

Tough line against professionals, contractors and Licensed Building Practitioners

The council has started to actively investigate and lay complaints to professional bodies against design professionals and contractors who do not uphold professional standards and duties.

This follows concerns that building practices, records and plans are clearly deficient and well short of what professional standards require.

Complaint against Chartered Professional Engineer #1 – upheld

This engineer utilised others to perform inspection requirements on his behalf for the purposes of issuing a Producer Statement. Producer Statements are relied upon by council when it comes to issuing the building consent or code compliance certificate.

In this instance we found that while the engineer himself was competent his employee was not and the records provided by the engineer could not be relied upon. Our complaint was upheld and the engineer sanctioned.

Complaint against Chartered Professional Engineer #2 – upheld

This engineer was approving work that was not up to the standard required and in some cases not in accordance with the approved consented plans.

The Disciplinary Committee found...

That the particular matters referred to in the complaint, both individually and collectively, are of sufficient gravity that the Respondent should be disciplined at the high end of the scale. He has not recognised the significance of the producer statements to the Auckland Council in the performance of its statutory duties as a building consent authority through its reliance on their accuracy. He similarly has failed to display an appropriate duty of care to the council, his clients, and future owners of properties who rely on his engineering work and professional advice. Throughout the hearing he failed to accept responsibility for his actions and argued that final responsibility for the consequences of his engineering work lay with others. The committee has decided that it must act to protect the public by preventing the practitioner from practising by removing his registration as a Chartered Professional Engineer.

Outcome

Loss of registration; fine and publication of the offence in journals (but not the engineer's name)

Complaints against two other Chartered Professional Engineers are pending and we are investigating others.

Licensed Building Practitioner's (LBP)

LPBs were introduced in March 2012 to ensure more accountability for actions and protection for consumers.

Complaints are heard by the LBP Board, Ministry of Business Innovation and Employment in Wellington. Several complaints have been heard since the implementation of this scheme; the following complaint has recently been upheld and details published.

Mark Ensom, Licensed Building Practitioner No BP 106597 - upheld

This complaint came about because the Licensed Building Practitioner supervised building work that did not comply with a building consent.

Outcome

Loss of registration; fine and publication of his name in the Register of Licensed Building Practitioners

Architect

This case involved an architect who was using council templates for a pecuniary gain. As soon as we realised fraudulent activity was involved, we contacted our legal team.

From there, we collated all the relevant documents and listed the reasons why we suspected the documents were fraudulent. Our legal team looked over this information with us in a meeting and we came to the agreement that something required referral to the police..

We were advised that the architect was prosecuted on 28/1/15; outcome pending.