

Before the Building Practitioners Board

BPB Complaint No. 26639

Licensed Building Practitioner: Craig Anthony O'Brien (the Respondent)

Licence Number: BP 118522

Licence(s) Held: Carpentry

Penalty Decision of the Board under section 318 of the Building Act 2004

Complaint or Board Inquiry: Complaint

Hearing Location: By Audio Visual Link

Hearing Date: 31 July 2025

Substantive Decision Date: 26 August 2025

Penalty Decision Date: 16 January 2025

Board Members Present

Mr M Orange, Chair, Barrister (Presiding)

Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2

Mr G Anderson, LBP, Carpentry and Site AoP 2

Mr C Lang, Building Surveyor and Quantity Surveyor

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.

Disciplinary Finding:

The Respondent **has** committed disciplinary offences under sections 317(1)(d), (da)(ii), (g) and (h) of the Act.

The Respondent **has not** committed a disciplinary offence under section 317(1)(i) of the Act.

The Respondent's licence is cancelled. He may not reapply to be licensed for a period of three months. He is ordered to pay costs of \$2,350. A record of the disciplinary offending will be recorded on the Public Register for three years.

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Summary of the Board's Penalty Decision

- [1] The Respondent changed the design for a pile foundation by adding additional piles. No consent process was followed. The Board decided, in relation to those changes and other building work he carried out or supervised, that he had committed disciplinary offences under sections 317(1)(d), (da)(ii), (g) and (h) of the Act. The Board also decided that the Respondent had not committed a disciplinary offence under section 317(1)(i) of the Act.
- [2] The Board decided that it would cancel the Respondent's licence as a result of the offending and order that he may not reapply to be licensed for a period of three months. The Board also ordered that the Respondent pay costs of \$2,350. A record of the disciplinary offending will be recorded on the Public Register for three years, and the Registrar will be ordered to carry out further publication of the Board's findings.
- [3] The Respondent filed submissions, which the Board considered. The Board has affirmed its decision.

The Charges

- [4] This penalty decision arises out of the Board's substantive decision in which it found that the Respondent had breached sections 317(1)(d), (da)(ii), (g) and (h) of the Act.
- [5] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Actⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [6] In its substantive decision, the Board set out its indicative position regarding penalty, costs, and publication and invited the Respondent to make written submissions on those matters.
- [7] On 10 December 2025, the Board received the Respondent's submissions.

The Submissions

- [8] The Respondent was to make submissions on matters of penalty, costs and publication. His submission, however, disputed the Board's substantive findings. Other than stating that he had not committed any disciplinary offences, the

Respondent did not put forward any new or previously unknown mitigating factors for the Board to consider.

[9] On that basis, the Board has decided to finalise its penalty, costs and publication orders. Regarding the respondent's dissatisfaction with the Board's decision, he is reminded of his right of appeal.

Section 318 Order

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] months. .

Costs: Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$2,350 (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(l)(iii) of the Act.

In terms of section 318(5) of the Act, the Respondent will be named in this decision, which will be published on the Board's website, and the Registrar is directed to publish an article in the Wrap Up summarising the matter.

[10] 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.

Right of Appeal

[11] The right to appeal Board decisions is provided for in s 330(2) of the Actⁱⁱ.

Signed and dated this 2nd day of February 2026



Mr M Orange
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.