



Register of Disciplinary Actions

The provisions of the Architects Act require the NSW Architects Registration Board to maintain a Register of Disciplinary Actions.

This Register is published in accordance with the Board's policy that:

Where an architect is found guilty of unsatisfactory professional conduct, the decision will be published in the consumers section of the Board's website for a period of 2 years unless otherwise determined.

Where an architect is found guilty of professional misconduct the decision will be published in the consumers section of the Board's website for a period of 5 years unless otherwise determined.

Name of architect	Registration No.	Date of determination	Description
Lydia Farah		21 August 2019	<p>The Board is satisfied that the architect is guilty of unsatisfactory professional conduct as follows:</p> <p>(a) Failing, without reasonable cause, to properly supervise the provision of architectural services by Tecton while being the nominated architect for Tecton between 31 March 2017 and 11 December 2017.</p> <p>Pursuant to section 43(4)(a) of the Act, the Board reprimands the architect in respect of the conduct above.</p>
Matthew Holt	4650	15 May 2019	<p>Pursuant to section 43 of the Architects Act, the architect is found to have engaged in unsatisfactory professional conduct in:</p> <p>(a) failing to provide sufficient relevant information with reasonable promptness to enable a client or prospective client to make an informed decision in relation to the provision of architectural services, pursuant to Part 3, clause 6(1) of the Code.</p> <p>(b) failing to take all reasonable steps to ensure that all information and material is provided is truthful, accurate, unambiguous and relevant to the client's interest, and to provide a client with sufficient information to enable the client to make decisions about the provision of the architectural services, including information that clearly identifies the implications of various decisions that could be made, pursuant to Part 3, clause 6(2) of the Code.</p> <p>(c) failing to advise a client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements</p>



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for the architectural services concerned, pursuant to Part 3, clause 6(4) of the Code.

- (d) failing to comply with the requirements for client agreements pursuant to Part 3, clause 7(2) of the Code.
 - (e) failing to enter into the Client-Architect agreement before commencing to provide the architectural services, pursuant to Part 3, clause 7(4) of the Code.
 - (f) failing to ensure that the cost of architectural services provided to the client reflects the fee structure specified in the Client Architect agreement, and that the costs accurately reflect the amount of work done or to be done for the client in the provision of the architectural services (including any variations to the architectural services and the incurring of any liabilities to pay employees overtime, pursuant to Part 3, clause 7(3) of the Code.
 - (g) failing to ensure that the architect's registration number is included on any stationery, presentation or construction documents (including drawings, specifications and schedules), illustrations, sign boards, public notices and architectural plans, and in publications, used or placed by the architect in connection with the architect's professional practice when dealing with the public, pursuant to Part 6, clause 17(1)(c) of the Code.
- Pursuant to section 43(4)(a) of the Act, the Board reprimands the architect in respect of each of the instances of the unsatisfactory professional conduct set out above.



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Geoffrey Bonus	4034	22 February 2019	<p>The Board orders that the architect refund to the complainants \$2,367.00 being the payment for the architectural services that were the subject of the complaint.</p> <p>Pursuant to section 43(4)(g) of the Act, the Board orders that the architect pay a fine in respect of their unsatisfactory professional conduct in failing to comply with clause 7 of the Code including the matters set out in Clause 7(2) of the Code.</p> <p>The Board finds the architect guilty of unsatisfactory professional conduct for;</p> <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Patrick Keane	10378	22 February 2019	<p>The Board finds that the architect has engaged in 'unsatisfactory professional conduct', per the definition contained in section 32(b) of the Act, in respect of each of the following six (6) counts of failing to comply with provisions of the Code:</p> <ul style="list-style-type: none">Failure to comply with the required standards of communication and provision of information to the complainants, in breach of clause 6(1) of the Code;Failure to ensure all information provided to the complainants was truthful, accurate, unambiguous and relevant to the client's interest, to enable them to make



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decisions about the provision of architectural services, particularly with respect to the projected cost of the project, in breach of clause 6(2)(a)-(b) of the Code;

- Failure to take all reasonable steps to inform the complainant of the decision required of them with respect to being engaged for contract administration and the implications of this decision on the performance of architectural services, in breach of clause 6(3) of the Code;
- Failure to advise the complainants on the likelihood of achieving a project design which satisfies the complainants' budget and time requirements for the architectural services, in breach of clause 6(4) of the Code;
- Failure to comply with the requirements for client agreements, as specified by clause 7(2) of the Code; and
- Failure to ensure that the cost of architectural services provided to the complainants reflected the fee structure specified in the agreement and the amount of work undertaken or would be carried out, per clause 7(3) of the Code.

Per section 43(4) of the Act, the Board is empowered to take various actions in response to this finding of unsatisfactory professional conduct.

Dimitri Jancek	4473	19 December 2018
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The Board finds the architect guilty of unsatisfactory professional conduct for;

- Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledge as required by Part 5, Section 17 (1)(a) of the Code.



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David Kidston	8732	21 November 2018	<ul style="list-style-type: none">Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code. <p>Pursuant to Section 43 of the Architects Act, the Architect is found to have engaged in unsatisfactory professional conduct for;</p> <p>(a) failing to take all reasonable steps to ensure that the client was informed of the decisions required of the client in respect of the architectural service being provided by the architect, and the implications of those decisions for the performance of the service (particularly those implications related to timeliness, cost and changes to the service and any building or building related work consequential to the service), pursuant to Part 3, clause 6(3) of the Code.</p> <p>(b) failing to advise the client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements for the architectural service concerned, pursuant to Part 3, clause 6(4) of the Code.</p> <p>Pursuant to Section 43(4)(b) of the Act, the architect is ordered to withhold the issuing of the invoice, or refund of the payment in the sum of \$3,682.80, being part of the payment for the architectural services that are the subject of the complaint.</p> <p>Pursuant to Section 43(4)(d) of the Act, the architect is ordered to complete an educational course on designing to a budget, and advising clients of same, and managing client expectations.</p>
Ian Ezzy	2387	20 June 2018	<p>Pursuant to Section 43 of the Architects Act, the Architect is found to have engaged in multiple and repeated instances of conduct which appears at the higher range of unsatisfactory professional conduct, or may be capable of being regarded as professional misconduct, over a three year period, and only made limited attempts</p>



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to rectify the breaches once the complainant took steps to identify the consumer safeguards available under the Architects Act. The Board finds the architect;

- a) Failed to enter into a written agreement with the client concerning the provision of an architectural service, prior to commencing the architectural services pursuant to Section 7 of the Code. As the failure occurred in relation to four separate projects, commenced at different times for a client who demonstrated a high degree of trust in the professional ethics, standards and competence of the architect;
- Pursuant to Section 43 (4) (g) the architect is fined 15 penalty points for failing to enter in to a written agreement with the client on the Outdoor Seating, Pho Ngan Restaurant
 - Pursuant to Section 43 (4) (g) the architect is fined 15 penalty points for failing to enter in to a written agreement with the client on the Childcare Development
 - Pursuant to Section 43 (4) (g) the architect is fined 15 penalty points for failing to enter in to a written agreement with the client on the Townhouses, Asquith
 - Pursuant to Section 43 (4) (g) the architect is fined 15 penalty points for failing to enter in to a written agreement with the client on the Subdivision, Mount Colah
- b) Pursuant to Section 43 (4) (a) of the Architects Act, the architect is reprimanded for poor business practice that would not be widely accepted in Australia by peer professional opinion as competent professional architectural practice; with particular regard to the manner in which invoices were prepared, and in the manner that 'Commencement fees' were charged and where these lump sum amounts could be reasonably viewed as exceeding the limits placed by the Section 9 of the Code. Further, the architect claimed that the fees being charged



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were in accordance with industry guidelines. As no current industry guidelines are published.

- c) Pursuant to Section 43 (b) the architect is ordered to withhold any portion of payment that the architect claims to be owed for the architectural services that are the subject of the complaint until a full reconciliation of all invoices, timesheets and correspondence is provided to the satisfaction of the Board and which evidences an entitlement to payment for services for which an agreement was not prepared
- d) Pursuant to Section 43 (4)(d), the Board directs that the following conditions are imposed on the architect's registration;
 - That the architect is precluded from being nominated as a responsible architect pursuant to Section 10 for a period of not less than five (5) years
 - That the architect must not enter in to an agreement under his own name with any client to provide architectural services for a period of not less than five (5) years
 - That the architect can only provide architectural services under the supervision of an architect who is a Nominated Architect
- e) Pursuant to Section 43 (4) (e) the architect is ordered, within 14 days, to provide evidence of Professional Indemnity Insurance for the period 1 July 2013 – 30 June 2018

Osama Tadros

7091

20 April 2018

The Board finds the architect guilty of unsatisfactory professional conduct for;

- Failing to prepare a written agreement concerning the provision of architectural services that complied with Section 7 of the Code. The architect is fined 15 penalty points (\$1,650).



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- Failing to make a copy of the Code available for inspection by a prospective client for an architectural service and failing to provide the client with a copy of this Code before commencing to provide the service or as soon as is reasonably practicable after commencing to provide the service. The architect is fined 15 penalty points (\$1,650).

The Board cautions the architect in relation to;

- Representing as an architect prior to registering as an architect and for failing to ensure that the architect's experience is stated accurately – particularly in previous employment.
- Insufficient care and attention to the provisions of Section 5 of the Code – Disclosure of conflicts of interest.
- Insufficient care and attention to general practice standards such as the minuting of decisions and reporting of information to the client.

The Board directs the architect to report on the following within 30 days of the final determination;

- That the architect is identified clearly and accurately as the nominated architect for Manor House Design on stationery, sign boards and public notices, and in publications, used or placed by the architect corporation or architect firm in connection with the provision of architectural services, and
- The architect's registration number is included on any stationery, presentation or construct documents (including drawings, specifications and schedules), illustrations, sign board, public notices and architectural plans, and in publications, used or placed by Manor House Design.



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Karen Gay	3819	18 May 2018	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">• Not ensuring that the written agreement prepared by the architect and concerning the provision of architectural services fully complied with Section 7 of the Code which is required even for a small project such as the subject site. The architect is fined the standard penalty of 15 penalty points (\$1,650). Further, and due to specific mitigating circumstances, the sum of \$550 shall be payable forthwith and the balance of \$1,100 of the fine is suspended and shall not be applied assuming this does not occur again within the next 12 months.• Not providing the client with a copy of the Code which is required even for a small project such as the subject site. The architect is fined the standard penalty of 15 penalty points (\$1,650). Further, and due to specific mitigating circumstances, the sum \$550 shall be payable forthwith and the balance of the \$1,100 of the fine is suspended and shall not be applied assuming this does not occur again within the next 12 months.
Grant Simmons	4479	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">• Failing to ensure that written agreements concerning the provision of architectural services complied with Section 7 of the Code. The architect is fined 10 penalty points (\$1,100).• Failing to take all reasonable steps to ensure that the client was informed of the decisions required of the client in respect of the architectural service being provided by the architect, and the implications of those decisions for the performance of the service (particularly those implications related to timeliness, cost and changes to the service and any building or building related work



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			consequential to the service, as required by Part 3, Section 6 (3)(a) (b) of the Code. The architect is fined 10 penalty points (\$1,100).
			<ul style="list-style-type: none">Failing to advise the client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements for the architectural service concerned, as required by Part 3, Section 6 (4) of the Code. The architect is fined 10 penalty points (\$1,100).
Epaminondas Katsalidis	6772	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Peter McDonnell	3475	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.



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Patrick Roberts	9963	20 December 2017	<ul style="list-style-type: none">Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code. The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
David Lee	8265	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Russell Prescott	6804	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for;



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Gustavo Roth	4574	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Constantino Hairis	5872	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.



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			<ul style="list-style-type: none">Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Matthew Holt	4650	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Dominique Gill	7810	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for; <ul style="list-style-type: none">Failing to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of architectural services that the architect normally provides by failing to satisfy the Board that he had undertaken activities that demonstrate the maintenance and improvement of the architect's skill and knowledges as required by Part 5, Section 17 (1)(a) of the Code.Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.
Philip Newman	3000	20 December 2017	The Board finds the architect guilty of unsatisfactory professional conduct for;



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- Failing to report to the Board on all steps taken by the architect during the relevant annual registration period as required by Part 5, Section 17 (2) of the Code.

Mathew Holt	4650	20 December 2017	<p>Pursuant to Section 43 (4) the Board finds the Architect guilty of unsatisfactory professional conduct. The architect failed to;</p> <p>(a) Ensure a written agreement was entered in to that complied with Part 3, Section 7 of the Code. Pursuant to Section 43 (4)(g), the Board orders the architect to pay a fine of \$1,100.</p> <p>(b) Provide sufficient advice to the client on the likelihood of achieving the client's stated objectives having regard to the client's stated budget and time requirements for the architectural service concerned, pursuant to Part 3, Section 6 (4) of the Code. Pursuant to Section 43 (4)(g), the Board orders the architect to pay a fine of \$500.</p> <p>(c) Act with reasonable promptness to the complainant's requests for a return of the fees related to the lodging of the Development Application, pursuant to Part 3, Section 6 (6) of the Code. Pursuant to Section 43 (4)(g), the Board orders the architect to pay a fine of \$500.</p> <p>(d) Take all reasonable steps to ensure that all information and material provided was truthful, accurate, unambiguous and relevant to the client's interests. Pursuant to Section 43 (4)(g), the Board orders the architect to pay a fine of \$500.</p>
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The Board suspends the requirement for payment by the architect, providing that the architect can, by 30 June 2018, and pursuant to Section 43 (4) (d) demonstrate to the Board the following by means of formal report:

- A written agreement that complies with Section 7 of the Code
- 20 hours of CPD, 10 of which is Formal CPD for the 2017-2018 period
- Completion of a short course in professional practice and practice management from one of the courses specified by the Registrar of the Board.

Pursuant to Section 43 (4) (b), the Board orders that the architect refund \$250 to the complainant within 14 days of this order.



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