

## Summary of Disciplinary Action

Registered Certifier	Registration Number	Disciplinary Ground and Summary	Disciplinary Action	Date of Decision
Scott O'Donohue	BDC1713	<p>1. Engaged in unsatisfactory professional conduct under the Building Professionals Act 2005 (NSW).</p> <p>2. Contravened the certification legislation under section 45(b) of the Building and Development Certifiers Act 2018 (NSW) (<b>BDC Act</b>).</p> <p>3. Engaged in conduct in connection with the carrying out of certification work that has fallen short of the standard of competence, diligence and integrity that a member of the public is entitled to expect of a reasonably competent registered certifier under section 45(a) of the BDC Act.</p> <p>Between 6 December 2019 and 9 March 2020, contravened clause 145(1) of the EP&amp;A Regulation by issuing 3 construction certificates for 3 residential apartment buildings in NSW to comply with the requirements of BCA 2016 when the applicable requirements were contained in BCA 2019.</p> <p>Between 2 December 2020 and 16 April 2021, contravened the Code of Conduct by issuing:</p>	<p>1. The Registered Certifier is reprimanded under section 48(1)(b) of the <i>Building and Development Certifiers Act 2018</i>.</p> <p>2. The Registered Certifier is required under section 48(1)(c) of the <i>Building and Development Certifiers Act 2018</i> to pay to the Respondent, as a penalty, \$8,000.00 within the period of time set out on the face of the notice to be issued by the Secretary pursuant to this order.</p> <p>3. The following conditions are imposed with immediate effect on the registration of the Registered Certifier for a period of three years from the date of imposition of these conditions under section 48(1)(d) of the <i>Building and Development Certifiers Act 2018</i>:</p> <p>1. The Registered Certifier is required, within six (6) months of the imposition of this condition, to implement a documented compliance management system to ensure that the Registered Certifier complies with all relevant legislative obligations as they relate to carrying out functions as a registered certifier. The documented compliance management system is to meet the requirements of ISO 9001:2015 - Quality management systems.</p> <p>2. The Registered Certifier is to continue to</p>	8/04/2024

		<ul style="list-style-type: none"> <li>• 2 IOCs for 2 residential apartment buildings in NSW to comply with the requirements of BCA 2016 when the applicable requirements were contained in BCA 2019; and</li> <li>• 2 IOCs for 2 residential apartment buildings in NSW with inadequate certification documentation with respect to a range of matters, including fire safety, soundproofing, waterproofing, plumbing, and structural elements.</li> </ul>	<p>implement and regularly review (at least once a year) the documented compliance management system referred to in (1); and</p> <p>3. The Registered Certifier must store and retain records of compliance with (1) and (2) above and provide those records on request to the Secretary.</p>	
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