

Disciplinary Panel Hearing**Case of****Sirajudeen Nuthais Ahamed****On**

Tuesday 25 March – Thursday 27 March 2025

At

By Video conference (Teams)

Panel

Alison Sansome (Chair, Lay)

Eleanor Spencer (RICS Member)

Peter Baker (Lay Member)

Legal Assessor

Chris Hamlet

RICS Representative

Ben Rich, Counsel

Registrant Representative

Not present and not represented

Tribunal Executive

Adeel Qureshi

The formal charges are:

1. The charges against Mr Ahamed are as follows:

1. On or about 1 June 2023, Mr Sirajudeen Nuthais Ahamed provided RICS with a final submission in relation to his application for associate membership (RICS account 0870659). Mr Ahamed acted dishonestly in that he declared the following matters as being true when they were not:

- a) That he had been employed as a cost manager at Turner & Townsend since 18 January 2022 and/or*
- b) That he had achieved a Diploma in Quantity Surveying from ISO on 1 December 2017.*

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

2. On or about 1 June 2023, Mr Sirajudeen Nuthais Ahamed provided RICS with a final submission in relation to his application for associate membership (RICS account 0870659). Mr Ahamed acted without integrity in that he declared the following matters as being true when he knew or ought to have known that they were not:

- a) That he had been employed as a cost manager at Turner & Townsend since 18 January 2022 and/or*
- b) That he had achieved a Diploma in Quantity Surveying from ISO on 1 December 2017.*

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

3. On or about 11 March 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900254) based on his purported

membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry and/or*
- b) The date of birth provided for the 0900254 application was false and/or*
- c) Mr Ahamed was not and had never been a member of IQSK and/or*
- d) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900254 application.*

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

4. On or about 11 March 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900254) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

- a) Mr Ahamed knew that he already had an active RICS account (0870659) for an application to become an associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or*
- b) The date of birth provided for the 0900254 application was false and/or*
- c) Mr Ahamed was not and had never been a member of IQSK and/or*
- d) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900254 application.*

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

5. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900253) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry and/or
- b) Mr Ahamed was not and had never been a member of IQSK and/or
- c) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900253 application.

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

6. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900253) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or
- b) Mr Ahamed was not and had never been a member of IQSK and/or
- c) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900253 application.

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

7. On or about 13 June 2003, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an

application for direct entry to RICS as MRICS (MRICS account 0909943) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry and/or*
- b) The date of birth provided for the MRICS 0909943 application was false and/or*
- c) The completed application form, dated 4 June 2023, for the 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Kenya between 1 February 2018 and 21 November 2019 and/or*
- d) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Saudi Arabia since 1 January 2020 and/or*
- e) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had achieved a Diploma in Quantity Surveying from ISO Campus in December 2016 and/or*
- f) Mr Ahamed was not and had never been a member of IQSK and/or*
- g) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the MRICS 0909943 application and/or*
- h) Four forged membership certificates purporting to be genuine IQSK certificates were provided in support of the MRICS 0909943 application.*

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

8. On or about 13 June 2003, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (MRICS account 0909943) based on his purported membership of the Institute of Quantity Surveyors Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become*

an associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or

b) The date of birth provided for the MRICS 0909943 application was false and/or

c) The completed application form, dated 4 June 2023, for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Kenya between 1 February 2018 and 21 November 2019 and/or

d) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Saudi Arabia since 1 January 2020 and/or

e) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had achieved a Diploma in Quantity Surveying from ISO Campus in December 2016 and/or

f) Mr Ahamed was not and had never been a member of IQSK and/or

g) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the MRICS 0909943 application and/or

h) Four forged membership certificates purporting to be genuine IQSK certificates were provided in support of the MRICS 0909943 application.

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

9. Between 11 March 2023 and 17 March 2023, Mr Sirajudeen Nuthais Ahamed made or caused to be made an application for membership of the Institute of Quantity Surveyors of Kenya (IQSK) based on his purported professional membership of RICS. Mr Ahamed acted dishonestly in relation to that application in that:

a) Mr Ahamed, although a candidate for associate membership of RICS, was not a professional member of RICS and/or

b) A forged letter of recommendation, dated 16 March 2023, purporting to be from RICS was provided in support of Mr Ahamed's application to join IQSK and/or

c) A forged certificate stating that Mr Ahamed had been elected as a professional member of RICS on 25 November 2022 was provided in support of Mr Ahamed's application to join IQSK.

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

10. Between 11 March 2023 and 17 March 2023, Mr Sirajudeen Nuthais Ahamed made or caused to be made an application for membership of the Institute of Quantity Surveyors of Kenya (IQSK) based on his purported professional membership of RICS. Mr Ahamed acted without integrity in relation to that application in that:

a) Mr Ahamed, although a candidate for associate membership of RICS, was not a professional member of RICS and/or

b) A forged letter of recommendation, dated 16 March 2023, purporting to be from RICS was provided in support of Mr Ahamed's application to join IQSK and/or

c) A forged certificate stating that Mr Ahamed had been elected as a professional member of RICS on 25 November 2022 was provided in support of Mr Ahamed's application to join IQSK.

Contrary to Rule 1 of the RICS Global Rules of Conduct

Mr Ahamed is therefore liable to disciplinary action pursuant to RICS Bye-law 5.2.2 (c)

Notice/proceeding in absence:

2. In advance of the hearing, Mr Ahamed made two applications for postponement. The first was received by e-mail on 25 February 2025, being one calendar month prior to the scheduled commencement of the hearing. This application followed an earlier e-mail sent on 3 February 2025 in which Mr Ahamed stated that he was not available for the scheduled hearing date because he would be "on vacation". He asked that it be rescheduled to commence on 30 March 2025, being a Sunday. The Regulatory Tribunal Executive duly sought availability from Mr Ahamed for a three day hearing commencing 31 March 2025 but no response was received.

3. That application was rejected by the Panel Chair on 5 March 2025 on several bases. These included consideration that Mr Ahamed had previously sought to postpone an interim measures hearing in December 2024 to allow his attendance but in the event did not attend that hearing. This called into question whether Mr Ahamed would attend this hearing if his request were to be granted. In addition, it was noted that he had provided no evidence to support his assertion that he was due to be on vacation during the scheduled hearing dates. Finally, account was taken of the fact that the case concerned serious allegations of dishonesty in which there was a clear public interest in expeditious disposal. Taking account of all the features of the case, a likely postponement to July 2025, when Counsel for RICS was next available, was not in the public interest.
4. Mr Ahamed renewed his application for postponement by email of 20 March 2025. He again referred to his being on vacation during the scheduled hearing dates and added that his lawyer was unable to attend on his behalf due to illness. He requested the hearing be rescheduled to the last week of April. Again, no evidence of his vacation arrangements and no details of his lawyer or evidence of his illness were provided.
5. This second application was also rejected by the Panel Chair on substantially the same bases as the first, noting the additional reference to the unavailability of his lawyer for whom no supporting information was provided.
6. The Panel therefore convened to consider whether to proceed with the hearing in Mr Ahamed's absence. It considered a statement from Mr Adeel Qureshi, of RICS, dated 24 March 2025. Mr Qureshi confirmed therein that Notice of the hearing, and a copy of the evidence bundle, was properly served upon Mr Ahamed on 24 January 2025, by email, to his preferred address for correspondence in accordance with Rule 53 of the Regulatory Tribunal Rules ["The Rules"].
7. The Panel also took account of a Listing Questionnaire, dated 2 March 2025, provided within a Correspondence Bundle, in which Mr Ahamed indicated his intention to engage with the proceedings. He named a legal representative and indicated that he denied all but two elements of the charges. He also requested the attendance of two of the four witnesses relied upon by RICS – namely Mr Faisal Bader and Mr Neil Shah.
8. The Panel were directed to the cases of *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162 and *R v Jones (Anthony)* [2003] AC 1, HL. It was advised that a decision to proceed in absence is one to be exercised with caution, taking account of the features

of the case and the reasons for the absence. It was advised that Rule 81 allows it to proceed in the absence of the Member where it is satisfied that notification has been given and it is appropriate to do so, having considered the public interest and the rights of the parties.

9. The Panel noted that there was no question in this case that Mr Ahamed was aware of the hearing dates, given his prior applications to postpone it. The issue at this juncture was essentially the same as that considered in respect of those applications, namely, whether upon balancing the public interest against Mr Ahamed's own interests, it was fair and appropriate to proceed in his absence, or to adjourn to allow his attendance on a later occasion.
10. The Panel took careful account of Mr Ahamed's expressed desire to attend the hearing and to challenge the evidence. However, it was concerned by the absence of any evidence to support the reasons for his absence or that of his named representative. His history of seeking postponements of hearings to which he did not then attend undermined the Panel's confidence that his engagement would be secured on this occasion were this matter to be adjourned.
11. The Panel were reminded that Mr Ahamed had provided written submissions that set out his position on the charges and the evidence. He had invited the Panel to take these into account in the alternative to granting his previous application for a postponement of the hearing. The Panel considered that this strongly mitigated any potential prejudice to him in proceeding in his absence.
12. The Panel also considered that admitting the evidence of Mr Bader and Mr Shah in Mr Ahamed's absence was unlikely to give rise to any substantive prejudice. The central thrust of Mr Bader's account – that Mr Ahamed was never an employee of Turner and Townsend – appeared to be the subject of an admission by Mr Ahamed in the listing questionnaire. Mr Ahamed's written submissions sought to challenge Mr Bader's identity but did not dispute that central assertion. Equally, the essential evidence of Mr Shah – that he did not know Mr Ahamed – was echoed by Mr Ahamed in his written submissions. The Panel duly concluded that were Mr Ahamed present, there was little if anything he could challenge those witnesses about that was pertinent to the case brought by RICS.

13. Taking all of these factors into account, the Panel determined that there was limited identifiable prejudice to Mr Ahamed in proceeding in his absence as well as a clear public interest in adjudicating upon these serious allegations without delay.

Application to amend the Allegations

14. Mr Rich, on behalf of RICS, made a preliminary application to amend the dates averred in the stem of allegations 7 and 8 from “2003” to “2023”. He submitted that these were obvious errors, given that Mr Ahamed would have been aged 2 years old in 2003 and all other references in the charges and the evidence were to 2023. He submitted that it would have been evident to Mr Ahamed that the charge was intended to refer to 2023 and that no prejudice would arise from an amendment at this stage.
15. The Panel were directed by the Legal Advisor to Rule 122 of the Rules, which provides that it may amend the charges at any time if satisfied that it “should” be amended and that the amendment can be made “without injustice”.
16. The Panel were satisfied that the amendment sought amounted to a correction of a clear error that caused no prejudice to Mr Ahamed and directed that the amendment be made.

Evidence:

17. The Panel received the following material:
- Allegations and Case Summary bundle [26 pages]
 - Index to Evidence Bundle [1 page]
 - Evidence Bundle [430 pages]
 - Correspondence Bundle (including a completed Listing Questionnaire) [60 pages]
 - Member submissions [9 pages]
 - Statement of Adeel Qureshi [9 pages]

Facts:

18. The case concerns allegations that Mr Ahamed attempted, between June 2022 and June 2023, to secure associate membership of RICS and separately between March and June 2023, to secure direct entry to RICS as MRICS, by way of dishonest applications, using multiple RICS accounts. In addition, it is alleged that in March 2023, Mr Ahamed attempted to secure membership of the Institute of Quantity Surveyors of Kenya by way of a dishonest application.
19. The allegations make reference to four separate RICS accounts, using two variations of his name, three different dates of birth and four different email addresses, all of which are said to have been created or caused to have been created by Mr Ahamed. The allegations also refer to false documentation provided in support of the applications which are said to have been created or caused to have been created by Mr Ahamed.
20. The issues came to be the subject of investigation after Mr Faisal Bader, an employee of Turner and Townsend and a member of a WhatsApp group that was based around a community in Sri Lanka. Although not a member of the WhatsApp group, Mr Ahamed was known to the members of that group through his previous presence in that community. In 2023, Mr Bader became suspicious when told that Mr Ahamed had achieved MRICS membership at the age of 23. He conducted a search on the RICS website and found two membership accounts associated with Mr Ahamed. He also discovered that Mr Ahamed had purportedly gained his MRICS qualification in August 2023 with Turner and Townsend listed as his company. Mr Bader stated that there was no record of Mr Ahamed ever having been employed by that organisation, and so he raised his concerns with RICS in September 2023.
21. Mr Neil Shah, Regional Managing Director with RICS between August 2010 and November 2020 and Interim Executive Director between June 2022 and July 2023, provided a statement dated 14 February 2024. He confirmed that he was not contacted by Mr Ahamed or anyone else in respect of the letter of Good Standing purportedly produced by RICS on Mr Ahamed's behalf.
22. Mr Asmy Sheriff produced a statement dated 19 August 2024. He confirms that he was Mr Ahamed's counsellor for his Associate RICS application between January and August 2023. He stated that in August 2023, Mr Ahamed made contact to say he had been "invited" to pursue his MRICS by "some other route". Mr Ahamed subsequently informed Mr Sheriff that he had made the application through a second RICS account

and asked him, should anyone enquire, only to mention that he acted as Mr Ahamed's counsellor for the AssocRICS.

23. The remainder of the material relied upon by RICS was produced by Mr Jonathan Morcom, lead investigator for RICS. This included copies of the various applications made by or on behalf of Mr Ahamed, the material provided in support and relevant correspondence.

Submissions on behalf of the parties

24. Mr Rich, on behalf of RICS, reiterated the case advanced in his written Case Summary. He took the Panel to, inter alia, the relevant Rules and specific aspects of the evidence. He submitted that Mr Ahamed had acted dishonestly and, in the alternative, without integrity as charged.
25. Mr Rich also addressed the Panel on liability to disciplinary action. He invited the Panel to consider that the allegations, if proved, were serious and rendered Mr Ahamed liable to disciplinary action.

Burden and standard of proof

26. The Panel was advised that RICS is required to prove the allegations to the civil standard; that it is more likely than not that any event material to those allegations occurred. That is a single unwavering standard of proof, though the more serious an allegation the more care should be taken to examine the evidence. There is no requirement for Mr Ahamed to prove anything.
27. The Panel had in mind throughout its deliberations that the right to practise a profession is involved in these proceedings and proceeded upon the basis that the Human Rights Act 1998 will apply. It bore in mind in particular Mr Ahamed's right to a fair trial and respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as incorporated within UK law by that Act. The question of whether or not any facts admitted or found proved gave rise to liability to disciplinary action is a matter for the Panel's judgment.

Dishonesty

28. The Panel was referred to the case of **Ivey v Genting Casinos [2017] UKSC 67**, in which the Supreme Court examined the concept of cheating and the definition of dishonesty.

29. Para 74 states 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.**”*

30. It follows that the test is as follows:

- a. What did the Member (subjectively) know or believe to be the factual situation at the time? Having established that...
- b. Taking a) into account, was the conduct (objectively) dishonest according to the standards of ordinary decent people?

Integrity

31. The Panel was referred to the case of **Wingate v Solicitors Regulation Authority [2018] EWCA Civ 366**: On a review of authorities, Jackson LJ, gave judgement as follows:

93. ... Honesty is a **basic moral quality which is expected of all members of society.** It involves being truthful about important matters and respecting the property rights of others. Telling lies about things that matter or committing fraud or stealing are generally regarded as dishonest conduct. These observations are self-evident and they fit with the authorities cited above. The legal concept of dishonesty is grounded upon the shared values of our multi-cultural society. **Because dishonesty is grounded upon basic shared values, there is no undue difficulty in identifying what is or is not dishonest.**

95. ... As a matter of common parlance and as a matter of law, **integrity is a broader concept than honesty**. In this regard, I agree with the observations of the Divisional Court in *Williams* and **I disagree with the observations of Mostyn J in *Malins*** .

96. **Integrity is a more nebulous concept than honesty**. Hence it is less easy to define, as a number of judges have noted.

97. In professional codes of conduct, the term "integrity" is **a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members**. See the judgment of Sir Brian Leveson P in *Williams* at [130]. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.

100. Integrity connotes **adherence to the ethical standards of one's own profession. That involves more than mere honesty**. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse.

102. Obviously, neither courts nor professional tribunals must set unrealistically high standards, as was observed during argument. **The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public.**

Determination on Facts

32. The Panel took careful account of the submissions of both parties and the advice of the Legal Assessor.

1. On or about 1 June 2023, Mr Sirajudeen Nuthais Ahamed provided RICS with a final submission in relation to his application for associate membership (RICS account 0870659). Mr Ahamed acted dishonestly in that he declared the following matters as being true when they were not:

a) That he had been employed as a cost manager at Turner & Townsend since 18 January 2022

33. Proved. The Panel took account of the email from Mr Kobus Havemann, the Country Manager (Saudia Arabia) for Turner and Townsend, the evidence of Mr Sheriff and Mr Bader, the admissions made by Mr Ahamed in the Listings Questionnaire and Mr Ahamed's submissions in particular in concluding that his declaration was factually incorrect and known to be so by Mr Ahamed. The Panel considered his written explanation that he made this reference to Turner and Townsend because his actual employer did not appear on the RICS website did not in any way excuse his conduct, which was objectively dishonest.

34. The Panel also noted in its deliberations that whilst Mr Morcom's statement of 21 August 2024 confirmed that Mr Ahamed's final assessment was received by RICS on 23 June 2023, this was sufficiently close in time to the date charged as "on or about 1 June 2023" to meet the essential ingredients of the charge without amendment.

b) That he had achieved a Diploma in Quantity Surveying from ISO on 1 December 2017.

35. Proved. The Panel had regard to the Diploma produced by Mr Ahamed at Exhibit JM-08 in support of his first application for direct entry as MRICS. When cross-referenced with the date of birth given on his passport [p283] of 30 November 2000, it purports that he achieved the qualification at 16 or 17 years of age. The Panel also noted that a subsequent screengrab provided by Mr Ahamed in response to the RICS allegation

letter [p417] suggests that the Diploma in Quantity Surveying was issued on 31 October 2022.

36. Taken together, the Panel was satisfied that the diploma in question was unlikely to be genuine and that Mr Ahamed knew it gave a false date of completion. It concluded that a member of the public in full knowledge of the circumstances would likely consider that to be dishonest.

2. On or about 1 June 2023, Mr Sirajudeen Nuthais Ahamed provided RICS with a final submission in relation to his application for associate membership (RICS account 0870659). Mr Ahamed acted without integrity in that he declared the following matters as being true when he knew or ought to have known that they were not:

a) That he had been employed as a cost manager at Turner & Townsend since 18 January 2022 and/or

b) That he had achieved a Diploma in Quantity Surveying from ISO on 1 December 2017.

37. Having found dishonesty proved in respect of this matter, the Panel did not consider the alternate charge of lack of integrity.

3. On or about 11 March 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900254) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry

38. Proved. The Panel noted from the evidence produced that Mr Ahamed had an active account at the point he contacted RICS, in March 2023, for clarification of his eligibility for direct entry. It observed that he had commenced that application by email of 12 March 2023, by introducing himself as a member of IQSK. The Panel considered it most

likely that that was a deliberate reference by Mr Ahamed to what he knew to be a key criterion for direct entry, and was confirmed as such in subsequent responses by RICS. However, taking account of the correspondence from IQSK in September 2023 that he was not a member and had provided a certificate of membership that belonged to someone else, the Panel was satisfied that Mr Ahamed knew he did not meet the criteria yet purported to do so by making false reference to his membership of IQSK.

39. The Panel concluded that an informed member of the public would consider that to be dishonest.

b) The date of birth provided for the 0900254 application was false

40. Proved. Having compared the given date with that provided on Mr Ahamed's passport, the Panel was satisfied that it was incorrect. Given its conclusions in respect of other aspects of Mr Ahamed's mindset in respect of this application, the Panel concluded that this was unlikely to be an innocent error and was instead part of a dishonest scheme to achieve MRICS status on false pretences.

c) Mr Ahamed was not and had never been a member of IQSK

41. Proved. For the reasons stated above.

d) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900254 application.

42. Proved. For the reasons stated above.

4. On or about 11 March 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900254) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

- a) Mr Ahamed knew that he already had an active RICS account (0870659) for an application to become an associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or*
- b) The date of birth provided for the 0900254 application was false and/or*
- c) Mr Ahamed was not and had never been a member of IQSK and/or*
- d) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900254 application.*

43. Having found dishonesty proved in respect of this matter, the Panel did not consider the alternate charge of lack of integrity.

5. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900253) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry*

44. Proved. For the same reasons as the equivalent application referred to at allegation 3, above.

- b) Mr Ahamed was not and had never been a member of IQSK*

45. Proved. For the same reasons as the equivalent application referred to at allegation 3, above.

- c) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900253 application.*

46. Proved. For the same reasons as the equivalent application referred to at allegation 3, above.

6. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (RICS account 0900253) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or*
- b) Mr Ahamed was not and had never been a member of IQSK and/or*
- c) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the 0900253 application.*

47. Having found dishonesty proved in respect of this matter, the Panel did not consider the alternate charge of lack of integrity.

7. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (MRICS account 0909943) based on his purported membership of the Institute of Quantity Surveyors of Kenya (IQSK). Mr Ahamed acted dishonestly in the following ways in relation to that application:

- a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew that he did not meet the criteria for direct entry*

48. Proved. For the same reasons as the equivalent applications referred to at allegations 3 and 5, above.

- b) The date of birth provided for the MRICS 0909943 application was false*

49. Proved. For the same reasons as the equivalent applications referred to at allegations 3 and 5, above.

c) The completed application form, dated 4 June 2023, for the 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Kenya between 1 February 2018 and 21 November 2019

50. Proved. The Panel took account of Mr Bader's statement that there was no record of Mr Ahamed's employment at this company, the admission from Mr Ahamed in the listing questionnaire to allegations 1a and 2a and to Mr Ahamed's written account in which he gave reasons for why he chose to use this name instead of that of the company he actually worked for. The Panel considered it instructive in respect of Mr Ahamed's written submissions that he did not suggest he had ever worked at Turner and Townsend.

51. Accordingly, it concluded it likely that Mr Ahamed's declaration in this regard was knowingly false and designed to bolster the strength of his application. The Panel concluded an informed member of the public would consider that to be dishonest.

d) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Saudi Arabia since 1 January 2020

52. Proved. As above.

e) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had achieved a Diploma in Quantity Surveying from ISO Campus in December 2016

53. Proved. For the same reasons as those expressed in respect of allegation 1b.

f) Mr Ahamed was not and had never been a member of IQSK

54. Proved. For the same reasons as those expressed in respect of allegation 3, 5 and 7f)-7h).

g) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the MRICS 0909943 application

55. Proved. As above.

h) Four forged membership certificates purporting to be genuine IQSK certificates were provided in support of the MRICS 0909943 application.

56. Proved. As above.

8. On or about 13 June 2023, Mr Sirajudeen Nuthais Ahamed, made or caused to be made an application for direct entry to RICS as MRICS (MRICS account 0909943) based on his purported membership of the Institute of Quantity Surveyors Kenya (IQSK). Mr Ahamed acted without integrity in relation to that application in that:

a) Mr Ahamed already had an active RICS account (0870659) for an application to become an associate member of RICS and knew or ought to have known that he did not meet the criteria for direct entry and/or

b) The date of birth provided for the MRICS 0909943 application was false and/or

c) The completed application form, dated 4 June 2023, for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Kenya between 1 February 2018 and 21 November 2019 and/or

d) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had been employed by Turner & Townsend in Saudi Arabia since 1 January 2020 and/or

e) The completed application form for the MRICS 0909943 application falsely declared that Mr Ahamed had achieved a Diploma in Quantity Surveying from ISO Campus in December 2016 and/or

f) Mr Ahamed was not and had never been a member of IQSK and/or

g) A forged letter dated 28 May 2018 purporting to be from IQSK was provided in support of the MRICS 0909943 application and/or

h) Four forged membership certificates purporting to be genuine IQSK certificates were provided in support of the MRICS 0909943 application.

57. Having found dishonesty proved in respect of this matter, the Panel did not consider the alternate charge of lack of integrity.

9. Between 11 March 2023 and 17 March 2023, Mr Sirajudeen Nuthais Ahamed made or caused to be made an application for membership of the Institute of Quantity Surveyors of Kenya (IQSK) based on his purported professional membership of RICS. Mr Ahamed acted dishonestly in relation to that application in that:

a) Mr Ahamed, although a candidate for associate membership of RICS, was not a professional member of RICS

58. Proved. The Panel noted that this represented an attempt by Mr Ahamed to secure membership of IQSK by virtue of membership of RICS that he did not have. Whilst it considered the possibility that Mr Ahamed had innocently conflated his associate membership of RICS with full membership, the Panel concluded that this possibility was fatally undermined by his provision of forged documentation in support of the application. Accordingly, it considered it more likely that Mr Ahamed had deliberately embellished his qualifications to bolster the strength of his application.

59. The Panel concluded an informed member of the public would consider that to be dishonest.

b) A forged letter of recommendation, dated 16 March 2023, purporting to be from RICS was provided in support of Mr Ahamed's application to join IQSK

60. Proved. The Panel had regard to the letter in question and observed, in the context of Mr Ahamed's clear status as an associate-only member of RICS, that the document was a forgery. The Panel concluded that it was more likely than not that Mr Ahamed had produced this document or caused it to be produced, knowing it was false, in order to bolster his application for IQSK membership. It was of the view that an informed member of the public would consider that to be dishonest.

c) A forged certificate stating that Mr Ahamed had been elected as a professional member of RICS on 25 November 2022 was provided in support of Mr Ahamed's application to join IQSK.

61. Proved. The Panel had regard to the certificate in question and observed, in the context of Mr Ahamed's clear status as an associate-only member of RICS, that the document was a forgery. The Panel concluded that it was more likely than not that Mr Ahamed had produced this document or caused it to be produced, knowing it was false, in order to bolster his application for IQSK membership. It was of the view that an informed member of the public would consider that to be dishonest.

10. Between 11 March 2023 and 17 March 2023, Mr Sirajudeen Nuthais Ahamed made or caused to be made an application for membership of the Institute of Quantity Surveyors of Kenya (IQSK) based on his purported professional membership of RICS. Mr Ahamed acted without integrity in relation to that application in that:

a) Mr Ahamed, although a candidate for associate membership of RICS, was not a professional member of RICS and/or

b) A forged letter of recommendation, dated 16 March 2023, purporting to be from RICS was provided in support of Mr Ahamed's application to join IQSK and/or

c) A forged certificate stating that Mr Ahamed had been elected as a professional member of RICS on 25 November 2022 was provided in support of Mr Ahamed's application to join IQSK.

62. Having found dishonesty proved in respect of this matter, the Panel did not consider the alternate charge of lack of integrity.

Liability to Disciplinary action:

63. The Panel went on to consider whether Mr Ahamed was liable to disciplinary action. In coming to its conclusion the Panel accepted the advice of the Legal Assessor. The question is one for the Panel's judgment as to whether the conduct proved is sufficiently serious to warrant formal action. The Panel considered that the conduct of Mr Ahamed in seeking to secure membership of two professional organisations by dishonest and fraudulent means represented a serious departure from the standard of conduct to be expected from a member of the profession.
64. In reaching this decision, the Panel took into account the fact that Mr Ahamed had created, or caused to be created, four different email addresses, two variations of his name and three different dates of birth, primarily to minimise the risk of detection. He had also produced, or caused to be produced a number of false documents in support of these applications. It was a dishonest scheme that involved a high degree of planning, effort and thought to execute.
65. Further, the Panel noted that in his response to the RICS investigation, Mr Ahamed sought to deflect blame onto a third party and even the RICS. He provided an account as to how these applications came to be made that the Panel considered to be wholly incredible and internally inconsistent – on the one hand appearing to express ignorance as to how they came to be created and on the other appearing to suggest that he paid a third party to pursue one or more of the applications on his behalf.
66. In totality, the Panel considered that Mr Ahamed's role in these events was serious and compounded by his responses to the investigation. It was in no doubt that it rendered him liable to disciplinary action.

Sanction:

67. The Panel heard further submissions from Mr Rich as to the appropriate sanction. He invited it to conclude that these were very serious acts of dishonesty that fall at

the top end of the scale. He submitted that these applications went to the root of the process by which RICS allow individuals to become members, and consequentially, achieve the qualifications in which members of the public place their trust. He submitted that an MRICS qualification is a guarantee of quality and the RICS and the public rely on prospective members being honest in what they say about their suitability to achieve that standard.

68. Mr Rich invited the Panel to have those factors in mind when considering the appropriate sanction.

69. The Legal Advisor directed the Panel to take into account the Guidance published by RICS on sanction. It was taken to Version 9 of the Sanctions Policy dated February 2022, in particular to paragraphs 6, 7 and 14-21. The Panel was reminded that the purpose of sanctions is not to punish the individual member but to act in the public interest. If a sanction is imposed, it must be proportionate to the breach and all the circumstances.

Mitigating/Aggravating features:

70. The following features of the case were considered to mitigate the breaches:

- His limited factual admissions to Allegations 1a and 2a
- No disciplinary history

71. The following features of the case were considered to aggravate the breaches:

- Conduct concerned a pattern of repeated dishonesty
- Attempts to conceal the dishonesty by way of use of multiple accounts – and telling Mr Sheriff not to tell others about his MRICS application
- The extent of planning and effort that the scheme involved – including the production of forged documents
- Motivated by personal career advancement – by way achieving a gateway qualification of which he was not eligible

- Conduct gave rise to clear potential risk to the public if he were to be engaged without appropriate experience and qualifications
- No insight demonstrated into the conduct
- No material acceptance of responsibility
- No reflection or attempt at remediation
- High risk of repetition

Decision on Sanction:

72. The Panel considered the matter too serious for no sanction to be imposed.

73. Having accepted the advice of the Legal Assessor regarding the need to take a proportionate approach, the Panel considered the full range of sanctions available to it, starting with the least stringent.

74. The Panel considered a Caution and Reprimand would provide no effective deterrent effect, nor reflect the gravity of the misconduct. Undertakings and Conditions were considered to be conceptually inappropriate for a case involving dishonesty in which no insight had been displayed. Equally, they would permit an immediate return to practice which the Panel deemed wholly inappropriate given the findings. Fines were similarly considered to have no effect in protecting the public or preventing a repetition of the behaviour. This was behaviour that the Panel considered struck at the very heart of professional membership, was wholly incompatible with continued registration, had not been the subject of any substantive acknowledgement of fault or attempt to reflect upon or address it and was at high risk of repetition.

75. Accordingly, the Panel concluded that Expulsion of Mr Ahamed from RICS membership was the only appropriate and proportionate sanction.

The Panel orders that Mr Ahamed be expelled from all membership of RICS

Publication

76. The Panel considered the guidance as to publication of its decisions. It accepted the Legal Assessor's advice. The advice was, and the guidance provides, that it is usual for the decisions of the Panel to be published on RICS' website and in RICS Modus. The Panel considered it was an essential function of proceedings of this nature that the outcome is publicly available and it sees no reason for departing from the normal practice in this case.

The Panel orders that this decision be published on RICS' website and in RICS Modus, in accordance with Supplement 3 to the Sanctions Policy 2022 version 9.

Costs

77. RICS made an application for costs in the sum of £25,827.00. Mr Ahamed provided a statement of means in support of his contention that he had limited ability to pay the costs. The Panel noted that the Costs had already been reduced to reflect the completion of the case in two days, rather than three. It was also conscious that any reduction in the costs, which appeared to have been reasonably incurred, would result in the remainder being borne by members of the profession. The Panel concluded that the application ought to be granted the costs of the hearing borne by Mr Ahamed.

The Panel orders Mr Ahamed to pay RICS the sum of £25,827 in costs

Appeal Period

78. Mr Ahamed may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with para 153 of the RICS Regulatory Tribunal Rules 2022, version 2.
79. Under Rule 167 of the Rules, the RICS' Chair of Governing Council may apply to the Appeal Panel within 28 days for a review of a finding or Regulatory Sanction if they believe it is unduly lenient.