

Discipline Report 5

Background

In mid-2015, the NZRAB was contacted by an architect who had been perusing the on-line declared learnings of other architects in regard to individual Continuing Professional Development (CPD) activities that he was also considering doing. He had noticed that the learnings declared by one architect seemed to be cut-and-paste extracts from other websites.

Upon investigation, it was clear that the recorded individual learnings were plagiarised, suggesting that the claimed CPD had not been done. The NZRAB then contacted the organisers of CPD events from which the architect in question had claimed attendance points and found that in almost every case he had not attended these events.

The context for this is that every five years the NZRAB is required to review all individual architects. To be granted an entitlement to a further five years' registration, each architect must demonstrate that he or she is still competent, and also that *"he or she has taken reasonable steps to maintain the currency of his or her architectural knowledge and skills since the last assessment."* CPD points record and quantify the CPD that an architect has done to meet this second requirement.

On 26 June 2015, the NZRAB asked the architect who had made the CPD claims, Mr Edward O. G. Lee (Reg. no. 3074), for an explanation. Mr Lee provided no justification for his conduct and immediately cancelled his registration.

The Complaint

The Registered Architects Rules 2006 (Rule 60) allows for the NZRAB to conduct disciplinary inquiries on its own account in the same way as when a member of the public lays a complaint. Based on that, the NZRAB's Chief Executive directed that an inquiry be conducted into Mr Lee's conduct to determine whether or not there were grounds for discipline in regard to:

1. section 25(1)(b) of the Registered Architects Act 2005 (the Act) in that Mr Lee "breached the code of ethics in the rules" which state in rule 46 that: "A Registered Architect must not represent or promote him or herself in a false, fraudulent, misleading, or deceptive manner."
2. section 25(1)(d) of the Registered Architects Act 2005 (attachment 1) in that Mr Lee:
for the purpose of obtaining registration (either for himself or herself or for any other person),—

(i) either orally or in writing, made any declaration or representation knowing it to be false or misleading in a material particular; or

(ii) produced to the Board or made use of any document knowing it to contain a declaration or representation referred to in subparagraph (i); or

(iii) produced to the Board or made use of any document knowing that it was not genuine.

The Response

In an email dated 13 August 2015 Mr Lee advised that he accepted that “there are grounds for discipline against me.”

He also wrote to the NZRAB saying he had not set out to deliberately deceive the Board, was remorseful, and in hindsight should not have taken such a cavalier attitude towards the recording of CPD.

However, Mr Lee did not attend and provided no input into the disciplinary hearing itself or the setting of a penalty.

Findings

On 25 November 2015, the Disciplinary Hearing determined that Mr Lee “has represented his CPD in a misleading and deceptive manner” and resolved as follows:

That the Disciplinary Hearing, constituted as a meeting of the NZRAB Board under Rule 73, determines that former architect Mr Edward Lee (data number 3074) had breached sections 25(1)(b) and 25(1)(d) of the Registered Architects Act 2005, this being a ground for discipline.

Penalty

On 10 March 2015, the Disciplinary Hearing Board determined that

- Mr Lee be censured and fined \$2,000
- Mr Lee be required to pay 50 per cent of costs
- the Board would publicly notify this matter.

Lessons to be learnt

The conduct revealed here was totally unacceptable. Architects should never falsify anything.

The NZRAB expects architects to be trustworthy, as befitting professionals, and not to make false statements. The New Zealand architects’ code of ethics is explicit, its first clause stating: “A Registered Architect must not represent or promote him or herself in a false, fraudulent, misleading, or deceptive manner.”

These events were also regrettable in that the NZRAB does not persecute architects in relation to the amount of CPD that they do. Architects are required under the Registered Architects Rules 2006 to “take reasonable steps to maintain the currency of (their) architectural knowledge and skills.” This is interpreted flexibly and holistically. Architects do not need to respond to this requirement in a fearful way.

Architects should do CPD or other professional development activities that are interesting and right for them, given the work they do as architects. Architects should approach this as professionals, and as members of a learned profession where the knowledge and skills required are always evolving.