

Board decision summary – Complaint C129

Grounds for discipline

On 11 April 2024, the Board found grounds for disciplining an architect under section 25(1)(b) and (c) of the Registered Architects Act 2005 (the Act), following an investigation of a complaint made to the NZRAB by the architect's client.

The architect was found to have breached Rules 49 (Skill, care, and diligence) and 58(c) (Competence) of the Registered Architects Rules 2006 (the Rules) and section 25(1)(c) of the Act while handling the complainant's residential project. The main reasons for these findings include:

- The architect failed to perform their professional activities with the required skill, care, and diligence. This included not obtaining necessary information about the location of a significant tree and the associated requirements for its preservation, which led to design issues and risks for the client. Additionally, the architect did not manage the project adequately, leading to communication failures and delays.
- The architect failed to competently manage and coordinate his team, and the various experts involved in the project. This resulted in inadequate handling of critical aspects such as site constraints, excavation, and stormwater management. The architect did not adequately supervise the team members to whom he delegated work, leading to errors, further project delays, and a failure to ensure that all work met competent standards.

Overall, the Board concluded that the architect fell below the expected standard of a reasonably competent architect in multiple aspects of the project, resulting in breaches of the Code of Ethics and the Registered Architects Act.

Penalty

On 9 July 2024, the Board made the following orders under section 26 of the Act—

- **Censure**
- **Condition on practise** - The architect is to undertake a face-to-face continuing registration competence review with two senior assessors as soon as possible (and within the next 12 months). The assessors will be provided with a copy of the Board's decision and the Investigating Panel's report on the complaint. As part of the assessment, the assessors will be asked to consider:
 - a) The processes that the architect has in place to supervise the work of those to whom he delegates architectural work and as to whether he is adequately applying those processes; and
 - b) The processes that the architect has in place to plan the work to be carried out on each client engagement (including his engagement of and communications with third parties) and as to whether he is adequately applying those processes.
- **Costs** – The architect is to pay 100% of the costs of, and incidental to, the Board's investigation of the complaint.

The Board did not make an order for publication beyond the mandatory recording of the penalty on the register under section 21(1)(a)(iii) of the Act. The Board directed that an anonymised summary of the Board decision be published on the NZRAB website.
