

BPB Appeal No. A1291

IN THE MATTER OF

the Building Act 2004 (the Act)

AND

IN THE MATTER OF

an Appeal to the Building Practitioners Board under Section 330(1)(a) by **The Appellant** against a decision of the Registrar

DECISION OF THE BUILDING PRACTITIONERS BOARD

Date of Decision	19 April 2018
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Appeal heard by:	Richard Merrifield Catherine Taylor Bob Monteith Robin Dunlop
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Further to Appeal hearing A1291 [Omitted] in [Omitted] on 27th September 2017 for an External Plastering Licence a written decision of the Board 3rd October 2017 was produced, with regards to item 7.0 "Board Directions"

- 7.1 Pursuant clauses 2.10.21 to 2.10.23 of the Board's Appeal Procedures the Appeal Hearing is adjourned for a period of no more than six months.
- 7.2 The Appellant is directed, within the adjournment period, to provide the Board with the following:
 - (a) photographs and written references in respect of PPCS work undertaken by the Appellant under supervision during the adjournment period;
 - (b) evidence acceptable to the Board that he has obtained an applicator licence from an approved PPCS company or is actively working toward one; and
 - (c) evidence acceptable to the Board that he has undertaken BCITO approved training with regards to the PPCS Unit Standards.
- 7.3 On receipt of the evidence outlined in paragraph 7.2 above the Board will reconvene and will further consider the Appeal. The consideration will be on the papers only. Notice of the reconvened hearing will be given. A final decision will then be issued.
- 7.4 The Board members for the reconvened hearing will be those that heard the original appeal.

The Appellant was contacted by the Board Secretariat after the directed timeframe on 20 March 2018. The Appellant was unable to provide evidence to item 7.2 parts a, b & c of the Board Directions from the Appeal hearing

Board's Decision

Pursuant to s335(3) of the Act, the Board has resolved to uphold the Registrar's decision not to license [Omitted] with an External Plastering PPCS Licence.

Publication of Name

Pursuant to s339 of the Act, the Board may prohibit the publication of the Appellant's name and/or particulars.

The Board, having considered the circumstances of this appeal, directs that the name and the particulars of the Appellant **are not** to be made public.

Signed and dated this 19th day of April 2018



Richard Merrifield
(Presiding Member)

Advice Note (not part of Board's Decision)

Extracts from the Act:

“330 Right of Appeal

- (1) *A person may appeal to the Board against any decision of the Registrar to—*
- (a) *decline to licence the person as a building practitioner;*
...
- (2) *A person may appeal to a District Court against any decision of the Board—*
- (a) *made by it on an appeal brought under subsection (1);*
...

331 Time in which appeal must be brought

An appeal must be lodged—

- (a) *within 20 working days after notice of the decision or action is communicated to the appellant; or*
- (b) *within any further time that the appeal authority allows on application made before or after the period expires.”*