

Unlicensed builder sentenced under the Crimes Act

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For the first time since the LBP scheme was launched, an unlicensed builder has been sentenced under the Crimes Act 1961.



In January, Rodney James Day was sentenced by the Christchurch District Court to seven months' home detention and ordered to complete 150 hours' community work.

The sentence followed his guilty plea in July last year to 15 charges brought about by the Ministry of Business, Innovation and Employment (MBIE). The charges included four counts of forgery under the Crimes Act.

Mr Day was also charged with 11 offences under the Building Act for undertaking restricted building work while portraying himself to be a licensed building practitioner (LBP), despite never holding a licence. Mr Day unlawfully carried out restricted building work on six different properties.

Deception and forgery

Forgery was involved in two separate instances at Christchurch properties. Mr Day told his client that his licence had expired and he would get a licensed practitioner to supervise and sign the work off. After completing the restricted work, Mr Day used the name and details of an experienced LBP, without their knowledge and never having met them, to complete the producer statements for the properties. In one case, the paperwork went on to be provided to a real estate company for use in the sale of the property.

The Judge noted in his sentencing that the offending was clearly pre-meditated and that the level of deception was high, as the defendant had deceived a large number of people who relied on the certification.

Impact of the offence

MBIE's Occupational Licensing Operations Manager Duncan Connor says, "Mr Day deceived not only the people who hired him to undertake building work, he fraudulently used another person's details for his own benefit, not considering the impact this would have on them".

"The LBP scheme is in place to ensure consumers can make informed decisions when it comes to hiring builders to undertake restricted building work. This type of offending compromises the integrity of the LBP scheme and will not be tolerated.

In one case, the consequence of the offending has been particularly significant for one victim who said he trusted Mr Day with his business and his accounts.

The offending has had a financial impact on the victim's business and affected his personal reputation. The victim's company had to take out additional insurance to cover the work that was falsely consented and ultimately went into liquidation. In addition, they had to hire new contractors to redo or finish the work started by Mr Day.

"Charges under the Crimes Act are not brought about lightly, and MBIE will not hesitate to investigate and prosecute people who commit these offences," says Mr Connor.

