

SOUTH AFRICAN COUNCIL FOR THE PROPERTY VALUATION PROFESSION
GUIDELINES TO LODGE A COMPLAINT AND DISCIPLINARY PROCESS TO BE FOLLOWED

Any member of the public, an association or an organisation may lodge a complaint against a registered person (Professional Valuer, Professional Associated Valuer, Candidate or Single Residential Property Assessor) with the South African Council for the Property Valuers Profession (the Council) if they are of the opinion that the person is guilty of improper/ unprofessional conduct.

The Council will investigate complaints of alleged improper conduct on the part of individual and if deemed necessary, implement such disciplinary action against the party. The Council is not in a position to assist with the recovery of monies as it is neither a Court nor an alternative to the normal debt collection procedures. Furthermore, the Council does not value property and therefore a valuation dispute as it relates to quantum, i.e., the valuation of the property is not a function of the Council.

The Council can only attend to complaints where a party is a registered person with the Council and that prior to the lodging of the complaint the individual should establish with the Council whether or not the person is in fact registered with the Council.

In terms of the Rules for Disciplinary Proceedings, a complaint must be in writing and must also be signed by a Commissioner of Oaths.

A Commissioner of Oaths may be, for example, an attorney, and a police officer, postmaster or bank manager. The original signed Complaint Form is required. The evidence in support of your complaint can be attached to the Complaint Form which must also include: _

- (a) Your personal details, i.e.-
 - i) Your surname full names
 - ii) Business and or Residential Addresses
 - iii) Postal Address
 - iv) Email address
- (b) Briefly detail the **specific act or omission** relating to the alleged charge of improper conduct;
- (c) Ensure that all supporting evidence supporting the complaint is included (this can be attached to the Complaint Form);
- (d) Identify any witness who may be able to provide evidence of the complaint;
- (e) Confirm your willingness to:-
 - i) Assist the investigating committee with the investigation or with obtaining of material information in respect of the matter concerned;
 - ii) Appear before a disciplinary tribunal at the time and place specified in the Subpoena, to be questioned or to produce any book, document or object.

Please attach to your Complaint Form, copies of relevant documentation which support your complaint and not the originals of those documents.

The Council will, on receipt of the complaint, or may, on its own accord, refer any information which comes to its notice and which prima facie indicates improper conduct on the part of a registered person to an Investigation Committee. A copy of the complaint and supporting documents may be sent to the registered person for a reply.

It is important that members of the public understand that derogative and/ or offensive statements as well as subjective unsubstantiated allegations can be considered defamatory by the registered person against whom such statements are made. To make a defamatory statement simply means to make a statement which is slanderous in nature and can be considered as damaging to a person's reputation and good name.

In order to avoid your complaint being considered defamatory, you should restrict yourself to the objective facts of the matter and try not to include any emotional and unsupported allegations. It is preferable that the facts of the matter be stated simply, truthfully and without unnecessary elaboration and supported only by relevant documentation.

While every effort is made to obtain a fast turnaround time with complaints, it is important to understand that the process of an investigation is not a rapid one. By its very nature, an investigation may take time if it is to be performed thoroughly and correctly. Once the Investigating Committee has completed its investigation, a report is submitted to the Council or its Registration and Complaints Committee who will then, if necessary, appoint a Disciplinary Tribunal to hear the matter at which time the complainant may be called as a witness. A Disciplinary Tribunal is essentially a separate body from the Council.

If a complainant intends taking legal action against a registered person, s/he should consider whether s/he would prefer to wait until the outcome of those legal proceedings before lodging a complaint with the Council, rather than lodging it with both the courts and the Council.

Although the approach to a Disciplinary Tribunal is similar to that for a court of law, the proceedings during a disciplinary hearing are not necessarily the same.

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