

DISCIPLINARY COMMITTEE DECISION

REGARDING AN OWN MOTION INQUIRY ABOUT JONATHAN BEAU HALL

In accordance with

Engineering New Zealand Rules 2019

Engineering New Zealand Complaints Resolution and Disciplinary Regulations 2020.

Prepared by

Jenny Culliford FEngNZ (Ret.)

Chair of the Disciplinary Committee

Peter Boardman FEngNZ CPEng IntPE(NZ)/APEC Engineer

David Naulls, nominated by Consumer New Zealand

Members of the Disciplinary Committee

28 August 2025



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EXECUTIVE SUMMARY

1. Jonathan Beau Hall was a Chartered Member (Engineering Technologist) of Engineering New Zealand from November 2007 to August 2023. In May 2023, Engineering New Zealand was notified that Mr Hall had been issuing producer statements using the name and Chartered Professional Engineer (CPEng) details of another engineer without their consent. These concerns were passed on to the New Zealand Police. On 10 May 2024, Mr Hall was convicted and sentenced to a term of imprisonment of four years and six months in relation to 112 charges of forgery occurring between November 2017 and May 2023. The charges all relate to forged producer statements, certificates of design works, geotechnical investigation reports and similar, totalling 1927 forged documents submitted to 39 of the 42 local and territorial authorities in New Zealand.
2. In light of Mr Hall's offending, Engineering New Zealand considers that he may have been in breach of his obligations as a member of Engineering New Zealand such that grounds for discipline exist.

DECISION

3. Having reviewed the evidence provided, the Disciplinary Committee is of the view Mr Hall's conduct was not in accordance with the expected standard of a Chartered Member (Engineering Technologist) of Engineering New Zealand.
4. We have found that:
 - a. Mr Hall breached his obligations under the Code of Ethical Conduct applicable to members of Engineering New Zealand by:
 - i. failing to perform his engineering activities in a careful and competent manner;
 - ii. performing engineering activities outside of his area of competence;
 - iii. failing to perform engineering activities with honesty, objectivity and integrity; and
 - iv. failing to safeguard the health and safety of the general public.
 - b. Mr Hall breached the 'good character obligation' and 'competence obligation' under the Engineering New Zealand Rules.
5. The complaint is upheld, and we make the following orders:
 - a. Mr Hall is removed from membership of Engineering New Zealand;
 - b. Mr Hall is censured in the strongest possible terms;
 - c. Mr Hall pay a fine of \$10,000; and
 - d. Mr Hall pay 50% of the costs incurred by Engineering New Zealand in investigating this matter, being \$1282.00 plus GST.

BACKGROUND

6. Jonathan Beau Hall was a Chartered Member (Engineering Technologist) (**CMEngNZ**) of Engineering New Zealand from November 2007 until his suspension on 1 August 2023.¹ Mr Hall was the sole engineer and director of Kodiak Consulting Limited (**Kodiak**), an engineering consultancy based in Taupo. Kodiak was established in March 2016.² Kodiak's engineering services involved engineering design and submission of documentation including producer statements, certificates of design works, and geotechnical investigation reports to building consent authorities (**BCAs**).³
7. A producer statement confirms that the qualified design professional who signs it believes, in their professional opinion, a building design complies with the Building Code (**PS1**) or that elements of construction have been completed in accordance with the approved building consent and the Building Code (**PS4**).⁴ Also of relevance to this complaint is the PS2 which covers design review. PS1s and PS2s provide BCAs with reasonable grounds to grant building consents.⁵ PS4s provide BCAs with assurance that a building has been constructed in accordance with the Building Code and relevant building consent, so that they may issue a code compliance certificate (**CCC**).⁶ The producer statement system is not mandated by law, but it is standard practice for many of the BCAs to accept producer statements that have been signed off by a chartered professional engineer (CPEng).⁷
8. PS1s, PS2s and PS4s must be signed by a suitably qualified design professional ie a CPEng or Registered Architect. Chartered membership of Engineering New Zealand alone is not deemed adequate qualification to sign producer statements. Mr Hall as a Chartered Member (Engineering Technologist) of Engineering New Zealand was not a suitably qualified design professional and therefore required the services of a chartered professional engineer to review and sign producer statements before they were issued to a BCA.
9. A certificate of design work is required to be included in the documentation submitted for building consent when the works include restricted building works as defined in the Building Act 2004.
10. Initially Mr Hall engaged a CPEng, Engineer A, to review his work. However, by November 2017 Mr Hall began to forge Engineer A's signature and company name to produce fraudulent documents without the prior approval or review of Engineer A.⁸ These forged documents were then submitted to various BCAs. On occasion, Mr Hall would submit the forged documents to a BCA before providing them to Engineer A for review. Engineer A was not aware of the forgery. Mr Hall continued to have some work legitimately signed off and reviewed by a CPEng in 2018, but by 2019 almost all documents submitted to local BCAs by Mr Hall were forged.⁹

¹ BoD, pg 3.

² BoD, pg 7.

³ BoD, pg 37.

⁴ Taken from <https://www.engineeringnz.org/engineer-tools/engineering-documents/producer-statements> and document titled "Guidance on use of producer statements" available from this webpage.

⁵ Ibid.

⁶ Taken from <https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/producer-statements#:~:text=The%20producer%20statement%20system%20is%20intended%20to,design%20or%20construction%20checking%20undertaken%20by%20others.>

⁷ Ibid.

⁸ BoD, pg 38.

⁹ BoD, pg 38.

11. In February 2023, Engineer A retired as a CPEng. Mr Hall then sought out a new CPEng, Engineer B, to discuss the possibility of his reviewing and signing off design work Mr Hall was completing. Engineer B agreed but was unaware that Mr Hall had already begun submitting documentation in Engineer B's name, using a fabricated signature that did not match Engineer B's true signature.¹⁰ On 17 May 2023 Mr Hall forged Engineer B's signature for a project that required geotechnical engineering work. This work was outside of the scope of Engineer B's practice area of structural engineering. As such, when the documents were submitted to Rotorua Lakes District Council, they contacted Engineer B to discuss the work. Engineer B could not identify the work which Rotorua Lakes District Council was referring to and asked for a copy of the documentation.¹¹ It was after receiving this documentation that Engineer B discovered the forgery and immediately notified Engineering New Zealand. Consequently, Engineering New Zealand notified Wellington Police on 26 May 2023.¹²
12. Mr Hall's membership was subsequently suspended by Engineering New Zealand in accordance with clause 20 of the Engineering New Zealand Complaints Resolution and Disciplinary Regulations 2020 (the **Regulations**) following commencement of a Police investigation into Mr Hall's conduct.¹³

Scope of alleged forgery

13. The extent of Mr Hall's forgeries was widespread. After further investigation by the New Zealand Police, it was found that in the period between November 2017 and May 2023, he had submitted 1,927 forged documents to 39 of 42 of the local BCAs. These can be broken down into the following:¹⁴
- 736 PS1 Design Producer Statements
 - 282 PS4 Construction Review Producer Statements
 - 732 Certificates of Design Work
 - 117 Geotechnical Reports
 - 42 Statements of Suitability
 - 15 Soil Assessment Reports
 - 2 Certificate of Assessment applications
 - 1 PS2 Peer Review Producer Statement
14. During the period 2017 to 2023, Kodiak submitted 1,115 projects for building consent. Of these projects, 946 were affected by Mr Hall's forgery. There were 878 forged in Engineer A's name and 68 forged in Engineer B's name. Mr Hall invoiced a total of \$2,422,511.00 for projects involving forged documentation. It is estimated Mr Hall gained \$558,511.00 from not paying for or using the services of Engineer A and Engineer B.¹⁵

¹⁰ BoD, pg 32.

¹¹ BoD, pg 33.

¹² BoD, pg 33.

¹³ BoD, pg 3.

¹⁴ BoD, pg 38 – 39.

¹⁵ BoD, pg 39.

Impact of Mr Hall's conduct

15. Engineer A and Engineer B have been significantly affected by Mr Hall's conduct. Engineer A has since left New Zealand to live with family because of the significant impacts on his health. He estimates Mr Hall's conduct has cost him \$300,000.¹⁶
16. A significant number of homeowners have also been affected throughout the country, with all 1,115 projects submitted during the period under investigation requiring review.¹⁷ Many homeowners for whom Mr Hall provided engineering services are no longer able to obtain insurance for their homes and have had a notice placed on their Land Information Memorandum report (**LIM**).¹⁸ This means in many cases, affected homeowners must now engage a CPEng to review the design of their buildings at their own cost.¹⁹
17. Additionally, many of Mr Hall's projects have now been established as unsafe and require major structural and foundational changes.
18. Mr Hall's conduct has also had a significant impact on BCAs, whose teams have worked significant extra work hours, and in some cases have had to create specialist teams to deal with the repercussions of Mr Hall's forgery, at their own cost.²⁰ In Taupo alone, 650 building consents were affected by Mr Hall's forgery, creating immense work for the local BCA.²¹

Conviction

19. On 10 May 2024 Mr Hall was convicted and sentenced on 112 charges of forgery at the Rotorua District Court. He was sentenced to four years and six months imprisonment and ordered to pay reparation in the sum of \$85,758.62.²²

THE COMPLAINT

20. After receiving notification from Engineer B that Mr Hall had been forging his name and details of a CPEng, Engineering New Zealand raised an own motion inquiry (**OMI**) on 1 August 2023 into Mr Hall's conduct in accordance with clause 13 of the Regulations.

DISCIPLINARY COMMITTEE

21. Under clause 12.1 of the Regulations Engineering New Zealand may refer a concern directly to a disciplinary committee without considering early resolution or investigating the matter where the member has been convicted by a Court of an offence punishable by a sentence of imprisonment or fine exceeding \$2,000. Accordingly, this concern was referred directly to a disciplinary committee.
22. Mr Hall was notified of the particulars of the complaint on 13 September 2024.
23. On 15 November 2024 a disciplinary committee was appointed to hear the complaint.
24. The members of the Disciplinary Committee are:

Jenny Culliford FEngNZ (Ret.) (Chair)

¹⁶ BoD, pg 40

¹⁷ BoD, pg 44.

¹⁸ BoD, pg 41 -42.

¹⁹ BoD, pg 41.

²⁰ BoD, pg 34.

²¹ BoD, pg 40 41.

²² BoD, pgs 54-55.

Peter Boardman FEngNZ CPEng IntPE(NZ)/APEC Engineer

David Naulls, nominated by Consumer New Zealand

25. Both parties agreed to the matter being heard by the Disciplinary Committee on the papers.

INFORMATION GATHERED

26. We considered the bundle of documents provided by Engineering New Zealand including:

- correspondence between Engineering New Zealand and Mr Hall's legal counsel regarding his proposed suspension;
- correspondence between Engineering New Zealand and Mr Hall's legal counsel regarding the OMI;
- the New Zealand Police Summary of Facts regarding Mr Hall;
- the District Court's decision *New Zealand Police v Jonathan Beau Hall* [2024] NZDC 10589; and
- the Notice of Particulars regarding OMI ref 703.

RESPONSE TO THE COMPLAINT

27. Mr Hall did not provide any submissions to the Disciplinary Committee.

DISCUSSION

ROLE OF THE DISCIPLINARY COMMITTEE

28. Professional disciplinary processes primarily exist to protect the public, uphold professional standards, and maintain public confidence in the profession and its regulation. They do this by ensuring members of the profession adhere to certain universal (or accepted) professional standards.²³
29. Our role is to hear the complaint and decide whether there are grounds for disciplining Mr Hall; and if so, whether to order any penalty. If we decide there are no grounds to discipline Mr Hall, we must dismiss the complaint. If we decide there are grounds to discipline Mr Hall, we must decide whether and how to exercise our powers under the Engineering New Zealand Rules 2019 (the **Rules**), the Regulations, and the Code of Ethical Conduct 2016.

ANALYSIS

Ethical obligations

30. Rule 4.3 of the Rules states that all members of Engineering New Zealand must comply with the Code of Ethical Conduct.
31. Engineering New Zealand's practice note, Practice Note 8: Being Ethical, delves into the importance of ethical conduct for members of Engineering New Zealand. In particular, it notes:

"Engineers hold significant knowledge and specialised expertise. Engineers are capable of making judgements, applying their skills and reaching informed decisions in relation to their work, that the

²³ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC)

general public can't. The decisions you make and the services you provide often don't just impact you and your client, but have wide-reaching effects on the public.

The public places significant trust in engineers to self-regulate. As a professional, you take responsibility for being competent and acting ethically. Your actions as an individual engineer also play an important role in the way in which the ethics of the profession are viewed by the public. If we don't behave ethically, we lose the public's trust and confidence, and our standing and influence."

32. The Code of Ethical Conduct serves to protect the engineer, the public and the reputation of the engineering profession.

Acting within area of competence

33. Clause 4 a. ii. mandates that members must only undertake engineering activities that are within their competence. Mr Hall is an Engineering Technologist, making him qualified to solve "broadly defined problems" such as designing houses, stormwater drains, roading layouts or maintenance schedules.²⁴ A CPEng must supervise, sign off and review any documents required for building consents, such as producer statements and certificates of design work.²⁵ In many cases Mr Hall was not acting under the supervision of a CPEng and was submitting documentation to BCAs that had not been signed off by a CPEng.
34. We consider Mr Hall's conduct therefore constitutes a breach of his obligation under the Code of Ethical Conduct to only undertake engineering activities that are within his competency. Mr Hall was not qualified to review and sign off the various documents which he forged, in particular producer statements, certificates of design work and geotechnical reports. Accordingly, by submitting these forged documents he was acting outside of his area of competence.

Acting carefully and competently

35. As discussed above, in many instances, buildings which Mr Hall completed engineering work for have since been identified as unsafe and require major structural or foundational changes. By failing to ensure his engineering work was reviewed and signed off by an appropriately qualified CPEng, Mr Hall created a considerable risk in that any errors in his work would not be picked up before building consent documents were submitted to BCAs. We consider this demonstrates that Mr Hall has not acted carefully and competently when carrying out engineering activities.²⁶

Taking reasonable steps to safeguard health and safety

36. Further, we consider Mr Hall's forgery had clear implications for the health and safety of those involved in the completion of the projects and the general public, a further breach of Mr Hall's ethical obligations under the Code of Ethical Conduct.²⁷
37. The purpose of the Building Act is to provide regulations for building work and set performance standards to ensure people who use buildings can do so safely without endangering their health.²⁸

²⁴ BoD, pgs 8 -9.

²⁵ BoD, pg 9.

²⁶ Clause 4. a. iii. of the Code of Ethical Conduct.

²⁷ Clause 1 of the Code of Ethical Conduct.

Producer statements and other related documents are key to fulfilling this purpose under the Act, and for ensuring the requirements of the Building Code are met. BCAs rely on engineers to ensure that building work is designed and completed in a manner that ensures buildings are safe.

38. Mr Hall failed to engage CPEngS to review and sign off his work and instead submitted work he was unqualified to complete. A significant number of the projects Mr Hall was involved with were later identified to be unsafe. This jeopardized the health and safety of the public, particularly his clients who later occupied the buildings and those completing work on the affected projects.
39. By neglecting to have his engineering work reviewed and signed off by an appropriately qualified engineer, Mr Hall failed to safeguard the health and safety of the public.

Acting honestly, objectively and with integrity

40. A key aspect of being professional is honesty. Engineers are relied on by the public and BCAs to provide engineering opinions to ensure building works are completed safely. As such, the honesty and integrity of the engineering profession is crucial to the current system regulating building works.
41. Mr Hall has been convicted of 112 charges of forgery, a dishonesty offence. Mr Hall did not inform Engineer A or Engineer B that he was using their details to sign off documentation, or that this documentation was being submitted to local BCAs. Mr Hall also did not inform the BCAs that his work had in fact not been reviewed or signed off by a CPEng, instead he misled the BCAs into believing Engineer A and Engineer B had done so. Mr Hall was also dishonest with his clients, who were led to believe the work Kodiak had been engaged to complete was being carried out in accordance with the relevant requirements. BCAs and the public should be able to rely on engineers to act with integrity, objectivity and honesty when performing engineering works.
42. We consider this forgery to be a direct breach of Mr Hall's ethical obligation to act with honesty, objectivity and integrity.²⁹

Obligations under the Rules

Good character obligation

43. Engineering New Zealand members must conduct themselves at all times in a manner consistent with being a fit and proper person to be a member of Engineering New Zealand (the "good character" obligation).³⁰
44. The definition of a "fit and proper" person has been explored through the courts, particularly in the context of the legal profession. In *New Zealand Law Society v Stanley*,³¹ the Supreme Court found:

"... the fit and proper person standard has to be interpreted in light of the purposes of the [Lawyers and Conveyancers] Act. Those purposes broadly reflect two aspects. The first aspect is the need to protect the public, in particular by ensuring that those whose admission is approved can be entrusted with their clients' business and fulfil the fundamental obligations in s 4 of the Act. The second aspect is a reputational aspect

²⁸ Building Act 2004, s 3(a)(i).

²⁹ Clause 5. a. i. of the Code of Ethical Conduct.

³⁰ Rule 4.8 of the Rules.

³¹ *New Zealand Law Society v Stanley* [2020] NZSC 83 at [35].

reflecting the need to maintain the public confidence in the profession at the present time and in the future.”

45. We consider this purpose aligns with the objectives of the Engineering New Zealand Rules outlined in rule 3. Accordingly, we consider the fit and proper person standard in the Rules has the same purpose, namely, to protect the public by ensuring that members of Engineering New Zealand fulfil their obligations under the Rules and to maintain public confidence in the engineering profession.
46. This is reaffirmed in the case of *Attorney-General v Institution of Professional Engineers New Zealand Incorporated and Reay*³² where the High Court stated:

“[M]embership of a professional body, such as the Institution [of Professional Engineers], can confer a status that signals trustworthiness to the public. This status reflects the value that society places upon the training and skill acquired by members and upon the Institution’s ability to maintain the standards of its members through ongoing education, training and disciplinary processes.”

47. The good character obligation is also explored in the 2019 decision Regarding the Own Motion Inquiry by Engineering New Zealand about Joseph Douglas McGirr.³³ In this decision, the Disciplinary Committee stated:

“We consider the following matters to be relevant when assessing a complaint in accordance with a member’s “good character” obligation, as set out in Rule 4.5:

- *Members are required to comply with the “good character” obligation at all times. The obligation is not limited to an engineer’s “engineering activities”.*
- *The focus of the obligation is on public protection.*
- *The test of whether a person is “fit and proper” for the purpose of the legal profession has been developed through case law. The test has three key features. In particular, the test:*
 - *focuses on the future conduct of the person at issue, as opposed to punishing them for past conduct;*
 - *takes an overall view of the person’s behaviour, as opposed to focussing on one particular event; and*
 - *makes allowances for immaturity, where the conduct at issue occurred when the person was young”*

The finding that a person is not “fit and proper” for the purpose of their profession often follows a finding by a decision-maker (Court or tribunal) that the person has been in breach of a legal or professional obligation. The finding of a breach of obligation comes first; the consideration of disqualification from being “fit and proper” follows in light of the original breach.

A range of conduct may justify a finding that a person is not “fit and proper”, although the threshold should be considered high. It usually requires more than a lack of professionalism.

³² *Attorney-General v Institution of Professional Engineers New Zealand Incorporated and Reay* [2018] NZHC 3211 at [52].

³³ Disciplinary Committee Decision Regarding the Own Motion Inquiry by Engineering New Zealand About Joseph Douglas McGirr (18 December 2019), available online at: <https://www.engineeringnz.org/public-tools/engineering-concerns/upheld-complaints/>

However, it does not require proof of criminal conduct. The finding of a pattern of behaviour may also be relevant.”

48. The Disciplinary Committee is concerned that Mr Hall’s conduct has had a significant impact on the public, which demonstrates not only a failure to protect the public but also has had the effect of diminishing public confidence in the engineering profession. As discussed above, many people and organisations across the country have been adversely affected by Mr Hall’s conduct. Mr Hall exploited the trust BCAs and the public have in engineers to perform their engineering activities competently, honestly and with integrity. This inevitably has a negative impact on the public’s confidence in the engineering profession generally.
49. Furthermore, we consider it is particularly relevant that Mr Hall’s conduct was repeated and sustained for a period of over five years. When Engineer A retired, Mr Hall’s forgery did not stop. Mr Hall instead took steps to seek out the services of Engineer B for the purposes of continuing his fraudulent conduct. It was only when further questions were asked about the work submitted by Mr Hall and his forgery was discovered that the offending stopped. The Disciplinary Committee consider that had Mr Hall’s forgery not been discovered by Engineer B, it is likely Mr Hall’s offending would have continued.
50. The maximum imprisonment sentence for fraud in New Zealand is 10 years. The seriousness of Mr Hall’s fraudulent conduct can be gauged from the judge at sentencing using a starting point of nine years’ imprisonment, which he then reduced to four years six months through various mitigating factors.
51. As such, we find Mr Hall has failed to meet the ‘fit and proper’ person standard required under the Rules.

Competence obligation

52. Under rule 4.7 of the Rules, Engineering New Zealand members must perform their engineering activities in a careful and competent manner, commensurate with their membership class (the “competence obligation”). As discussed at paragraph 35, we do not consider Mr Hall performed engineering activities in a careful and competent manner.

DECISION

53. Having considered all the evidence, we have decided to uphold the complaint about Mr Hall.
54. Mr Hall’s conduct has been below the standard to be reasonably expected of a Chartered Member of Engineering New Zealand. We find that he has breached his obligation under the Rules to conduct himself as a fit and proper person and to act in a careful and competent manner
55. Additionally, we find Mr Hall has breached his obligation under the Rules to comply with the Code of Ethical Conduct by undertaking work outside of his competence, failing to undertake engineering work carefully and competently, failing to take reasonable steps to safeguard health and safety and not behaving appropriately.
56. Accordingly, we find there are grounds for disciplining Mr Hall under clause 17 of the Regulations.

PENALTY

57. We reserved our decision on disciplinary sanctions and invited submissions from both parties on the appropriate penalty. Mr Hall did not provide any submissions; however, Engineering New Zealand provided submissions.
58. Following receipt of the submissions from Engineering New Zealand, we have considered and determined the penalties to be imposed.

RELEVANT LAW

59. In *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand*, the High Court set out a number of principles the Health Practitioners Disciplinary Tribunal should apply in determining the appropriate penalty.³⁴ The High Court determined a disciplinary penalty must:³⁵
- a. Protect the public (including through deterring other practitioners from engaging in similar conduct);
 - b. Set and maintain professional standards;
 - c. Rehabilitate the practitioner back to the profession, where appropriate;
 - d. Be comparable with penalties imposed on practitioners in similar circumstances;
 - e. Reflect the seriousness of the practitioner's conduct, in light of the penalties available;
 - f. Be the least restrictive penalty that can be reasonably imposed in the circumstances; and
 - g. Be fair, reasonable and proportionate in the circumstances.
60. Further, the High Court stated that while penalty may have the effect of punishing a practitioner, punishment is not a necessary focus for the Tribunal in determining penalty.
61. The principles in *Roberts* are broadly applicable to a disciplinary committee's power to make disciplinary orders.
62. The principles have general application to professional disciplinary proceedings in light of the Supreme Court's decision in *Z v Dental Complaints Assessment Committee*.³⁶ In *Z*, McGrath J noted disciplinary proceedings are designed to:³⁷
- "...ascertain whether a practitioner has met appropriate standards of conduct in the occupation concerned and what may be required to ensure that, in the public interest, such standards are met in the future. The protection of the public is the central focus."*
63. The Supreme Court in *Z* also said that while professional disciplinary proceedings are not intended to punish practitioners, they may have a punitive effect in practice.³⁸
64. In *A-G v IPENZ* the High Court set out the standard the public expects when an engineer is a member of Engineering New Zealand:³⁹

³⁴ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354.

³⁵ At [44] – [51].

³⁶ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55.

³⁷ At [128].

³⁸ At [97].

“...membership of a professional body, such as the Institution [IPENZ], can confer a status that signals trustworthiness to the public. This status reflects the value that society places upon the training and skill acquired by members and upon the Institution’s [IPENZ’s] ability to maintain the standards of its members through ongoing education, training and disciplinary processes.”

65. This case also sets out the public expectation of Engineering New Zealand's role in maintaining the standards of the profession:⁴⁰

“There is, however, a counterbalance to the public trust that is reposed in members of professional bodies such as the Institution [IPENZ]. That counterbalance is the public expectation that the Institution will tightly regulate admission into its ranks and ensure members maintain high professional standards. The public expects that if a person is to be afforded the status of membership of the Institution [IPENZ], then those individuals will maintain professional standards and that those standards will be enforced by the Institution [IPENZ] through, if necessary, disciplinary proceedings. If a professional body, such as the Institution [IPENZ], wishes to maintain that public trust, and the value associated with membership status, then it must act in accordance with this expectation.”

66. It is appropriate that disciplinary orders mark the profession’s condemnation of the relevant conduct.
67. Having found the complaint against Mr Hall established, it is our role to impose orders consistent with the principles in *Roberts* and applicable rules and regulations.
68. The Rules state the penalties available for breach of membership obligations are:

- 45.1 removing their membership;*
- 45.2 suspending their membership for any period;*
- 45.3 suspending their membership until such time as they fulfil requirements for professional development, as specified by the Committee;*
- 45.4 suspending their membership for a period of time if, by a prescribed date, the member does not fulfil requirements for professional development specified by the Committee;*
- 45.5 fining them an amount not exceeding \$10,000;*
- 45.6 censuring them;*
- 45.7 ordering them to pay a portion of the costs and expenses of, and incidental to, the inquiry by Engineering New Zealand;*
- 45.8 naming them, publishing a copy of the Committee’s decision on Engineering New Zealand’s website, or publicising the Committee’s decision in any other manner.*

Naming

69. It is the starting presumption that the respondent’s name will be published. Naming a practitioner is in line with the principle of open justice and reflects the role of professional disciplinary regimes as serving a protective purpose. It will only be inappropriate in a limited number of circumstances where the engineer’s privacy outweighs the public interest.

³⁹ *IPENZ and Reay* above n 32 at [55].

⁴⁰ *Ibid*, at [55].

70. In *Y v Attorney-General* the Court of Appeal considered, in relation to professional disciplinary matters:⁴¹

“Given the almost limitless variety of civil cases and the fact that every case is different, the balancing exercise must necessarily be case dependent. Sometimes the legitimate public interest in knowing the names of those involved in the case (either as parties or as witnesses or both), or in knowing the detail of the case, will be high. Hart v Standards Committee (No 1) of the New Zealand Law Society was such a case. As this Court observed:

The public interest and open justice principles generally favour the publication of the names of practitioners facing disciplinary charges so that existing and prospective clients of the practitioner may make informed choices about who is to represent them. That principle is well established in the disciplinary context and has been recently confirmed in Rowley.

Consequently, a professional person facing a disciplinary charge is likely to find it difficult to advance anything that displaces the presumption in favour of disclosure.”

71. Accordingly, we consider naming practitioners is important to assure the public of the robustness of our processes, sets the standard for the profession and acts to deter other practitioners from engaging in similar conduct. Strong reasons are required to rebut this presumption.

Costs

72. Under the Engineering New Zealand Regulations, we are able to make an order in relation to costs. We do not consider costs are in the nature of penalty, hence we consider them separately from any fine that may be imposed.

Engineering New Zealand submissions

73. Engineering New Zealand has made a submission in relation to penalty, costs and name suppression.

74. In sum, Engineering New Zealand submitted the following orders should be made:

- Mr Hall should be removed from membership of Engineering New Zealand;
- Mr Hall should be censured by the Disciplinary Committee in the strongest possible terms;
- Mr Hall should be fined \$10,000;
- the decision should be published, and Mr Hall be named; and
- Mr Hall pay 50 percent of the costs incurred by Engineering New Zealand in investigating this matter.

75. Engineering New Zealand considers these penalties are appropriate given the overwhelming nature of Mr Hall’s misconduct and the cogency of the evidence. They consider Mr Hall’s conduct has had an immense impact on the public, and the reputation of the profession. They submit Mr Hall’s misconduct has had a profound impact on the engineers whose signatures Mr Hall forged, and the affected homeowners. Additionally, they note that Mr Hall’s misconduct has caused a massive increase in work

⁴¹ *Y v Attorney-General* [2016] NZCA 474 at [32].

for many Building Consent Authorities. Engineering New Zealand acknowledged Mr Hall's cooperation with the disciplinary process and therefore considers there were no aggravating factors to warrant an uplift of costs beyond the starting point of 50 percent.

DISCUSSION

76. In forming our decision on penalty we have considered the relevant case law, including *Roberts, Z and Y & A-G* and submissions received from Engineering New Zealand. We have accounted for the fact Mr Hall has not provided any submissions on the matter but has cooperated with the disciplinary process.
77. As expressed in our decision, we consider Mr Hall's conduct was a significant departure from the standards reasonably expected of a member of Engineering New Zealand.

Membership of Engineering New Zealand

78. Protection of the public is front of mind for us when determining the appropriate penalty. Given the long-running, serious and sustained nature of the fraud, and the fact the profession has been brought into disrepute, we consider this misconduct is on the upper end of the scale. We found that Mr Hall has failed to meet the 'fit and proper' person standard for membership of Engineering New Zealand required under the Rules. Accordingly, in our view, Mr Hall's conduct warrants removal of membership.

Fine

79. The Disciplinary Regulations state that a disciplinary committee may order that an engineer pay a fine. The quantum of the fine we may impose is limited by the Regulations to a maximum of \$10,000.
80. We have found that Mr Hall has failed to act in accordance with the standard reasonably expected of a member of Engineering New Zealand. Mr Hall has breached his obligations to act within his area of competence, to act carefully and competently, to take reasonable steps to safeguard health and safety and to act honestly, objectively and with integrity. Furthermore, Mr Hall has failed to uphold the good character and competence obligations expected of Engineering New Zealand members under the Rules. Mr Hall's misconduct was deliberate and repeated over multiple years.
81. We agree with Engineering New Zealand that Mr Hall's misconduct has had a profound impact on the public, and the engineers whose details Mr Hall forged. It is difficult to envision misconduct more serious or more sustained than that of Mr Hall's, given it consisted of 1927 forged documents over six years and across 39 territorial authorities.
82. We note Mr Hall has not provided any submissions on the matter. We have given careful consideration to whether a fine should be imposed and, if so, what the fine should be in light of Mr Hall's likely financial circumstances. However, given the extreme nature of the offending and the widespread adverse effects of Mr Hall's actions, we do not consider a reduction of fine is appropriate.
83. Accordingly, we agree with Engineering New Zealand's submission that the maximum fine available under the Rules of \$10,000 is appropriate. We consider this is in line with similar previous disciplinary decisions. Imposition of the maximum fine best achieves the principles set out in the *Roberts and Z* decisions, namely it reflects the seriousness of the practitioner's conduct and sets a precedent that best protects the interests of the public.

Censure

84. Considering the scale of Mr Hall's misconduct, we order that Mr Hall be censured in the strongest possible terms. This reflects the profession's condemnation of Mr Hall's actions and deters others from

from similar conduct.

Costs

85. We may order an engineer pay costs and expenses of, and incidental to, the inquiry by Engineering New Zealand. When ordering costs, the generally accepted approach is to start with a 50% contribution. That, however, is a starting point and the costs ordered may be reduced or increased when any mitigating or aggravating factors are taken into consideration.
86. In this case, we acknowledge Mr Hall has been cooperative with the disciplinary process, and accordingly we do not consider there are aggravating factors to warrant movement past this starting point of 50%. However, we also do not consider there are any factors to warrant a reduction in costs below the starting point of 50%. We note the costs incurred were low. Accordingly, we order Mr Hall pay 50% of the costs incurred in investigating this inquiry.

Naming and publication.

87. We do not consider this case warrants a departure from the starting point that naming and publication will be appropriate. As noted by Engineering New Zealand, Mr Hall's offending is already in the public arena. Furthermore, we consider naming Mr Hall is important in upholding the principle of open justice, and ensuring the public can trust that the professional body for engineers will take action when its members fail to meet the reasonable standard expected of them. Accordingly, we order Mr Hall's name suppression is lifted and a copy of this decision is published.

SUMMARY OF ORDERS

88. In exercising our delegated powers in relation to the Engineering New Zealand Membership Rules and Regulations, we order that:
- e. Mr Hall is removed from membership of Engineering New Zealand;
 - f. Mr Hall is censured in the strongest possible terms;
 - g. Mr Hall pay a fine of \$10,000; and
 - h. Mr Hall pay 50% of the costs incurred by Engineering New Zealand in investigating this matter, being \$1282.00 plus GST.
89. Additionally, Engineering New Zealand will publish our final decision of this complaint, naming Mr Hall on its website and in any other communication it considers appropriate.
90. Mr Hall's name suppression is lifted.



Jenny Culliford FEngNZ (Ret.)
Chair of Disciplinary Committee

Peter Boardman FEngNZ CPEng IntPE(NZ)/APEC Engineer
David Naulls, nominated by Consumer New Zealand
Members of Disciplinary Committee