

PROFESSIONAL CONDUCT CASE STUDY 1

Taking a deposit and not providing
service

August 2017



K A M R A T A L - P E R I T I

*To support members of the profession in achieving excellence in their
practice of architecture and engineering in the interest of the community*

Correspondence was received from Complainant A in November 2016, wherein it was alleged that Complainant A had engaged the services of Perit X to survey their property and provide an estimate of the insurable value. Perit X inspected the property and requested a deposit of €80.00, and assured Complainant A that the report would be completed within three weeks.

Despite several attempts to contact Perit X, and several reminders by email, SMS and phone calls, the Complainant never received any form of report from Perit X. The Complainant therefore wrote to the Council of the Kamra tal-Periti stating that *“months have now passed from the agreed delivery date and we are left with no other means of recourse (excluding legal) but to appeal to you on the grounds of professional ethics and basic decency. I strongly believe that the profession as a whole does not merit such an image and that such behaviour should be flagged and looked into.”*

In January 2017, the Council wrote to Perit X for comments, and the latter replied within a few days, stating that the deposit would be returned to the Complainant. However, more time passed, and the Complainant informed the Council that such deposit had not been returned. Therefore in March 2017, the Council wrote to Perit X again. In its letter the Council stated that *“it finds this to be unacceptable behaviour on the part of a member of the profession, and in view of this you are requested (i) to apologise in writing to the complainant for your failure to provide the contracted services and for the delay in settling the repayment of the deposit, and (ii) to return the deposit, both within 2 weeks of this letter. You are also requested to copy the Council of the Kamra tal-Periti with your correspondence with the complainant as well as proof of repayment of said deposit.”*

The two weeks passed, and once again no reply was forthcoming from Perit X. The Council sent a reminder at the end of March 2017, asking for Perit X to comply with its request by the 7th April 2017.

Perit X did not reply to the Council's request, nor was any communication made with the Complainant. The Council therefore wrote to Perit X as follows:

“The Council of the Kamra tal-Periti finds your behaviour to be completely unacceptable, and unbecoming of a member of the profession. Furthermore, your behaviour is being considered as an act of disrespect towards the Council and the Kamra. The Council is therefore issuing a formal reprimand in your regard, which reprimand shall be registered in the Kamra's records.”

Such decision was copied to the Complainant.

The Council has issued this Case Study to remind members of the profession that, at all times, it is important to act in a manner which upholds ethical standards and common decency. *Periti* are reminded that, in accordance with Chapter 390 of the Laws of Malta, conduct which is deemed to be discreditable to the profession may be punishable through the suspension, revocation or cancellation of a warrant.