

Board decision summary – Complaint C126

Grounds for discipline

On 12 October 2023, the Board found there were grounds for disciplining a former architect under section 25 of the Registered Architects Act 2005 (the Act), following an investigation of a complaint made to the NZRAB by the architect’s client.

The former architect was found to have breached Rules 47 and 58B of the Registered Architects Rules 2006 (the Rules), and section 25(1)(c) of the Act—for the following reasons:

Rule 47 - Failed to perform professional activities with fairness. The architect incurred 150% of the estimated fees for the preliminaries and design concept without providing interim designs for client feedback and direction. This did not align with the approach the architect had proposed and what the client had expected them to follow. This was unfair to the client.

Rule 58B - Failed to provide adequate communications to the client. When a budget has been provided, the architect should revert to the client for further instruction and direction, where the budget is likely to be substantially exceeded. This is particularly so where there have been no unforeseen circumstances that might cause the estimate to be exceeded.

The Board found these same failings amount to a breach of section 25(1)(c) of the Act, in that an architect practising in a competent manner would be expected to engage in an iterative design process particularly where:

- the architect has indicated they will provide initial sketch drawings, and
- the design brief has not been clearly identified.

Penalty

On 8 February 2024, the Board made the following orders under section 26 of the Act, that the former architect be:

- Censured
- Required to pay 100% of the costs of, and incidental to, the Board’s investigation of the complaint.

The Board directed that an anonymised summary of the Board decision be published on the NZRAB website. The Board considered the architect’s failure in this case was at the low end of potential breaches of the Rules and the Act, and that it would not assist the public to know who it was that committed those breaches.