Before the Building Practitioners Board	BPB Inquiry No. CB26959
Licensed Building Practitioner:	Baofeng Lin (the Respondent)
Licence Number:	BP 128212
Licence:	Bricklaying and Blocklaying – Veneer and Structural Masonry
Complaint or Board Inquiry	Board Inquiry
Hearing Location	Auckland
Hearing Date	4 August 2026
Oral Decision Date	4 August 2026
Written Decision Date	6 November 2026

Board Members:
G Pearson
F Pearson-Green
G Anderson
C Lang

DECISION OF THE BOARD

Summary

The charge under section 317(1)(da)(ii), concerning failure to provide a Record of Work, is not upheld and is dismissed.

No disciplinary action is taken under section 318. No costs are ordered against Mr Lin, and no disciplinary action is to be recorded against him on the register arising from this inquiry.

No public-notification direction is made under section 318(5). The decision may be published on the Board's website as a not-upheld decision in accordance with ordinary publication practice.

Introduction

[1] This Board inquiry arose from a single entry in an Auckland Council inspection record. The entry, made during a concrete block / nib / in-situ (ICB) inspection on 4 August 2022 at [OMITTED], identified Mr Baofeng Lin as the licensed building practitioner responsible for foundation concrete blockwork. Mr Lin consistently said that he had never carried out or supervised any work at the property and did not know why his name appeared in the record.

[2] The Board must answer the following questions:

a) Did Mr Lin carry out or supervise restricted building work at the property?

b) If he did, did he fail, without good reason, to provide the owner and Auckland Council with a Record of Work on completion of that work?

c) What practical results follow?

[3] The answers are:

a) No. The Board accepts Mr Lin's evidence that he did not carry out or supervise work at the property.

b) The remaining elements of the Record of Work charge therefore do not arise.

c) The charge is dismissed. No disciplinary action is taken against Mr Lin.

[4] The Council entry was sufficient to require inquiry because it placed Mr Lin's name on an official record. It was not, however, proof of the fact recorded. At the hearing, no witness connected Mr Lin with the site, and no supporting document did so. The Board gives the entry no probative weight as evidence that Mr Lin carried out or supervised the work.

The proceeding

[5] The Board commenced its inquiry on 17 November 2025 after the inspection entry came to light during its consideration of the related complaint against [OMITTED]. The Notice of Proceeding, signed on 19 May 2026, recorded Mr Lin's denial and directed that a hearing be held to test it.

[6] The hearing took place in Auckland on 4 August 2026. It was heard with [OMITTED] for practical efficiency, but each proceeding remained separate and required separate findings. At the end of the hearing, the Board delivered its complete decision orally, dismissing the charge and making no disciplinary or costs order against Mr Lin. This written decision records that outcome and sets out the reasons.

[7] This was a Board inquiry, not a complaint by the owners against Mr Lin. [OMITTED], the owners associated with the related complaint, attended. Mr Lin attended and gave evidence. [OMITTED], a brick and blocklaying licensed practitioner who had been involved with the project, also gave evidence. The Board explored whether any of them had knowledge connecting Mr Lin with the foundation concrete blockwork.

[8] [OMITTED] was the main contractor and the Respondent in [OMITTED]. He did not attend his own hearing. He also did not attend this inquiry, despite a summons requiring him to give evidence about the work and his knowledge of the persons who performed it. The Board makes no determination in this decision about any separate consequence arising under section 326 of the Building Act 2004, or other potential consequences of [OMITTED] failure to attend this hearing.

[9] The Board has set out its findings concerning [OMITTED] in its separate decision in [OMITTED]. This decision refers to him only to explain why the inspection entry could not be tested and why the Board was left without evidence from the person best placed to explain it.

The charge and the legal framework

[10] The sole charge was whether Mr Lin had, without good reason, failed to provide the owner and Auckland Council with a Record of Work on completion of restricted building work that he carried out or supervised at the property, contrary to section 317(1)(da)(ii) of the Building Act 2004.

[11] Section 88(1) requires a licensed building practitioner who carries out or supervises restricted building work under a building consent to provide a prescribed Record of Work to the owner and the territorial authority when that work is complete. The document records the restricted building work the practitioner actually carried out or supervised.

[12] The first and essential question is therefore whether Mr Lin carried out or supervised any restricted building work at the property. Unless that fact is established, no duty arose and the questions of completion, provision and good reason do not need to be considered.

[13] The Board determines facts on the balance of probabilities. The seriousness of a disciplinary allegation may affect the strength and quality of the evidence required before the Board is satisfied. This approach is consistent with *Z v Dental Complaints Assessment Committee.*[1] Under section 322 of the Act, the Board may receive material that may assist it whether or not it would be admissible in a court. That does not remove the need to assess its source, reliability and weight.

[1] *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1 (SC) at [112] – [118].

[14] This is not a case in which the Board has found relevant conduct but considers it below the disciplinary threshold. The Board is not satisfied that Mr Lin engaged in the relevant conduct at all.

Why did Mr Lin's name appear in the inspection record?

[15] The inspection record is the sole item that identified Mr Lin with the project. It shows that his name and licence status were entered against the foundation concrete blockwork during the Auckland Council ICB inspection on 4 August 2022.

[16] The record establishes that Council held that information. It does not establish how the information was obtained, who supplied it, whether it was checked with Mr Lin, or whether Mr Lin knew his details had been used. It was not signed or acknowledged by Mr Lin. Nothing suggests he was present at the inspection, though [OMITTED] presence is recorded.

[17] No Council inspector gave evidence. There was no contract, quotation, invoice, payment record, communication, photograph, timesheet, business record or other document connecting Mr Lin with the property. There was no evidence that he booked or attended the inspection. There is also no evidence that his LBP licence was presented at the inspection or recorded in the inspection photographs.

[18] On the available material, the entry appears to have been based on information supplied to the inspector by or through [OMITTED], who was the main contractor and was involved in the inspection process. Because [OMITTED] did not attend this hearing, the Board cannot determine how or why the entry was made. It makes no finding whether it arose from deliberate conduct, mistake, misunderstanding, or some other cause.

[19] The evidence also did not establish who in fact carried out or supervised the particular blockwork. [OMITTED] did not identify that person, despite knowing that Mr Lin faced a disciplinary charge. The Board addresses that failure and the wider concerns arising from it in [OMITTED].

[20] The absence of an explanation from [OMITTED] cannot be used to fill the evidential gap against Mr Lin. Nor can uncertainty about the true blocklayer reverse the need to establish Mr Lin's involvement on reliable evidence.

What did the witnesses establish?

[21] Mr Lin's position was direct and unchanged from his first response to the inquiry. He said that he did not carry out or supervise work at the site and had no understanding of why his name appeared in the inspection record.

[22] The Board found his evidence clear, consistent and responsive. It was not contradicted by any reliable evidence. Nothing in his evidence or the wider record gave the Board a reason to reject it.

[23] Neither [OMITTED] had direct or indirect knowledge of Mr Lin carrying out or supervising work at the property. Their evidence did not support the inspection entry.

[24] [OMITTED] was in the same position. He could not connect Mr Lin with the project or the relevant blockwork. His evidence did not support the inspection entry.

[25] Of the persons before the Board, [OMITTED] was the only person who might have been able to explain the source of the entry and identify the actual blocklayer. His failure to attend left those matters unexplained. That absence does not create evidence against Mr Lin.

[26] The result is that the inspection entry stood alone against Mr Lin's clear evidence and the absence of any direct or indirect evidence from the other attendees. The Board accepts Mr Lin's evidence.

What work was Mr Lin responsible for?

[27] The Board finds, on the balance of probabilities, that Mr Lin did not carry out or supervise the foundation concrete blockwork listed on the Auckland Council ICB inspection, or any other restricted building work at [OMITTED].

[28] The Council entry has no probative weight as proof to the contrary. It is evidence only that Mr Lin's name was entered into the inspection record on an unverified foundation.

[29] Because Mr Lin did not carry out or supervise the work, no obligation arose under section 88 to provide a Record of Work. The remaining components of the section 317(1)(da)(ii) charge do not arise.

The consequences for Mr Lin

[30] The Board records its concern that Mr Lin has had to respond to an investigation, prepare for and attend a disciplinary hearing, and carry the associated concern and uncertainty because his licence details appeared without an established foundation in an official inspection record.

[31] The Board's finding is unequivocal. It does not consider Mr Lin responsible for the work or for any missing Record of Work. The charge arose from an unreliable attribution, not from any proven conduct by him.

[32] The Board's separate decision in [OMITTED] provides the fuller record of its concerns about how this situation arose, [OMITTED] failure to identify who performed the relevant blockwork, and his failure to assist the Board when he knew Mr Lin faced a disciplinary charge.

Orders

[33] The Board determines that:

a) The charge under section 317(1)(da)(ii) is not upheld and is dismissed.

b) No disciplinary action is taken under section 318 of the Building Act 2004.

c) No costs are ordered against Mr Lin.

d) No disciplinary action is to be recorded against Mr Lin in the Register of Licensed Building Practitioners arising from this inquiry. The Board directs that this decision be published on its website as a not-upheld decision, there is no restriction on publication. No public notification of disciplinary action is directed under section 318(5), because no disciplinary action has been taken against him.

Right of appeal

[34] Section 330(2)(b) of the Building Act 2004 provides a right of appeal to the District Court against a decision of the Board to take action under section 318. The Board has taken no such action. Accordingly, no statutory right of appeal under that provision arises from this decision.

Signed and dated this 6th day of November 2026.



G Pearson
Presiding Member