

## Design LBP fined for working without a licence

Posted: 4 December 2018

The Building Practitioners Board (the Board) recently issued a substantial penalty against a Design licensed building practitioner (LBP) who is also a Carpentry LBP, for carrying out design work requiring a licence after he had been suspended.



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The Board investigated a complaint (C2-01802) made against Xiang Bai of Auckland and decided to publish the details of the matters due to its seriousness and the strong penalty given. It is important that LBPs are aware of the consequences of their actions and the conditions they must work within if they have a suspended licence.

### Xiang Bai (C2-01648)

Mr Bai was found to have:

- Brought the LBP Scheme into disrepute.

Mr Bai had his licence suspended in March 2017 by the Board after he failed to pay a fine issued to him by the Board following a separate disciplinary matter.

The Board heard evidence that while he was suspended Mr Bai agreed to carry out the design work for two new properties and was paid a 50% deposit for this work. Mr Bai did not provide the plans within the agreed timeframe, continued to delay the expected completion date and eventually stopped communicating with the person who engaged him to carry out the work.

The person who hired Mr Bai identified that Mr Bai's licences had been suspended while Mr Bai claimed he was carrying out the design work. Mr Bai was sent multiple communications by the LBP Registrar regarding his licence status.

Mr Bai only became concerned about his licence status once he needed it to submit a design for a building consent application. Until then he appeared content to undertake design work without a design licence and led his client to believe that he had authority to carry out the design work.

The Board issued Mr Bai with a \$3000 fine, ordered him to pay some costs towards the inquiry and that this decision would be publicised.

### What we can learn from this decision

It is an LBP's responsibility to complete all their relicensing requirements on time. Not doing so demonstrates a disregard for their obligations and places them in a position to be disciplined or prosecuted. It is illegal for a person to hold themselves out to be licensed and to continue to carry out restricted building work when their licence has been suspended.

Members of the public can review the LBP register and will avoid LBPs with suspension records. We regularly hear that an LBP has missed out on a job due to having a disciplinary or relicensing suspension on their public register page. By law information is required to be posted on the register for three years.

LBPs are required by law to keep their details, including addresses, phone numbers, and emails, up-to-date. The Registrar and the Board need to be able to advise you of changes to your licence status, and you risk failing to meet your obligations if your details are not up-to-date and you

cannot be contacted.

Read this decision and other past decisions in full on the [LBP website \(https://www.lbp.govt.nz/complaints-and-past-decisions/past-complaint-decisions\)](https://www.lbp.govt.nz/complaints-and-past-decisions/past-complaint-decisions)



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