

**Decision of the Disciplinary Committee**  
**C87-8/07**

**Re: A Valuer**

**Charge**

On 7 December 2007 a valuer was charged that:

*“being a registered valuer, (he) contravened the Rules of Conduct of the Australian Property Institute and pursuant to section 50(1)(b) of the Act, was negligent in his performance as a valuer in respect of a valuation conducted of a property at Paddington, in that (he):*

- a) accepted instructions from a party other than his client to review a valuation prepared for his client, in the absence of approval by his client and thereby caused a conflict of interest, and*
- b) in conducting the initial valuation, which he later reviewed, failed to adequately research the extent of market evidence which was available, at the date of valuation, for consideration as a valuation basis.”*

By an Investigation Report dated 7 December 2007 details of the complaint and investigation were provided to the valuer and to this Disciplinary Committee.

**Submissions by the valuer’s solicitors**

By letter dated 8 February 2008 the valuer’s solicitors indicated that it was their client’s intention to plead guilty.

On 12 March 2008 the valuer pleaded guilty. His solicitor made written and oral submissions about the penalty to be imposed.

**Findings**

Based on his admission this committee finds the valuer guilty of the charge made against him.

**Penalty**

The committee severely reprimands the valuer for:

1. failing to obtain instructions in writing which lay at the heart of the entire problem because it meant that he really did not know what he was doing and for whom he was doing it;
2. failing to undertake adequate research when carrying out the valuation;
3. improperly communicating with a person who was not his client, and
4. failing to communicate with the person who was his client.

The committee has decided not to impose a monetary penalty upon the valuer for the following reasons:

1. the valuer is young and starting out in his career;
2. on the basis the valuer has been let down by his employer and some of its internal processes;
3. the valuer is genuinely remorseful and has learnt from the experience;
4. the valuer fully co-operated with the Investigator, as did his employer;
5. the valuer made an early plea in respect of the charge.

**Costs**

The valuer is ordered to pay the costs of the disciplinary proceedings in the sum of \$1,651.50 within one month from 12 March 2008.

**Dated** 12 March 2008

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Chairperson

Valuers Disciplinary Committee