firms version 7

Mr Boothman is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

Response

- 2. In his responses to the Listing Questionnaire dated 12 February 2025, Mr Boothman indicated that he admitted allegations 2, 4 and 5 in their entirety, but denied allegations 1 and 3.

Determination

Background to the case

3. Mr Boothman qualified as MRICS on 1 January 2003. This case relates to the firms which Mr Boothman operated, and the information he supplied, or failed to supply, to RICS in official documents about those firms.
4. Mr Boothman currently appears on the Companies House Website as the sole director of a firm named Blueprint Estate Management Limited, although the company status is shown as "Liquidation". Blueprint Estate Management Limited was formerly regulated by RICS. On 5 October 2021 the firm began a voluntary winding up process.
5. On 5 January 2022, an application was made to RICS to deregister Blueprint Estate Management Limited. The deregistration application indicated that the firm had ceased trading on 30 June 2021 and that no partners or directors of the firm were setting up a new practice. The deregistration application also stated that client money held by the firm had been transferred to another company, BEM Facilities Ltd (BEM).
6. BEM was incorporated on 8 September 2020. The sole director of BEM was Gemma Boothman, Mr Boothman's wife (and she remains a director and sole active person with significant control of that firm, now called Boothman Property Associates Limited).
7. Mr Boothman applied to RICS for BEM to be regulated by RICS via an electronic form dated 7 May 2021 (though Mr Boothman's representatives subsequently stated that the application had been submitted on 13 May 2021). The information that Mr Boothman provided on that form included:
 - (a) *Total number of Principals:* **1**
 - (b) *Number of RICS Professional Principals:* **1**
 - (c) *Directors/Principals:* **Paul Boothman**
 - (d) *Responsible Principal:* **Paul Boothman**
 - (e) *Has any principal been a principal of a firm that has closed in the last 2 years due to corporate insolvency or inability to obtain Professional Indemnity Insurance?* **No**
 - (f) *Has your firm or any principal of your firm been the subject of any disciplinary or regulatory findings in the last 2 years or been/is under investigation by any professional regulatory body including RICS?* **No**
8. Mr Boothman had ticked the relevant box on the application form to confirm, amongst other matters, that the information he had disclosed was correct, and that he had disclosed all relevant information.
9. However, on 7 October 2020, RICS had received a complaint about Mr Boothman. RICS opened an investigation and on 5 May 2021, a RICS Investigation Specialist informed Mr

Boothman of her investigation by email and also attached a request for information to be provided by Mr Boothman, which he acknowledged by email the same day. Mr Boothman wrote to RICS again on 11 May 2021 acknowledging the investigation and indicating his/his firm's willingness to cooperate with RICS. The investigation was ultimately closed with no further action on 30 March 2022 which RICS confirmed to Mr Boothman by letter the same day.

10. On 2 November 2021, BEM Facilities Limited changed its name to Boothman Property Associates (BPA) and continued to be regulated by RICS under its new name.
11. On 18 May 2022, Mr Boothman completed an annual return in relation to BPA which was submitted to RICS. Among other matters, Mr Boothman provided the following information:
 - (a) That there was one Principal and that that Principal was an RICS professional;
 - (b) The Director/Principal was named as **Paul Boothman**;
 - (d) In answer to the question: *"Has your firm or any principal of your firm been the subject of any disciplinary or regulatory findings in the last 2 years or been/is under investigation by any professional regulatory body including RICS?"* Mr Boothman had responded "No".
12. Mr Boothman had again confirmed on the face of the annual return that the information he had provided was correct, and that he had disclosed all relevant information. However Mrs Boothman remained the sole director of BPA and she was not an RICS professional. Similarly, as set out above, Mr Boothman had been the subject of an investigation by RICS in the previous 2 years.
13. Mr Boothman was involved in another company, Boothman Font Limited, which had been incorporated on 20 January 2022. At the time of incorporation, the company had two directors. Mr Boothman was one of those two directors. He remained listed as a director of Boothman Font Limited until 2 September 2022. Mr Boothman was also listed on Companies House documents as a person with significant control of the company until 23 July 2022.
14. The business of Boothman Font Limited included residential lettings and property management in Liverpool. RICS' case was that Mr Boothman would or should have known that the firm ought to have been registered with and regulated by RICS under the Rules for the Registration of Firms, as its business included the provision of surveying services to the public and at least 50% of the firm's principals were RICS Members.

Preliminary matters

15. At the outset of the hearing, Mr Boothman confirmed that he admitted allegations 2, 4 and 5 of the charge against him. The Panel therefore found those matters proved.
16. Having heard those admissions, Mr Rich, presenting the case on behalf of RICS, sought instructions from his client and subsequently confirmed that RICS sought to amend the charge by the removal of allegations 1(a), 3(a) and 3(b).
17. RICS did so on the basis that, in the light of the admissions, it accepted that Mr Boothman had mistakenly believed himself to be the Responsible Principal of both BEM and BPA, which was a failure to act with integrity rather than dishonesty. Similarly, RICS accepted that in respect of 3(b) that Mr Boothman believed that he was answering in respect of Mrs Boothman (the sole principal/director of BPA) and that again, this was a failure to act with integrity, but not dishonest.
18. RICS, however, maintained that Mr Boothman was dishonest in respect of 1(b) and 3(c), because on his own case, he was a principal of BEM/BPA, and he had failed to disclose that he was under investigation or had been under investigation by RICS, about which he must have been aware.
19. The Panel listened carefully to the submissions of Mr Rich and Mr Boothman. It accepted the advice of the Legal Adviser. Having done so, the Panel concluded that the charge against Mr Boothman should be amended by removal of 1(a), 3(a) and (b) as requested by RICS. There was no disadvantage to Mr Boothman in the proposed amendment and it appeared to the Panel to be both proportionate and in the interests of justice that case against him should be clarified and simplified in light of his admissions.

Evidence

20. The Panel had read and took careful account of the written evidence in the case contained in the original Hearing Bundle consisting of 117 pages which included statements from the RICS Lead Investigator exhibiting the various relevant documents, including the application form for BEM and the annual return for BPA, as well as Mr Boothman's representations to RICS, the further Hearing Bundle of 17 pages, as well as the two testimonials provided on behalf of Mr Boothman.
21. During the course of the hearing, Mr Boothman indicated that he did not intend to give evidence and wished only to make submissions to the Panel.

Submissions by RICS Presenting Officer

22. Mr Rich on behalf of RICS submitted that the only allegations in issue were whether, on two occasions – in the BEM application form and in the BPA annual return – Mr Boothman had been dishonest in failing to mention that he was subject to or had been subject to investigation by RICS having represented to RICS in both instances he was a principal of the firm.
23. Mr Rich said that Mr Boothman accepted that he had given inaccurate information to RICS on a number of occasions. In reality BEM/BPA did not have a sole principal, and Mr Boothman was not in fact a principal, so the firm did not have a RICS-regulated principal. The second inaccurate statement was that BEM/BPA did not have any principal that was (or had been) under investigation by any professional regulatory body including RICS. Mr Rich said that RICS' case was that this was not only inaccurate, but also that Mr Boothman knew it was inaccurate.
24. Mr Rich said that RICS had accepted Mr Boothman's assertion that he thought he was a principal of the firm. It was clear from the evidence that Mr Boothman knew he was under investigation (or had been under investigation, in the case of BPA) as a result of an email and attached letter from a RICS investigator to him on 5 May 2021, which he had acknowledged by email on 5 May 2021 stating "*We will do what we can to support your investigation*") and in a subsequent letter dated 11 May 2021 entitled "Investigation about concerns raised by [redacted]" and in which Mr Boothman stated: "*For the avoidance of doubt we are here to cooperate fully with any investigation...*".
25. Mr Rich observed that the rest of the case was admitted by Mr Boothman.

Submissions by Mr Boothman

26. Mr Boothman referred the Panel to his previous responses to the allegations set out in the representations from his solicitors. Mr Boothman said that the key point as regards the disputed allegations of dishonesty was that he did not think that the RICS investigation was a formal investigation and therefore he did not think it needed to be disclosed.

Legal Advice

27. The Panel received and accepted the advice of the Legal Adviser.
28. The Panel was reminded that the burden of proof is upon RICS throughout. The standard of proof to be applied in relation to the facts is the civil standard, namely the balance of probabilities. This means that before finding a fact proved the Panel must be satisfied that it is more likely than not that it occurred.

29. The Panel should consider and make findings only on the charges brought by RICS and consider each of the particulars of the charge separately.
30. In respect of the allegation of dishonesty, the Panel was referred to the two-stage test set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] 3 WLR 1212. The judgement stated as follows:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

31. The Panel was reminded that, given the nature of the charges, it should take into account Mr Boothman’s unblemished good character prior to the matters which are the subject of this case, as well as the character references he had presented.

Findings of fact

32. Having listened carefully to the submissions of Mr Rich on behalf of RICS and of Mr Boothman, the Panel found as follows:

Allegation 1(b)

33. **Proved.** On his own case, Mr Boothman thought he was a principal of BEM. He could have been in no doubt at the time he submitted the application on behalf of BEM on 13 May 2021 that he was under investigation by RICS. The email and letter from RICS dated 5 May 2021 were explicit that he was under investigation as a result of concerns received by RICS, and Mr Boothman sent two communications in response that referred to that investigation and indicated his willingness to assist with it.
34. The Panel concluded that Mr Boothman could not genuinely have believed that the investigation was not a formal one in light of his correspondence with RICS, or that he need not declare it in the application. To then declare on the face of the application that he was not subject to any investigation by any professional body, including RICS, was clearly dishonest by the standards of ordinary, decent people.

Allegation 3(c)

35. **Proved.** For the same reasons set out above, Mr Boothman can have been in no doubt that he had been subject to an investigation. He had recently been informed that the investigation had been closed with no further action. To fail to declare the fact that he had been investigated on the annual return was again obviously dishonest in the Panel's finding.

Liability to Disciplinary Action

36. Mr Boothman told the Panel that he accepted that the Panel's findings made him liable to disciplinary action.
37. The Panel nonetheless carefully considered Mr Boothman's liability to disciplinary action. The Panel accepted the advice of the Legal Advisor. Under Bye-law 5.2.2(c) a Member may be liable to disciplinary action under the Bye-laws for any failure to adhere to the Bye-laws or to Regulations or Rules governing Members' conduct.
38. The Panel bore in mind that liability to disciplinary action is a matter for the Panel's judgment. Not every falling short of accepted standards or breach of RICS' rules will give rise to disciplinary action. The falling short in question must be of a serious nature.
39. In this case, the Panel had found that Mr Boothman had been dishonest and had acted without integrity in a number of respects, in supplying information to RICS, and had failed in his professional responsibilities by failing to register another business in which he was involved thereby preventing proper regulation of that business.
40. Honesty and integrity form the bedrock of any profession and therefore any act of dishonesty or failure to act with integrity has the potential to seriously undermine trust in the profession. The dishonesty found by the Panel in this case was clearly an attempt to avoid questions or problems in obtaining or maintaining the regulated status of Mr Boothman's firm.
41. Combined with the failings represented by allegation 5, the facts found proved against Mr Boothman were serious breaches of Rule 1 of the Rules of Conduct for Members and the Panel therefore concluded that he was clearly liable to disciplinary action under Bye-law 5.2.2(c).

Submissions on sanction

42. Mr Rich, on behalf of RICS, did not suggest any particular sanction. He drew the Panel's attention to the relevant factors at paragraph 7 of RICS' to Sanctions Policy (Version 9 with effect from 2 February 2022) which aggravated the seriousness of the case, but said that the dishonesty demonstrated in the case did not make it the most serious of instances.

43. Mr Rich also said that, as regards mitigation, there was no immediate or obvious loss to the public as a result of Mr Boothman's actions, he had shown some insight into his failings and some admissions had been made.
44. Mr Boothman said he was not qualified to counter on any of the points made. From a personal point of view, he said he felt disappointed with himself. He asked the Panel to take into account the representations on his behalf set out in documents, and the testimonials. He told the Panel that he had been signed off work due to ill health, but so far as any sanctions and any costs were concerned he would have to deal with them.
45. The Panel bore in mind that the purpose of sanctions is not to be punitive, although it may have that effect. The purpose of sanctions is to declare and uphold the standards of the profession, to safeguard the reputation of the profession and of the RICS as its regulator and to protect the public. Sanctions must be proportionate to the breach and all the circumstances, and a decision should be reached having taken into account any mitigating and/or aggravating factors.
46. The Panel must first decide whether to impose a sanction. The Panel was mindful that if it decided that a sanction was required, it must adopt a proportionate approach in determining the appropriate sanction. This means that the Panel commences at the lowest sanction, and only if it decides that sanction is not appropriate does it consider further sanctions. The Panel bore in mind that sanctions may be combined together but that the overall sanction must be proportionate to the nature and seriousness of the conduct in question.
47. The Panel took into account the submissions of Mr Rich and Mr Boothman. It had regard to the RICS Sanctions Policy (Version 9 with effect from 2 February 2022). It took into account the submissions of the parties and accepted the advice of the Legal Adviser. It noted in particular the case of *Hassan v General Optical Council* [2013] EWHC 1887 which Mr Rich had invited the Panel to consider as authority for the proposition that there was not necessarily a presumption in favour of striking off in any case involving dishonesty.
48. The Panel observed that the following aggravating factors were present in the case: it involved two isolated instances of dishonesty and failures of integrity; Mr Boothman was an experienced professional, who ought to have known better; and his conduct had a direct effect on regulation of the surveying profession.
49. As to mitigating factors, the Panel took into account: Mr Boothman's previous good character; his engagement with RICS throughout the investigation; the fact that he had made substantial admissions; his expression of remorse; and the two testimonials it had read which spoke to his professional and personal characteristics.
50. The Panel considered that the findings made against Mr Boothman, which included findings of dishonesty and lack of integrity, were too serious to justify not taking action. It therefore considered the available sanctions in ascending order.

51. The Panel took the view that Mr Boothman's conduct could not be described as 'minor' and, therefore, a caution was not an appropriate or sufficient sanction.
52. For similar reasons, the Panel determined that reprimanding Mr Boothman would be insufficient to mark the seriousness of the charges.
53. The Panel considered whether to impose undertakings on Mr Boothman as to his future conduct. The Panel noted that no undertakings had been offered to it, and it was hard to see how any undertakings would work in the context of the misconduct found proved.
54. The Panel then considered whether a fine would adequately address the wrongdoing in this case, but concluded that it would not sufficiently protect the public nor appropriately address the public interest.
55. The Panel gave significant thought as to whether the appropriate sanction in Mr Boothman's case was expulsion from membership, given the dishonesty and lack of integrity he had displayed in fulfilling his professional duties as a Member of RICS on behalf of the firm at which he considered himself Responsible Principal.
56. However, although the Panel was in no doubt about the degree of opprobrium that should be attached to Mr Boothman for failing to deal with his regulator in a scrupulous and straightforward manner, it narrowly concluded that his conduct in this case was not fundamentally incompatible with continued membership of RICS and that expulsion from membership would be disproportionate and punitive in all the circumstances.
57. The Panel therefore decided that the public and public interest could be adequately protected from the risk of similar failures, by the imposition of the following order of Conditions under Rule 125(e):
- "That if employed by any regulated Firm or any Firm eligible to register for regulation by RICS, the Member must not act as a Responsible Principal and work only as a non-Principal employee for such Firm."*
58. Accordingly, the Panel concluded that the Member's membership of RICS should be conditional upon compliance with that Condition for a period of 36 months from 20 February 2025. The Panel determined that a period of 36 months would be appropriate to ensure public protection and mark the seriousness of the case.
59. Should Mr Boothman fail to comply with this Condition during that period, the Panel directed that he should be automatically expelled from membership of RICS in accordance with Rule 125(g) of the Regulatory Tribunal Rules version 2.

Publication and Costs

Publication

60. The Panel considered the policy on publication of decisions contained in the Sanctions Policy Supplement 3 - Publication of Regulatory Disciplinary Matters. It accepted the advice of the Legal Adviser. The Panel was unable to identify any reason to depart from the presumption that decisions will be published on the RICS website.

Costs

61. RICS applied for its costs in total £14,940, supported by a detailed schedule of costs.
62. The costs figure represents a contribution towards the costs incurred by RICS in preparation for the hearing and the hearing itself. The Panel had no reason to doubt that the costs application was a fair and reasonable one to make.
63. The Panel took full account of Mr Boothman's statement of means and representations about his current employment status. It concluded nonetheless that it was appropriate for Mr Boothman to make a fair contribution towards the costs of bringing this case, otherwise the full cost of these proceedings would fall on the profession as a whole.
64. The Panel therefore ordered that Mr Boothman pay the costs in the sum of £14,940 to RICS within 28 days.

Appeal Period

65. Mr Boothman may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with Rule 152 of the Regulatory Tribunal Rules.
66. In accordance with Rules 166 and 167 of the Tribunal Rules, RICS' Chair of Governing Council may require a review of this decision on the grounds of undue leniency within 28 days.