

ROYAL INSTITUTION OF CHARTERED SURVEYORS

Re-admission Hearing

Case of

Dhiraj Dabasia (1227581)

On

Tuesday 14 January 2025

Held remotely via Microsoft Teams

Panel

Ms Jane Bishop (Lay Chair)

Ms Miriam Karp (Lay)

Dr Stephen Moore (FRICS)

Legal Adviser

Ms Margaret Obi

Presenting Officer

Ms Marie-Claire Frankie

Tribunal Exécutive

Mr Adeel Qureshi

Representative

Mr Dabasia was not represented

Application

1. This case was referred to a Registration Panel for a hearing to consider an application made by Mr Dabasia to be re-admitted to RICS as an Associate Member. The application follows Mr Dabasia's expulsion on 26 February 2023.
2. The application is made pursuant to Rule 130(a) Regulatory Tribunal Rules 2020 (Part VIII Registration Panel Procedures).

Persuasive Burden

3. Under Rule 135 of the Tribunal Rules, the burden is on the Applicant, Mr Dabasia, to satisfy the Registration Panel that the order being sought should be made. There is no standard of proof, and the Panel are to rely on their own professional judgment.

Background

4. Mr Dabasia was first registered as a member of RICS on 16 December 2009. He was expelled from RICS following a ruling made by a Disciplinary Panel on 26 February 2023.
5. RICS members are required to complete 20 hours Continuing Professional Development (CPD) activity by 31 December of each calendar year and record it on an online portal.
6. On 26 February 2023, a Single Member of the Regulatory Tribunal determined that Mr Dabasia had failed to comply with RICS' requirements in respect of CPD on three occasions, in that, he had not recorded any CPD activity for the years 2017, 2020 or 2021. The Single Member concluded that Mr Dabasia was liable for disciplinary action and, as it was the third occasion that Mr Dabasia had failed to comply with his obligation to record 20 hours of CPD. The Single Member decided that the appropriate sanction was expulsion from Membership.
7. On 25 February 2024, Mr Dabasia applied to be re-admitted to RICS membership. It was a matter of agreement that his application satisfied the formal requirements for such an application as stipulated by the RICS Rules Setting Out the Procedure for Re-Admission to Membership Following Disciplinary Expulsion (version 2, with effect from 02 March 2020) (the

Re-admission Rules). RICS accordingly took no issue with the formal validity of Mr Dabasia's application.

8. The Panel received a hearing bundle consisting of 29 pages, a Schedule of Costs and Mr Dabasia's Statement of Means. The hearing bundle included:

- Single Member Disciplinary decision
- Re-admission Application Form
- Supporting Letter
- Correspondence

Submissions

On behalf of the RICS

9. Ms Frankie, on behalf of RICS, reminded the Panel in the Case Summary that Mr Dabasia was expelled for '*repeatedly failed to comply with the fundamental requirement to record CPD and has failed to demonstrate that he has any intention of complying in the future.*' The Case Summary also referred the Panel to the relevant provisions of the RICS Bye-laws and Regulations, as well as the Re-admission Rules.

10. In essence, on behalf of RICS, Ms Frankie adopted a neutral position and submitted that it was a matter for the Panel to consider whether it was appropriate to re-admit Mr Dabasia, and in particular, whether he was a fit and proper person to be a member, and whether it was in the best interests of RICS that he should be re-admitted. In the Case Summary it was submitted that although a 12-month period is the minimum period for re-admission following disciplinary expulsion, some behaviour leading to expulsion may not require a longer time period before re-admission, whilst other behaviour could be so serious that re-admission could never be appropriate. It was further submitted that many cases will fall between those two extremes and where this case falls is a matter for the Panel.

11. Ms Frankie invited the Panel to determine whether the reputation of other chartered surveyors would be diminished by granting the application at this time, or whether the lapse of time since the event, the fact of expulsion, and its publication render any reputational risk negligible.

Evidence of Mr Dabasia

12. Mr Dabasia gave oral evidence to the Panel. He acknowledged that his failure to record CPD was a serious breach and led to his expulsion. He told the Panel that he works for a medium-sized building contractor and supervises up to 20 people. He stated that the period leading up to and during the COVID-19 pandemic was very difficult. He found it hard to juggle the disruption to projects with his family life and although he was undertaking CPD he “*did not get round*” to complying with the “*administrative parts*.” Mr Dabasia explained that if he had not completed his CPD he would not be able to continue in his current role.
13. In response to questions from the Panel Mr Dabasia stated that RICS normally contacted him via his personal email address but during the COVID period he was not reading his personal email as that had become “*overwhelming*.” He stated that he recognises that he needs to do the basics and reply to emails from RICS even if it is just a holding response. He stated that he has made a lot of changes since then and now has a “*better balance*.” He informed the Panel that rather than record his CPD at the end of the year he would record it at the time the activity is completed and stated that he is currently keeping a CPD record for his own purposes as he no longer has access to the RICS portal.
14. Mr Dabasia (again in response to questions from the Panel) stated that he recognises that failing to record CPD is a serious breach. However, he stated that he is professionally sound, honest and has integrity. He stated that he will comply with the mandatory recording of CPD in the future.

Registration Panel's Decision

15. The Panel considered, in accordance with Rule 5 of the Re-admission Rules:
 - a. whether Mr Dabasia was a fit and proper person for the purposes of re-admission in accordance with RICS Regulation 2.2.2; and
 - b. whether his re-admission was in the best interests of the RICS.

16. The Panel received and accepted advice from its Legal Adviser. The Panel noted that the RICS had not raised any concern which might be considered to be a barrier to re-admission. Nonetheless, it recognised that it was for Mr Dabasia to satisfy the Panel that he should be re-admitted, applying the relevant criteria, and that it was in turn for the Panel to be satisfied that Mr Dabasia was a fit and proper person to be a Member of the RICS, and that it was in the best interests of the RICS to allow him to be re-admitted.
17. Overall, the Panel was not satisfied that Mr Dabasia had learned from his previous breaches, or from his expulsion from membership. His answers to the Panel's questions did not demonstrate a full understanding of the importance of recording CPD nor the purposes of the CPD process. For example, he did not demonstrate an understanding of the wider policy purpose or the impact of non-compliance on those who would seek the services of RICS members in terms of the quality of the service provided and the reputation of the profession. Whilst Mr Dabasia stated that he was committed to recording his CPD and that he would continue to do so in the future, the Panel noted that Mr Dabasia had not provided any evidence of the steps or procedures that he had put in place to ensure future compliance, other than his intention to record his CPD after each activity.
18. The Panel noted that, whilst Mr Dabasia had demonstrated some insight into his failings, he had not demonstrated sufficient insight to satisfy this Panel that the risk of repetition was low. It is of critical importance that Members comply with CPD, in order to maintain standards and to enable the RICS to uphold the reputation of the chartered surveying profession. Failure to comply with this fundamental requirement risks bringing the profession into disrepute and is quite properly treated seriously by the RICS, particularly in the event of repetition. Mr Dabasia had not demonstrated that he had taken sufficient steps to ensure that he was able to comply in future and based on his oral evidence, the Panel was not satisfied that there has been any material change in respect of Mr Dabasia's attitude towards the CPD process since his expulsion. In the absence of the above, the Panel was concerned that Mr Dabasia would not proactively address his regulatory obligations and comply with the mandatory requirement to record his CPD.
19. As a result, the Panel was not satisfied from the evidence before it that Mr Dabasia would meet his CPD obligations in the future and, as such, was not satisfied he is a fit and proper

person to be an associate Member of the RICS, nor that it is in the interests of the RICS that he should be re-admitted. Professional membership of RICS requires serious obligations and CPD compliance is mandatory and a critical part of the commitment which comes with being a Member. Whilst the Panel has refused Mr Dabasia's application, it would wish to encourage him to consider how he might demonstrate his commitment to the CPD process and mitigate the risk of any reoccurrence. This might include meaningful reflection on the importance of the formal CPD process.

20. The Panel application for re-admission as an Associate Member of RICS is **refused**.

Publication and Costs

Publication

21. The Panel considered the guidance as to publication of its decisions and accepted the Legal Adviser's advice. The guidance provides, that it is usual for the decisions of the Panel to be published on the RICS website and in Modus. The Panel had regard to the submissions of both parties. Mr Dabasia made no objection to publication of this decision. The Panel determined that there was no reason for departing from the normal practice in this case. Part of the role of the Panel is to uphold the reputation of the profession, and publication of its decisions is an essential part of that role.

22. The Panel therefore orders that this decision be published on the RICS website and in the RICS Modus, in accordance with Supplement 3 to the Sanctions Policy 2008, version.

Costs

23. RICS made an application for costs in the total sum of £3,170, supported by a detailed Schedule of Costs. Mr Dabasia raised no objection to the costs sought by RICS.

24. The Panel considered all of the circumstances including Mr Dabasia's Statement of Means. The Panel concluded that it was appropriate for Mr Dabasia to pay the costs of this hearing in full, otherwise the cost of these proceedings would fall on the profession as a whole. The Panel was therefore satisfied that it was just and reasonable to order that Mr Dabasia pay the RICS' costs of this hearing in the sum of £3,170.

Appeal Period

25. Mr Dabasia 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.