



18 May 2026

Professional Conduct Committee | Panel Report

[Redacted]

Produced by the Professional Conduct Committee
pursuant to Section 13.13 of the API Professional Conduct Policy

Details

Complainant		Member	

Professional Conduct Committee

[Redacted]

Date of Complaint

22 July 2025

Date of Professional Conduct Committee Meetings

25 March 2026
13 May 2026
14 May 2026

Property Address

[Redacted]

Property Category

- ☒ Residential
- ☐ Commercial
- ☐ Rural

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Timeline of Events

This is a summary of a timeline of events alleged by the Complainant in their submitted evidence:

27.7.2023	Complainant sent Member plan of proposed subdivision, contract, vendors statement, plan for townhouses and load agreement. Email of comparable sales and advice from 4 agents of value between \$900,000 and \$1.3m.
28.7.2023	Complainant paid 50% of fee and sent Member email re the land being on the internet via [REDACTED] at \$995,000 and three developers wanted it at the price on extended settlements.
31.7.2023	Licence to extract gravel on adjoining public land cancelled in 2006.
2.8.2023	Council info re Environmental Audit Overlay. ALSO, EPA certificate that the land is not on the list of contaminated sites.
4.8.2023	Feasibility study ALSO Council letter of advice following pre-application meeting.
6.8.2023	Press release to [REDACTED]
9.8.2023	Email to Member stating value as serviced blocks \$8.5m, with permit \$3.5m and as is \$1.5m to \$2m. And "I need to communicate with a lender with some urgency."
10.8.2023	I provided a builder's estimate at Member's request. Also, actual cost to me: Acquisition \$400k, Services \$1.8m, Fees/legal \$1.6m, TOTAL \$3.8m. Retail 30x \$300k = \$9m.
12.8.2023	to [REDACTED]: I'm flabbergasted. Can't understand it. ... re [REDACTED] interested to fund it... This was crucially urgent 16 days ago when delivery was to be 4 days, then 8, then 11. I'm in deep doo-doo's..... ALSO, [REDACTED] RE is spending \$4,900 on ads for FOI closing 24.8.2023, have offer of \$800k in 60 days. ALSO Email to [REDACTED] a valuer friend advising that at long last there's a response from [REDACTED] "It's not worth what I think it is."
14.8.2023	Email to architect [REDACTED] "One lender is interested at 6.9%..." ALSO to [REDACTED] copy of exclusive agency appointment. ALSO, to [REDACTED] advising that [REDACTED] had sent an auction authority with estimate \$900/950 as is. The Professionals \$1.3m. DCK %1.2m to \$1.3m as is. ALSO, [REDACTED] wrote that his opinion is \$550k to \$600k "subject to permit and no contamination". NOTE: In the event his valuation was \$650,000, well below the 2 offers of \$750k and \$800k but the shocking and totally unbelievable point is he added the words "SUBJECT TO PERMIT", in flagrant disregard to his instructions and the urgent and obvious crucial necessity of the whole exercise. He is a senior and experienced man, and I cannot understand him as I told him several times. ALSO, on 14.8.2023 email to [REDACTED] " [REDACTED] are known to [REDACTED] I need a realistic valuation someone to pledge a property for a small fee". ALSO, to [REDACTED] re the valuation course "We were taught about capitalisation, summation and direct comparison, ...
15.8.2023	to [REDACTED] "Would you consider \$850,000 as is?"
16.8.2023	to [REDACTED] "You have totally floored me, [REDACTED] I can't understand you..... The promised 4 days is now 20 days.
17.8.2023	to [REDACTED] re comparable sale at [REDACTED]. Separate email with 2 others.
18.8.2023	comparable sale at [REDACTED] ALSO, my first plan for 14 large lots.

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21.8.2023	YOU FLOORED ME [REDACTED] 4 days has become 24 days, and you have put me in a diabolical situation.
22.8.2023	I sent [REDACTED] the planning application. Then various sundry emails.
27.8.2023	to [REDACTED] "SETTLEMENT DUE THURSDAY. PLEASE RESPOND.
28.8.2023	[REDACTED] payment confirmation of \$1,375.00 balance paid to [REDACTED] ALSO 6 STAR building costs by [REDACTED] architect sent to [REDACTED]
29.8.2023	Haven't received valuation. Please send again.
31.8.2023	Valuation sent to [REDACTED].
4.9.2023 to 17.9.2023	10 emails to [REDACTED]
12.9.2023	email to [REDACTED] of [REDACTED] my solicitors asking for a threatening letter to go today to Tony asking for an unconditional valuation. ALSO, a further email to [REDACTED]
13.9.2023	email to [REDACTED] re the unnecessary of 'subject to removal of Environmental Audit Overlay. It is a natural right once the audit has been obtained and is a long process requiring rezoning.
14.9.2023	email to [REDACTED] re action against [REDACTED] c 70 more emails to date.

Complainant Position

How has this event Affected you?

[REDACTED] stopped the mortgage loan in its tracks, and I had to give up half ownership and get a partner to settle on time.

What Outcome are you Seeking?

Refund of fee and damages. Banning of [REDACTED] as a valuer

Member Position

We advised [REDACTED] at the time, when I took the instructions for the valuation, that I would not release the valuation report to him until the fee had been paid in full. [REDACTED] agreed and he did not pay the balance of the valuation fee until the 28th of August 2023 and I released the valuation report to him on 29th August 2023.

[REDACTED] received a response from [REDACTED] stating that the Environmental Audit Overlay could not be removed because EPA regulations had changed since 2017 and the new regulations were applied as at 2021.

There are no comparable sales for the subject property.

The property was valued on a Hypothetical Development Basis at \$650,000, which is a higher value than the original purchase price of \$350,000. Subject to a permit and no contamination.

In my experience, an Environmental Auditor would charge a fee of around \$40,000 - \$50,000 just to do an initial investigation report and then if by any chance he discovers contamination, depending on the works required it could cost anywhere between \$200,000 - \$400,000 for the clean-up.

Allegations and Considerations

The Complainant alleges the following categories of the Rules of Professional Conduct have been breached by the Member:

Competency and Service Provided - Relevant Rules: Rule 1.1 and 1.5

Complainant stated:

He agreed to very urgently provide a valuation for mortgage purposes [within 3 to 5 days] as a rescission notice had been served. He required the fee of \$2,750 cash up front which was paid. . Incredibly he sat on the job for c.30 days and then produced a so-called valuation which was 100% useless. In the meantime, I took in a partner and settled the contract. There were substantiated offers of \$750,000 and \$800,000 from a sales campaign by Expressions of Interest, which he was required to take into account, but his figure was \$650,000.

... Total reversal of obvious necessary instructions and requirement.

Member stated:

We inspected the property on the 1st of August 2023 and then we requested further information which [REDACTED] provided on the 2nd of August 2023. [REDACTED] sent us an email from [REDACTED] of [REDACTED]. In the main, [REDACTED] requested the removal of the Environmental Audit Overlay. The email from [REDACTED] states why it cannot be removed...

We advised [REDACTED] at the time, when I took the instructions for the valuation, that I would not release the valuation report to him until the fee had been paid in full. [REDACTED] agreed and he did not pay the balance of the valuation fee until the 28th of August 2023 and I released the valuation report to him on 29th August 2023...

The property was valued on a Hypothetical Development Basis at \$650,000, which is a higher value than the original purchase price of \$350,000. Subject to a permit and no contamination.

... On the 6th of August 2023 – [REDACTED] sent me an email stating... “the subject property was 10-star energy rating”. The email was from a proposed advertisement. I have never heard of a 10-star energy rated dwelling and for that matter, neither had [REDACTED].

On the 7th of August 2023 – [REDACTED] sent me an email addressed to the Mayor, Councillors and Council Officers regarding the removal of the Environmental Audit Overlay....

[REDACTED] received a response from [REDACTED] stating that the Environmental Audit Overlay could not be removed because EPA regulations had changed since 2017 and the new regulations were applied as at 2021.

Relevant Rules:

Rule 1.1 – *Members must carry out their professional duties ethically, with honesty, competence, and in good faith, without personal bias, and in a manner, which upholds the values and reputation of the API.*

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Rule 1.5 – *A Member must operate within the limits of their qualifications and experience and must not accept instructions in a field of practice in which they possess insufficient knowledge and skill to provide competent services to the client, unless the Member obtains fully informed written consent from the client to undertake the services, or they undertake the services in conjunction with a person having the required competence.*

Professional Conduct Committee considered:

- **The Professional Conduct Committee determined the evidence submitted by the Complainant does establish a prima facie finding of a breach of Rules 1.1 and 1.5 of the Rules of Professional Conduct.**

Valuation Process – Relevant Rules: Rule 11.5(b), (c) and (d)

Complainant stated:

Instead of doing a normal "as is" valuation, he chose to add a condition making it absolutely useless

Member stated:

Member received a response from [REDACTED] stating that the Environmental Audit Overlay could not be removed because EPA regulations had changed since 2017 and the new regulations were applied as of 2021....

The property was valued on a Hypothetical Basis at \$650,000, which is a higher value than the original purchase price of \$350,000. Subject to a permit and no contamination....

In my experience, an Environmental Auditor would charge a fee of around \$40,000 - \$50,000 just to do an initial investigation report and then if by any chance he discovers contamination, depending on the works required it could cost anywhere between \$200,000 - \$400,000 for the clean-up.

Relevant Rules:

Rule 11.5 *A Valuer, who is the Primary Valuer, must include in the valuation report, opinion or advice:*

...

- (b) *a statement of all assumptions made in arriving at an opinion of value and all conditions;*
- (c) *any requirements or limitations arising from the client's instructions;*
- (d) *any requirements or limitations arising due to any other circumstances...*

Professional Conduct Committee considered:

- **The Professional Conduct Committee determined the evidence submitted by the Complainant does establish a prima facie finding of a breach of Rules 11.5 (b), (c) and (d) of the Rules of Professional Conduct.**

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Failure to disclose departure from accepted industry practice – Relevant Rules: Rule 9.1

Complainant stated:

The all-powerfull boy thought he could conjure up an all-destroying condition at will for his amusement.

Member stated:

We inspected the property on the 1st of August 2023 and then we requested further information which [REDACTED] provided on the 2nd of August 2023...

We advised [REDACTED] at the time, when I took the instructions for the valuation, that I would not release the valuation report to him until the fee had been paid in full. [REDACTED] agreed and he did not pay the balance of the valuation fee until the 28th of August 2023 and I released the valuation report to him on 29th August 2023....

The property was valued on a Hypothetical Development Basis at \$650,000, which is higher value than the original purchase price of \$350,000. Subject to a permit and not contamination.

Relevant Rules:

Rule 9.1 – *Where a member considers that a circumstance exists that warrants the departure from or non-compliance with any of these Rules, the Member's report, opinion or other advice must include a written statement that outlines:*

- (a) *the reasons for the departure or non-compliance with the Rules; and*
- (b) *any impact the Members departure or non-compliance may have on the content of the opinion or advice.*

Professional Conduct Committee considered:

- **The Professional Conduct Committee determined the evidence submitted by the Complainant does establish a prima facie finding of a breach of Rule 9.1.**

Non-compliance with Professional Member Obligations – Relevant Rules: Rule 10.2

Complainant stated:

All above.

Member stated:

n/a

Relevant Rules:

Rule 10.2 – *Valuers must also comply with all applicable legislative requirements and any professional member obligations as published or adopted by the API and applicable at the date of valuation.*

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Professional Conduct Committee considered:

- **The Professional Conduct Committee determined the evidence submitted by the Complainant does establish a prima facie finding of a breach of Rule 10.2.**

Professional Conduct Panel Meeting – 25 March 2026

The Deputy Chair of the Committee formed a Panel to consider the complaint. The Panel was provided with Annexures 001 to 006.

On 25 March 2026, the Deputy Chair of the API's Professional Conduct Committee (██████████) together with ██████████ and ██████████ ("Panel") considered this complaint pursuant to clause 11.1(a) of the API Professional Conduct Policy. The Committee together with API representatives, acting as observers, convened by videoconference.

The Professional Conduct Panel gave due consideration to the alleged breaches of the API Rules of Professional Conduct based on their extensive knowledge and understanding of the API valuation and property standards. No conflict of interest was identified amongst the committee from the material provided.

Professional Conduct Panel Determination

In accordance with section 11.1(b)(i) of the API Professional Conduct Policy, the Professional Conduct Panel determined the evidence submitted by the Complainant does establish a prima facie finding of professional misconduct in relation to **Rules 1.1, 1.5, 11.5(b), (c) and (d), 9.1 and 10.2** of the API's Rules of Professional Conduct.

Notice of Prima Facie Findings

The Member was charged with Professional Misconduct pursuant to a breach of **Rules 1.1, 1.5, 11.5(b), (c) and (d), 9.1 and 10.2** of the API's Rules of Professional Conduct. A Notice of Prima Facie Findings was forwarded to the Member on 30 March 2026.

The Member elected on 14 April 2026 to attend a hearing before the Panel.

The Member provided written representations and (Annexures 007 and 008) on 30 April 2026.

Consideration of Representations

The same Panel met to hear the Member's representations on 13 May 2026 and to consider the Member's representations (including Annexures 007 and 008) on 14 May 2026.

At the end of the meeting, the Panel confirmed the findings of Professional Misconduct pursuant to a breach of **Rules 1.1, 1.5, 11.5(b), (c) and (d), 9.1 and 10.2** of the API's Rules of Professional Misconduct.

Sanctions

Prior to determining the penalty to be imposed on the Member pursuant to clause 14.1 of the Professional Conduct Policy, the considerations set out in clause 14.3 of the Policy have been considered by the Complaints Committee.

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Specifically, the Professional Conduct Committee has considered the following factors:

- a. the seriousness of the breach.
- b. breach cannot be easily remedied or rectified.
- c. Member has not remedied or rectified their conduct.
- d. Member has not expressed contrition but rather has expressed anger at being queried.
- e. Member is 77.
- f. the breach will potentially harm the reputation of the API.
- g. educative approach would be more appropriate than a punitive approach.
- h. findings are in the public interest.
- i. formal enforcement action is warranted.

Taking the above matters into consideration, it is determined that the following sanctions are appropriate:

- a. Member to be counselled.
- b. Member to give an undertaking to abstain from writing reports that do not comply with the PPSM and API standards.
- c. Member to undertake the PVT course for moving from RPV to CPV at the cost of \$700 along with Code of Ethics and Rules of Professional Conduct, IVS and the RMM before renewing his membership.
- d. Findings to be published in redacted form (removing the Member's identifying details).
- e. Member to be given a formal warning.

Member Rights

The Member is informed that a right of appeal exists pursuant to clause 16.1 of the Professional Conduct Policy. Any such appeal must be commenced within 15 business days of receipt of this decision.

Pursuant to Section 16.3 of the Professional Conduct Policy, the Complainant is not entitled to appeal a decision of the Complaints Committee.

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Annexures

Number	Name	Dates
001	Correspondence	26.8.2025 – 4.11.2025
002	Complainant Supporting Evidence	3.8.2023 – 26.8.2025
003	Member Supporting Evidence	25.9.2025
004	Professional Review Form	22.7.2025
005	Member Response Submission	25.9.2025
006	Valuation Report	3.8.2023
007	Email Member to PCO	30.4.2026
008	Valuation Report including page 6	1.8.2023

I, [REDACTED], [REDACTED] confirm that this is an accurate account of the decision of the Panel formed from the Professional Conduct Committee in relation to this Complaint.

Yours faithfully,

[REDACTED]

[REDACTED] API Professional Conduct Committee
Australian Property Institute Ltd
ProfessionalConduct@api.org.au