

Summary of Disciplinary Action

Registered Certifier	Registration Number	Disciplinary Ground and Summary	Disciplinary Action	Date of Decision
Mohamad Kayellou	BDC0776	<p>1. Contravened the certification legislation under section 45(b) of the <i>Building and Development Certifiers Act 2018 (NSW) (BDC Act)</i>.</p> <p>2. Failed to comply with a statutory duty with respect to the carrying out of certification work, under section 45(d) of the BDC Act.</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>On 22 March 2023, the Registered Certifier contravened the Code of Conduct by issuing a complying development certificate (CDC) for a residential pool in NSW when: the pool had already been constructed; there was no intent to construct the pool in accordance with the accompanying plans; and, work completed in accordance with plans</p>	<p>1. The Registered Certifier is reprimanded under section 48(1)(b) of the <i>Building and Development Certifiers Act 2018</i> with immediate effect.</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 Secretary, as a penalty, \$20,000.00 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 on the registration of the Registered Certifier with continuing effect from the date of imposition of these conditions and with immediate effect under section 48(1)(d) of the <i>Building and Development Certifiers Act 2018</i>:</p> <ol style="list-style-type: none"> 1. The registered certifier must complete and pass the University of Technology Certification Short Course; 2. The Registered Certifier must not enter any new contracts for the delivery of services as a registered certifier or provide consent to be appointed as a principal certifying authority for any development, until completion and passing of the course set out in 1) above; and 3. The registered certifier must store and retain records of compliance with (1) and (2) above 	16/4/2024

		<p>would not comply with the applicable provisions of BCA 2019 due to insufficient detail as to the location and type of child-resistant pool fencing barriers and gate and reference on the specifications to the requirements of BCA 2016.</p> <p>Following inspections of the pool on 19 May 2022 and 21 February, the Registered Certifier failed to comply with his statutory duty under section 6.31 of the <i>Environmental Planning and Assessment Act 1979</i> to issue a notice in writing identifying the non-compliance with a development consent and directing specified action to remedy the matter.</p>	<p>and provide those records on request to the Secretary.</p>	
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