

## Lengthy suspension for carpenter

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The Board recently handed down a significant sanction against carpenter Ali Kahdim (BP107841) in Auckland.

The Board has chosen to publish the details due to the seriousness of the complaint and the strong penalty. It is important that LBPs are aware of the consequences of the failure in this circumstance and avoid similar outcomes.

### Ali Kahdim (CB24416)

Mr Kahdim was found to have:

- supervised building work in a negligent manner,
- failed to provide a record of work for restricted building work supervised, and
- acted in a manner that brought the LBP scheme into disrepute.

On 25 November 2015, Mr Kahdim was suspended for 12 months for supervising works that were carried out in a negligent manner and contrary to a building consent. This suspension was extended until 10 January 2017 for his failure to satisfy the Registrar that the minimum requirements for relicensing were met.

Mr Kahdim did not advise the complainant of this disciplinary action and suspension, and continued to supervise work (including restricted building work) on a residence. This work was found to have issues with quality and compliance and there were a high number of inspection failures.

The Board noted their decision could only cover the period that Mr Kahdim was licensed and they could not consider the work he supervised while suspended.

A spokesperson for the building consent authority (BCA) stated that Mr Kahdim was only on site when inspections were called and appeared to be relying on the BCA to identify issues with the build.

The Board noted that while a BCA's finding of non-compliance does not always constitute negligence, the Board will consider factors such as:

- The extent and seriousness of non-compliance,
- Whether there is a pattern of continued non-compliance, and
- What steps were taken when non-compliance issues were raised.

In finding Mr Kahdim negligent, the Board said that an LBP should aim to get building work right the first time and not rely on the BCA to identify compliance failings. Furthermore, it is not enough to just turn up for inspections – an LBP is expected to take action to make sure future inspections of the same work do not fail.

In determining that Mr Kahdim's actions brought the LBP scheme into disrepute, the Board condemned his continued involvement in restricted building work while suspended. The Board said that an LBP has a duty to inform their clients of disciplinary matters they are involved in and the status of their licence.

Mr Kahdim's position was made worse by him not participating in the investigation and hearing process.

The Board cancelled Mr Kahdim's licence with a stand-down period of 24 months. It also ordered him to pay some costs towards the inquiry and that the decision would be published.

### What we can learn from these decisions

Poor supervision, relying on the BCA to ensure compliance with the Building Code, and not informing clients of his licence suspension led to this LBP being disciplined.

Not only did Mr Kahdim supervise poor quality work, he was responsible for multiple inspection failures. He did not take steps to fix issues and

appeared to be too reliant on the council inspections.

An LBP has a duty to tell their clients if they have been suspended, so that clients can make an informed decision to hire them.

Understanding your regulatory obligations is key and has been highlighted by this complaint. Being an LBP comes with the responsibility to only supervise work while licensed, and to keep your clients fully informed.

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).



New Zealand Government