

## Notable decision against a designer

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The Building Practitioners Board recently issued a substantial penalty against Matthew Biddle, a designer from Tauranga.

Mr Biddle (C2-01932) was found to have:

- carried out work in an incompetent manner, and
- brought the LBP scheme into disrepute.

Mr Biddle was engaged by a homeowner to develop plans and specifications for an alteration to an existing dwelling, and submit them to the council to obtain a building consent.

Mr Biddle considered his plans and specifications complete and ready to be submitted for a building consent. After receiving full payment, he did not lodge a building consent application as agreed. The homeowner, unable to get a response from Mr Biddle, proceeded to lodge his design documents with the council themselves. The council requested further information for multiple items.

The Board considered that Mr Biddle's design was incomplete and both the design and specifications lacked site-specific detail. There were aspects that would not have met compliance requirements and were not buildable. On this basis, the Board found that Mr Biddle had been incompetent.

Mr Biddle told the Board he had not applied for the building consent due to personal and financial circumstances, including the liquidation of the company that he was using to trade.

The Board stated that Mr Biddle was dishonest and took funds without an intention to complete the agreed services. Mr Biddle admitted that he lied to the complainants about applying for the building consent and then ignored all further communications from them. It was the Board's stance that Mr Biddle's conduct was serious and brought the LBP scheme into disrepute.

The Board cancelled Mr Biddle's licence and ordered that he may not reapply for 18 months. The Board also ordered him to pay \$3000 in costs towards the inquiry and determined that this decision would be published.

### What we can learn from this decision

Poor onsite quality assurance and a failure to carry out a competent site investigation for the design plans led to Mr Biddle being disciplined. The homeowner has not only lost funds and time but has now had to engage another designer to start the design process from the beginning.

Being truthful in your business decisions is important not only for your reputation and that of your business, but also for maintaining your licence.

This decision and other past decisions can be read in full on the [LBP website \(https://www.lbp.govt.nz\)](https://www.lbp.govt.nz)