

Carpentry LBP's licence cancelled for 10 years after three offences

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The Building Practitioners Board has revoked the licence of a carpentry LBP for committing three disciplinary offences under the Building Act 2004. Due to the seriousness of the sanction, the Board has chosen to publish its decision.



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Disciplinary action and publication of decisions is designed to uphold the integrity of the LBP scheme, and inform LBPs of the consequences of a similar failure.

Misi Sau Evile (C2-01854)

A complaint was laid against Mr Misi Sau Evile for work he carried out in Franklin, Auckland. Mr Evile was responsible for a complex high-spec two-storey build on a semi-rural lifestyle site.

Mr Evile was found to have:

- carried out building work in a negligent or incompetent manner;
- failed to provide a record of work; and
- conducted himself in a manner that brings, or is likely to bring, the LBP scheme into disrepute.

In September 2016, Mr Evile quoted six months for the completion of a 462m² home. The complainants then paid 35 per cent of the total build cost to Mr Evile. There were ensuing issues with project completion dates and monetary matters. Materials were left to weather in the elements. Progress was described as start-stop, and there were periods of zero activity. Framing that had been erected had deteriorated to the point where it would have to be replaced.

During the build, Mr Evile became insolvent and was unable to complete the project. The complainants stated in their evidence that they had lost 20 years of life savings due to the conduct of Mr Evile.

In making its decision to cancel Mr Evile's licence, the Board considered the length of time Mr Evile had been in the industry along with the evidence he presented regarding his standard pricing procedure. It was clear that he under-quoted this job by almost a quarter of a million dollars based on his stated square metre rate. The rate he used was significantly less than what would have been required to build a high-spec house.

The Board considered that Mr Evile poses a genuine and continuing risk to the public (he had been disciplined on two other occasions, one of which was for similar behaviour). As a result they cancelled Mr Evile's licence with a stand-down period of 10 years, ordered he pay costs towards the Board inquiry, and determined that this decision would be published.

What we can learn from this decision

Failure to follow his regulatory obligations as an LBP, and a complete lack of planning and commitment to the project, led to this practitioner being seriously disciplined. Quoting and pricing for jobs is an important part of the interaction between a client and a contractor. Actively misleading consumers causes a great deal of harm and, in this case, led to a severe sanction against Mr Evile.

Practicing honesty and integrity is essential to conducting work as an LBP. Open and honest communication with clients helps to address problems that can come up during a build.

A record of work must also be provided to the homeowner and the Territorial Authority, even in cases where an LBP is unable to complete a project.

Read this 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/).
