

Before the Building Practitioners Board

	BPB Complaint No. CB25326
Licensed Building Practitioner:	Jaden Melgren (the Respondent)
Licence Number:	BP 127654
Licence(s) Held:	Carpentry and Site AOP 1

Decision of the Board in Respect of the Conduct of a Licensed Building Practitioner Under section 315 of the Building Act 2004

Complaint or Board Inquiry	Board Inquiry
Hearing Location	Dunedin
Hearing Type:	On the Papers
Hearing Date:	22 January 2020
Draft Decision Date:	05 March 2020
Final Decision Date:	27 March 2020

Board Members Present:

Chris Preston (Presiding)
Mel Orange, Legal Member
Bob Monteith, LBP Carpentry and Site AOP 2
Faye Pearson-Green, LBP Design AOP 2

Procedure:

The matter was considered by the Building Practitioners Board (the Board) under the provisions of Part 4 of the Building Act 2004 (the Act), the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 (the Complaints Regulations) and the Board's Complaints and Inquiry Procedures.

Board Decision:

The Respondent **has** committed a disciplinary offence under section 317(1)(i) of the Act.

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Introduction

- [1] On 22 January 2020 the Board received a Registrar’s Report in respect of a Board Inquiry into the conduct of the Respondent.
- [2] Under regulation 22 of the Complaints Regulations the Board must, on receipt of the Registrar’s Report, decide whether to proceed no further with the complaint because regulation 21 of the Complaints Regulations applies.
- [3] Having received the report the Board decided that regulation 21 did not apply. Under regulation 22 the Board is required to hold a hearing.
- [4] The Board’s jurisdiction is that of an inquiry. Board Inquiries are not prosecuted before the Board. Rather, it is for the Board to carry out any further investigation that it considers is necessary prior to it making a decision. In this respect the Act provides that the Board may regulate its own procedures¹. It has what is described as a summary jurisdiction in that the Board has a degree of flexibility in how it deals with matters; it retains an inherent jurisdiction beyond that set out in the enabling legislation². As such it may depart from its normal procedures if it considers doing so would achieve the purposes of the Act and it is not contrary to the interests of natural justice to do so.

¹ Clause 27 of Schedule 3

² *Castles v Standards Committee No.* [2013] NZHC 2289, *Orlov v National Standards Committee 1* [2013] NZHC 1955

- [5] In this instance the Board has decided that a formal hearing is not necessary. The Board considers that there is sufficient evidence before it to allow it to make a decision on the papers.
- [6] The Board does, however, note that there may be further evidence in the possession of the Respondent or that the Board may not have interpreted the evidence correctly. To that end this decision is a draft Board decision. The Respondent will be provided with an opportunity to make comment on the Board's draft findings and to present further evidence prior to the Board making a final decision. If the Board directs or the Respondent requests an in-person hearing, then one will be scheduled.

Disciplinary Offences Under Consideration

- [7] On the basis of the Registrar's Report the Respondent's conduct that the Board resolved to investigate was that the Respondent has conducted himself or herself in a manner that brings, or is likely to bring, the regime under this Act for licensed building practitioners into disrepute (s 317(1)(i) of the Act).

Function of Disciplinary Action

- [8] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*³ and in New Zealand in *Dentice v Valuers Registration Board*⁴.
- [9] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*⁵ Collins J. noted that:

"... the disciplinary process does not exist to appease those who are dissatisfied The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community."

- [10] In a similar vein the Board's investigation and hearing process is not designed to address every issue that is raised in a complaint or by a complainant. The disciplinary scheme under the Act and Complaint's Regulations focuses on serious conduct that warrants investigation and, if upheld, disciplinary action. Focusing on serious conduct is consistent with decisions made in the New Zealand courts in relation to the conduct of licensed persons⁶:

... the statutory test is not met by mere professional incompetence or by deficiencies in the practice of the profession. Something more is required. It

³ *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

⁴ [1992] 1 NZLR 720 at p 724

⁵ [2016] HZHC 2276 at para 164

⁶ *Pillai v Messiter (No 2)* (1989) 16 NSWLR 197 (A) at 200

includes a deliberate departure from accepted standards or such serious negligence as, although not deliberate, to portray indifference and an abuse.

- [11] Finally, the Board can only inquire into “the conduct of a licensed building practitioner” with respect to the grounds for discipline set out in section 317 of the Act. Those grounds do not include contractual breaches other than when the conduct reaches the high threshold for consideration under section 317(1)(i) of the Act which deals with disrepute.
- [12] The above commentary on the limitations of the disciplinary process are important to note as, on the basis of it, the Board Board’s inquiries, and this decision, focus on and deal with the serious conduct complained about.

Background to the Board Inquiry

- [13] The Board had previously investigated the Respondent’s conduct under section 317(1)(i) of the Act and had resolved not to hold a hearing⁷. That investigation related to a media article dated 23 August 2017 entitled “Builder Jaden Melgren lived high life before skipping Queenstown leaving debts and incomplete work”. The Respondent provided a response to the investigation and the Board decided that Regulation 21(c) of the Complaints Regulations applied in that there was insufficient evidence to continue the inquiry.
- [14] A resolution under regulation 21(c) of the Complaints Regulations is not a final determination of a matter. As such the principles of double jeopardy do not apply. If further evidence comes to the Board’s attention it is able to instigate a new Board Inquiry and further investigate the conduct.

Evidence

- [15] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁸. Under section 322 of the Act the Board has relaxed rules of evidence which allow it to receive evidence that may not be admissible in a court of law.
- [16] The Board Inquiry was launched after various media articles relating to the Respondent’s failed businesses came to its attention. The articles were:
- (a) 19 August 2017 – Otago Daily Times: Liquidator after seized assets recovery;
 - (b) 23 August 2017 – Stuff: Builder Jaden Melgren lived high life before skipping Queenstown leaving debts and incomplete work;
 - (c) 24 February 2019 – Stuff: Bankrupt builder who left a trail of debts in Queenstown back ‘on the job’; and

⁷ Refer Board Inquiry C2-01767 and Board Resolution 1 February 2018.

⁸ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

- (d) 10 March 2019 – Stuff: Bankrupt builder fitted out multimillion-dollar penthouses, leaving workers hungry at Christmas;
- [17] The first article outlined that the Respondent’s company True Line Builders Limited⁹ went into voluntary liquidation on 25 July 2017. The first liquidation report stated that the owed \$671,417 (the most recent Liquidator’s report of 1 October 2019 notes preferential claims to the IRD of \$183,314, unsecured creditors of \$609,901 and makes reference to debts owed by the shareholder to the company and District Court proceedings to recover the debt).
- [18] The second article refers to an excessive lifestyle whilst the Respondent’s company was in financial difficulty. It outlined that the Respondent should have known of the financial difficulties for at least a year prior to the liquidation as a result of repossession notices on cars and a boat, a Statutory Demand from the IRD for over \$150,000, an accountants letter dated October 2016 telling the Respondent that the company was technically insolvent in March 2016 and a warning from the accountant that the \$100,000 paid as salary to the Respondent and his wife might be questioned in a liquidation.
- [19] The third article referred to the Respondent setting up a new company in Auckland following the liquidation of True Line (Melcon Limited incorporated 1 August 2017). Company Office records show the Respondent was the sole director and shareholder of the company which was removed from the Register on 20 November 2017. The article also refers to the Respondent being adjudicated as bankrupt. The Insolvency Register notes the bankruptcy as of 5 July 2018.
- [20] The third article also notes the Respondent continuing to trade in Auckland through Old School Carpentry Co Limited. The sole director and shareholder of the company was the Respondent’s wife. The company was put into liquidation on 30 April 2019. The First Liquidator’s Report notes the IRD as a preferential creditor for \$160,000 (noted as “to be confirmed”) and unsecured creditors of \$16,516. Notes to the report state that the company had purchased a boat, trailer and Hilux.
- [21] The fourth article related to Old School Carpentry. An employed worker referred to being left out of pocket at Christmas as a result of him not being paid and that over the eight months of his employment he did not have an employment contract and that there were ongoing issues with payment of the 15 builders working for Old School. The Employee made reference to the Respondent rarely being at work and living a high lifestyle. The article included responses from the Respondent to the allegations made including that tax issues were between the IRD and his wife. The article made reference to an Official Assignee investigation into whether the Respondent had breached bankruptcy restrictions.
- [22] The Respondent was served with notice of the Board Inquiry by post by way of the mechanisms provided for in the Act. Personal service was also attempted. The

⁹ The Respondent is the sole director and shareholder of the company which is now in liquidation.

service agent brought a further article to the Board’s attention. The article, entitled “Bankrupt builder Jaden Melgren labelled 'reckless' by liquidator”, noted comments from a liquidator that the Respondent led a lavish lifestyle while racking up almost \$1 million in debt and that a report was being prepared to report the Respondent to the Companies Office for reckless trading after Old School was put into liquidation on the basis that the company was operationally managed by the Respondent.

[23] The Respondent did not provide any form of response to the Board Inquiry.

Draft Conclusion and Reasoning

[24] The Board has decided that the Respondent **has** conducted himself or herself in a manner that brings, or is likely to bring, the regime under this Act for licensed building practitioners into disrepute (s 317(1)(i) of the Act) and **should** be disciplined

[25] The disrepute disciplinary provision in the Act is similar to legislation in other occupations including medical professionals, teachers, lawyers and conveyancers, chartered accountants, financial advisors, veterinarians and real estate agents. The Board considered the disrepute provisions in Board Decision C2-01111¹⁰ and discussed the legal principles that apply.

[26] The Board, in C2-01111 considered whether the conduct complained of needs to be conduct carried out in the capacity of a licensed building practitioner. The Board notes that in the professions listed above there is no requirement for the conduct to have been in the course of carrying out that person's trade or profession. For example in the High Court held in *Davidson v Auckland Standards Committee No 3*¹¹ a company director, who, in the course of his duties as a director was charged with offences under the Securities Act 1978, had brought the legal profession into disrepute. He held a lawyer's practising certificate at the time, however, he was not providing legal services. It was submitted in the case that when the acts are outside of the legal practice, only acts which exhibit a quality incompatible with the duties of the legal profession, for example dishonesty or lack of integrity, could bring the legal profession into disrepute. This was rejected by the Court.

[27] Similarly in a determination of the Disciplinary Tribunal of the New Zealand Institute of Chartered Accountants¹², convictions for indecent assault and being found without reasonable cause in a building was found to bring the profession into disrepute as it was inconsistent with the required judgment, character and integrity.

[28] Turning to the conduct which brings or is likely to bring the regime into disrepute the Act does not provide guidance as to what is “disrepute”. The Oxford Dictionary defines disrepute as "the state of being held in low esteem by the public"¹³ and the

¹⁰ Board decision dated 2 July 2015.

¹¹ [2013] NZAR 1519

¹² 24 September 2014

¹³ Online edition, compilation of latest editions of *Oxford Dictionary of English, New Oxford American Dictionary, Oxford Thesaurus of English and Oxford American Writer's Thesaurus*, search settings UK English, accessed 12/05/15

courts have consistency applied an objective test when considering such conduct. In *W v Auckland Standards Committee 3 of the New Zealand Law Society*¹⁴ the Court of Appeal held that:

*the issue of whether conduct was of such a degree that it tended to bring the profession into disrepute must be determined objectively, taking into account the context in which the relevant conduct occurred. The subjective views of the practitioner, or other parties involved, were irrelevant.*¹⁵

[29] As to what conduct will or will not be considered to bring the regime into disrepute it will be for the Board to determine on the facts of each case. The Board will, however, be guided by finding in other occupational regimes. In this respect it is noted disrepute was upheld in circumstances involving:

- criminal convictions¹⁶;
- honest mistakes without deliberate wrongdoing¹⁷;
- provision of false undertakings¹⁸; and
- conduct resulting in an unethical financial gain¹⁹.

[30] It is also noted that there are a number of cases where the conduct related to specific or important tasks a licensed building practitioner is required to complete within their occupations. Often such behaviour is measured within the context of a code of conduct or ethics. A code is yet to be established within the Building Act although provision for one is made. What is clear from the cases though is that unethical or unprofessional conduct can amount to disreputable conduct.

[31] In the present case there has been a pattern of behaviour that could best be described as unethical. The Respondent has traded recklessly and at the expense of others. The companies that he has had an involvement with have incurred significant debt. There appears to be very little chance that any of that debt will be recovered. He has failed to ensure due amounts are paid to the Inland Revenue Department. Notwithstanding he has, throughout the period, lived what has been reported to be a "high lifestyle". The Respondent appears to have used company structures and money that was not his to fund that lifestyle.

[32] It is not uncommon for a building company to go into liquidation. The fact that one does is not sufficient for a finding of disrepute as regards a licensed building practitioner who is a shareholder or director of that company. Something more is required. There needs to be conduct, as part of the liquidation, that lowers the reputation of the industry. In this case the Board finds that there has been such

¹⁴ [2012] NZCA 401

¹⁵ [2012] NZAR 1071 page 1072

¹⁶ *Davidson v Auckland Standards Committee No 3* [2013] NZAR 1519

¹⁷ *W v Auckland Standards Committee 3 of the New Zealand Law Society* [2012] NZCA 401

¹⁸ *Slack, Re* [2012] NZLCDT 40

¹⁹ *Colliev Nursing Council of New Zealand* [2000] NZAR 7

conduct. It is finds that the conduct was sufficiently serious enough to warrant a disciplinary outcome²⁰.

- [33] In coming to its decision the Board notes that the Respondent has not provided any evidence to contradict the evidence before it other than the response to Board Inquiry C2-01767, which has been taken into account. This decision is, however, a draft decision and as such an opportunity will be afforded for a contradictory view to be presented.

Draft Decision on Penalty, Costs and Publication

- [34] Having found that one or more of the grounds in section 317 applies the Board must, under section 318 of the Act¹, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [35] The matter was dealt with on the papers. Included was information relevant to penalty, costs and publication and the Board has decided to make indicative orders and give the Respondent an opportunity to provide further evidence or submissions relevant to the indicative orders.

Penalty

- [36] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*²¹ commented on the role of "punishment" in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

- [37] Deterrence was also noted in *Hart* and in *Dorbu v New Zealand Law Society (No 2)*²². The High Court when discussing penalty stated:

[35] The principles to be applied were not in issue before us, so we can briefly state some settled propositions. The question posed by the legislation is whether, by reason of his or her conduct, the person accused is not a fit and proper person to be a practitioner. Professional misconduct having been established, the overall question is whether the practitioner's conduct, viewed

²⁰ The Courts have stated that the threshold for disciplinary complaints of disrepute is high and the Board notes that when the disciplinary provision was introduced to Parliament the accompanying Cabinet paper noted: *This power would only be exercised in the most serious of cases of poor behaviour, such as repetitive or fraudulent behaviour, rather than for minor matters.*

²¹ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

²² [2012] NZAR 481

overall, warranted striking off. The Tribunal must consider both the risk of reoffending and the need to maintain the reputation and standards of the legal profession. It must also consider whether a lesser penalty will suffice. The Court recognises that the Tribunal is normally best placed to assess the seriousness of the practitioner's offending. Wilful and calculated dishonesty normally justifies striking off. So too does a practitioner's decision to knowingly swear a false affidavit. Finally, personal mitigating factors may play a less significant role than they do in sentencing.

- [38] Cancellation of a license is the equivalent of striking off within the licensed building practitioner regime.
- [39] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*²³ the court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Building Act they have the advantage of simplicity and transparency. The court recommended adopting a starting point for penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors.
- [40] The Board has found that the Respondent has committed a serious disciplinary offence. The licensing regime exists to ensure the public can have confidence in those who carry out restricted building work. The Respondent's conduct has put that purpose at risk.
- [41] The Respondent's approach to the matters under inquiry is also an aggravating feature as the manner in which a licensed person responds to a disciplinary complaint and conducts their defence can be taken into consideration by the Board. In *Daniels v Complaints Committee*²⁴ the High Court held that it was permissible to take into account as an adverse factor when determining penalty that the practitioner had responded to the complaints and discipline process in a belligerent way.
- [42] The Respondent appears to have continually failed to take responsibility or accountability for his financial malfeasance and to have little regard for those that he has affected. He has put his own welfare before that of others that he has employed or traded with.
- [43] Taking all of the above factors into account the Board considers that a cancellation of the Respondent's licence is not only warranted to punish the Respondent but also required to protect the public and to deter others from such conduct.
- [44] Accordingly, the Board will cancel the Respondent's licence and order that he may not apply to be relicensed for a period of three years.

²³ 3 November 2016, CIV-2016-070-000492, [2016] NZDC 21288

²⁴ [2011] 3 NZLR 850.

Costs

- [45] Under section 318(4) the Board may require the Respondent “to pay the costs and expenses of, and incidental to, the inquiry by the Board.”
- [46] The Respondent should note that the High Court has held that 50% of total reasonable costs should be taken as a starting point in disciplinary proceedings and that the percentage can then be adjusted up or down having regard to the particular circumstances of each case²⁵.
- [47] In *Collie v Nursing Council of New Zealand*²⁶ where the order for costs in the tribunal was 50% of actual costs and expenses the High Court noted that:
- But for an order for costs made against a practitioner, the profession is left to carry the financial burden of the disciplinary proceedings, and as a matter of policy that is not appropriate.*
- [48] The Board notes the matter was dealt with on the papers. There has, however, been costs incurred investigating the matter, producing the Registrar’s Report and in the Board making its decision. The costs have been less than those that would have been incurred had a full hearing been held. As such the Board will order that costs of \$500 be paid by the Respondent. The Board considers that this is a reasonable sum for the Respondent to pay toward the costs and expenses of, and incidental to, the inquiry by the Board.

Publication

- [49] As a consequence of its decision the Respondent’s name and the disciplinary outcomes will be recorded in the public register maintained as part of the Licensed Building Practitioners’ scheme as is required by the Act²⁷. The Board is also able, under section 318(5) of the Act, to order publication over and above the public register:
- In addition to requiring the Registrar to notify in the register an action taken by the Board under this section, the Board may publicly notify the action in any other way it thinks fit.*
- [50] As a general principle such further public notification may be required where the Board perceives a need for the public and/or the profession to know of the findings of a disciplinary hearing. This is in addition to the Respondent being named in this decision.
- [51] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²⁸. The Criminal Procedure Act 2011 sets out

²⁵ *Cooray v The Preliminary Proceedings Committee* HC, Wellington, AP23/94, 14 September 1995, *Macdonald v Professional Conduct Committee*, HC, Auckland, CIV 2009-404-1516, 10 July 2009, *Owen v Wynyard* HC, Auckland, CIV-2009-404-005245, 25 February 2010.

²⁶ [2001] NZAR 74

²⁷ Refer sections 298, 299 and 301 of the Act

²⁸ Section 14 of the Act

grounds for suppression within the criminal jurisdiction²⁹. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive³⁰. The High Court provided guidance as to the types of factors to be taken into consideration in *N v Professional Conduct Committee of Medical Council*³¹.

- [52] The courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest³². It is, however, common practice in disciplinary proceedings to protect the names of other persons involved as naming them does not assist the public interest.
- [53] The Respondent's conduct is already in the public domain. The Board considers the conduct is of a type where the public and the profession needs to be informed. As such, and based on the above the Board will order further publication.

Draft Section 318 Order

- [54] For the reasons set out above, the Board directs that:

Penalty: Pursuant to section 318(1)(a)(i) of the Act, the Respondent's licence is cancelled and the Registrar is directed to remove the Respondent's name from the register of Licensed Building Practitioners and pursuant to section 318(1)(a)(ii) of the Act the Board orders that the Respondent may not apply to be relicensed before the expiry of three [3] years.

Costs: Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$500 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

Publication: The Registrar shall record the Board's action in the Register of Licensed Building Practitioners in accordance with section 301(1)(iii) of the Act.

In terms of section 318(5) of the Act, there will be action taken to publicly notify the Board's action, in addition to the note in the Register and the Respondent being named in this decision.

- [55] The Respondent should note that the Board may, under section 319 of the Act, suspend or cancel a licensed building practitioner's licence if fines or costs imposed as a result of disciplinary action are not paid.

Submissions on Draft Decision

- [56] The Board invites the Respondent to:

(a) provide further evidence for the Board to consider; and/or

²⁹ Refer sections 200 and 202 of the Criminal Procedure Act

³⁰ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

³¹ *ibid*

³² *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

(b) make written submissions on the Board's findings. Submissions may be on the substantive findings and/or on the findings on penalty, costs and publication.

- [57] Submissions and/or further evidence must be filed with the Board by no later than the close of business on **26 March 2020**.
- [58] If submissions are received, then the Board will meet and consider those submissions.
- [59] The Board may, on receipt of any of the material received, give notice that an in-person hearing is required prior to it making a final decision. Alternatively, the Board may proceed to make a final decision which will be issued in writing.
- [60] If no submissions or further evidence is received within the time frame specified, then this decision will become final.

Request for In-Person Hearing

- [61] If the Respondent, having received and considered the Board's Draft Decision, considers that an in-person hearing is required then one will be scheduled, and a notice of hearing will be issued.
- [62] A request for an in-person hearing must be made in writing to the Board Officer no later than the close of business on **26 March 2020**.

Right of Appeal

- [63] The right to appeal Board decisions is provided for in section 330(2) of the Actⁱ.

Signed and dated this 5th day of March 2020



Chris Preston
Presiding Member

This decision and the order herein were made final on 27 March 2020 on the basis that no further submissions were received.

Signed and dated this 27th day of March 2020



Chris Preston
Presiding Member

ⁱ Section 318 of the Act

- (1) *In any case to which section 317 applies, the Board may*
- (a) *do both of the following things:*
 - (i) *cancel the person's licensing, and direct the Registrar to remove the person's name from the register; and*
 - (ii) *order that the person may not apply to be relicensed before the expiry of a specified period:*
 - (b) *suspend the person's licensing for a period of no more than 12 months or until the person meets specified conditions relating to the licensing (but, in any case, not for a period of more than 12 months) and direct the Registrar to record the suspension in the register:*
 - (c) *restrict the type of building work or building inspection work that the person may carry out or supervise under the person's licensing class or classes and direct the Registrar to record the restriction in the register:*
 - (d) *order that the person be censured:*
 - (e) *order that the person undertake training specified in the order:*
 - (f) *order that the person pay a fine not exceeding \$10,000.*
- (2) *The Board may take only one type of action in subsection 1(a) to (d) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b) or (d).*
- (3) *No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an offence for which the person has been convicted by a court.*
- (4) *In any case to which section 317 applies, the Board may order that the person must pay the costs and expenses of, and incidental to, the inquiry by the Board.*
- (5) *In addition to requiring the Registrar to notify in the register an action taken by the Board under this section, the Board may publicly notify the action in any other way it thinks fit."*

ⁱⁱ Section 330 Right of appeal

- (2) *A person may appeal to a District Court against any decision of the Board—*
- (b) *to take any action referred to in section 318.*

Section 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.*