

**MINISTRY**

**PUBLIC WORKS**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1776 [NW2084E]**

**INTERNAL QUESTION PAPER NO.: No. 27 of 2016**

**DATE OF PUBLICATION: 09 SEPTEMBER 2016**

**DATE OF REPLY: 05 OCTOBER 2016**

**Ms D Kohler (DA) asked the Minister of Public Works:**

With regard to the 2014-15 Annual Report of the Council for the Built Environment, which noted that 213 new disciplinary cases were reported in the specified financial year, in each case, (a) what was the reason for the disciplinary cases, (b) how long did it take to resolve, (c) what were the outcomes and (d) what penalties were given?

**NW2084E**

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**REPLY:**

**The Minister of Public Works**

1. The Council for the Built Environment (CBE) annual report states that a total of 213 complaints were received during the year under review. However, after an auditing process the correct number of 218 complaints was recorded. The Built Environment Professional Councils (BEPCs) do take disciplinary action against registered persons alleged to have violated any of the six Acts of Law governing the operations of BEPCs, as well as their respective codes of conduct. They are also empowered to take action against any person whose conduct is regarded as posing a danger to the health and safety of the public within the realm of the built environment.

The reasons for disciplinary cases relate to:

* Improper conduct;
* failure of registered persons to perform professional services within a reasonable time frame;
* professionals undertaking professional work while their registration is suspended;
* competency/design errors; and
* non-compliance with the Code of Conduct.
1. Most of the cases took more than 90 days to complete. The average time from the date of lodgment to the date of finalisation of cases for the Engineering Council of South Africa (ECSA) is 180 days. The turnaround time is acknowledged as a challenge. This is mainly due to the high cost of investigations and conducting of disciplinary cases. Another challenge is that of a lack of legal resources within the BEPCs. BEPCS are then forced to source the assistance from lawyers outside the organisation.
2. Out of the 218 complaints received, 131 (61%) complaints were finalised, while 87 (39%) were still in progress and 8 were withdrawn.
3. The BEPCs’ disciplinary or accountability processes vary from one another. For instance, a matter may be closed without sanction or disciplinary action may be taken. Sanctions can take a number of forms and may be imposed singularly or in combination.

(Please see Annexure A and B for specified outcomes per case)

Penalties include:

* Reprimand or censure: reprimand and censure are similar in that they are official records, indicating that a licensee has been disciplined. They may, in themselves, not hamper one’s ability to practice, but may be imposed along with other penalties.
* Citation: the BEPC of the registered person may impose a fine or order of bargain, in lieu of making a formal accusation.
* Cease and desist order: an order to stop a particular activity or else face a penalty.
* Warning: this can be accompanied by stipulations or specific requirements.
* Mandated continuing education.
* Remediation: an attempt to correct practice and promote safety; it may define terms for the registered person to be reinstated in good standing.
* Referral to an alternative-to-discipline programme.
* Probation: during probation, the registered person may or may not be permitted to practice. If the registered person is permitted to remain in practice during the period of probation, it is with terms and conditions or restrictions.
* Suspension: a period of time in which a registered person may not practice or hold him/herself out.

**ANNEXURE A**

|  |  |  |
| --- | --- | --- |
| Number of Complaints received and their nature | Completed | In progress |
| 1. SACQSP

Total - (42) Breach of the SACQSP Code of Conduct* Candidate working for own account (3)
* Candidate work not being supervised (5)
* No PrQS in branch office (3)
* Poor quality of work (3)
* Mentor not signing workplace skills records (2)
* Soliciting a bribe (2)

Contravening of Act 49 / 2000 – Clause 18(2)* Misrepresenting themselves as a registered QS (5)

Performing the work of a PrQS but not being registered (16) | Mr J. Mpambela – candidate working for own account – fined Mr R. Van Wyk – fined Mr M.Z.C. Buyeye – fined and censuredJacques Olivier – candidate working for own account – finedR & G Consultants – branch not managed by a PrQS – correctedRaphael Bagarette / Jade Hare of Granbuild – candidates misrepresenting their status - corrected | DisciplinaryStuart Ray – Unprofessional conductAnthony Porter – Unprofessional conduct (awaiting evidence)Jayshenie Govender – failed to uphold the letter of supervisor undertakingSiseko Quantity Surveyors cc – unprofessional conductLwazi Msani – candidate caught cheating in the Professional Skills Module Exams |
| Number of complaints withdrawn | 1 | Mr A.S. Van Wyk – theft of funds – the matter was handled incorrectly in terms of procedure and has to recommence from the beginning. A former Registrar failed to issue a formal charge sheet within the 5-years since the complaint arose. |
| 1. **SACAP**

Total – 112* Failure to perform architectural services within a reasonable time.
* Failure to comply with Rule 4.1
* Carrying out work during the period in which the registration has been suspended.
 | **Number of Registered Professionals who were sanctioned to a fine including suspended fines:*** 1. Bekker Margueretta v Hennie le Roux fined R10 000.00;
	2. Steven Malese v Lungile Nongwana fined R10 000.00 ;
	3. SACAP v Michael Fakude fined R6 500.00 and R1 300.00 of this amount is suspended for 1 year;
	4. SACAP v Lorryn O’Sullivan fined R3 000 and R600.00 of this amount is suspended for a period of 1 year on condition
	5. SACAP v Bruce Dickson fined R8 000.00 and R1 300.00 of this amount is suspended for 12 months;
	6. SACAP v Eric Phofu, fined R2 000.00 suspended for one year
	7. SACAP v Nceba Coki fined R10 000.00
	8. Suren Indhul v Raj Maharajh fined R7 000.00. R1 400 of this amount is conditionally suspended for one year;
	9. SACAP v Kgwaripane Mashego fined R5 000.00;
	10. SACAP v Patrick Hofer fined R8 500 and R1 700 was suspended for one year;
	11. SACAP v Boitumelo Sibiya fined R 2 000 suspended for two years;
	12. SACAP vsJohannes Haggard fined R4 500 and R2000 suspended for 1 year;
	13. SACAP v Anthony Purcell fined R2 000.00 and R400 is suspended for one year;
	14. SACAP v Abdul Gafoor fined R7 500.00;
	15. SACAP v Anthony Mhlongo fined R10 000.00;
	16. SACAP v Thorn Plaaitjies fined R2 000.00;
	17. SACAP v Joseph van Huyssteen fined R5000.00 with R2500 suspended for one year;
	18. SACAP v Knowledge Madinga fined R10 000 and R2 000.00 of this amount is conditionally suspended for one year;
	19. SACAP v Hennie van der Merwe fined R2 000.00 and R400 is conditionally suspended for a period of one year;
	20. SACAP v Sello Fume fined R11 500. and R2 300 of this amount is conditionally suspended for a period of one year;
	21. SACAP v Moses Masitenyana fined R10 000. and R2 000 of this amount is conditionally suspended for a period of one year;
	22. SACAP v Phillipus Kraukamp fined R2 000 and R400 of this amount is conditionally suspended for a period of one year;
	23. SACAP v Charles Jiyane, fined R2 000.00
	24. SACAP v Pholoana Mokhethe fined R8 500. and R1 700 of this amount is conditionally suspended for a period of one year
	25. SACAP v Peter Hoffman fined R4 000.00;
	26. SACAP v Hardin Chawane fined R10 000 and R2 000 of this amount is conditionally suspended for a period of one year;
	27. SACAP v Orie Matlaupane fined R4 000.00;
	28. SACAP v Francois Smuts fined R 2 000. 00 and R4 000 of this amount conditionally suspended for a period of one year ;
	29. SACAP v Abe Keyser fined R2 000.00 suspended for one year

;* 1. SACAP v David Mpenyana fined R6 000.00;
	2. SACAP v Michael Schoeman fined R2 000.00 and R4 00 of this amount is conditionally suspended for a period of one year;
	3. SACAP v Terrence Miya fined 10 000.00 and R2 000.00 of this amount is conditionally suspended for a period of one year;
	4. SACAP v Lesiba Brown Phasha fined R13 500 and R2 700 of this amount is conditionally suspended for one year;
	5. SACAP v Ntshimane Masedi fined R7 500. R1 500 of this amount conditionally suspended for one year;
	6. SACAP v Phillip Manzini fined R10 000. R5 000 is suspended and R5 000 is payable immediately;
	7. SACAP v Nkosinathi Mkhize fined R3 500 and R700.00 of this amount is conditionally suspended for a period of one year.
	8. SACAP v Leticia Best R6 500.00 and R1 300.00 of this amount is suspended for one year;
	9. SACAP v Renaldo Goodall fined R5 000.00 wholly suspended
	10. SACAP v Owen Mabandla fined R2 500.00;
	11. SACAP v Ravi Ruthenavelu fined R6 500.00 and

R1 300.00 of this amount is suspended for one year;* 1. SACAP v Ravi Ruthenavelu R2 000.00 and R400 is suspended for one year;
	2. SACAP v Tshepo William Malemela fined R9 000.00 and R1 800 of this amount conditionally suspended for a period of one year;
	3. SACAP v Jody van Heerden fined R5 000.00 which is wholly suspended for one year;
	4. SACAP v Tarisayi Mukomondo fined R2 000.00 of which R400 is suspended;
	5. SACAP v Richard Sewshanker fined

R1 600.00;* 1. SACAP v Graeme Sparrow fined R11 500.00 and R2 300 of this amount is conditionally suspended for a period of one year;
	2. SACAP v Lucky Segudla fined R4 000.00;
	3. SACAP v Michael Liebenberg

  Number of cases reported to the SAPS - 30 | **Registered professionals with pending settlement agreements:**SACAP v Michael LiebenbergSACAP v Sophia Holloway SACAP v Andre Griessel**Registered professionals who have been cautioned and/or reprimanded:**Piotr Plebankiewics Raynier LewisDanie KrugerMargueretta BekkerAlista van Rooyen**Registered professionals whose registrations have been withdrawn:**Mongi MbiliGanesan GovenderLizwe MabuthoIsaac Masotsha |
| Number of complaints withdrawn | 0  |  |
| 1. **SACPCMP**

Total - 4 * 1 complaint of unethical conduct against a registered person through influencing the termination of the appointment of an Architect by the client.
* 1 complaint of rendering a service as a Project Manager for the development of a residential premises even though not registered.
* 1 complaint of unprofessional conduct by a registered person for advertising for work through a promise of payment of a referral commission.
* 1 complaint of advertisement of services as a Pr CHSA, Pr CM, Pr CPM and PrC mentor even though not registered in any of these categories.
 | 1 complaint of advertisement of services as a Pr CHSA, Pr CM, Pr CPM and PrC mentor even though not registered in any of these categories. The Council has no jurisdiction over unregistered persons, however, it was decided that a formal caution be issued to the person concern to desist from doing so and that if he continues, such misrepresentation, then the Council reserved its right to pursue action against them.  | 1 case was against an unregistered person practicing as Project Manager and since Council has no jurisdiction over unregistered persons no further action was deemed necessary.1 case of misconduct against a registered person, which upon investigation was deemed to be unproven, hence the complaint was dismissed.1 case of misconduct against a registered person who upon being requested to provide additional information to substantiate his allegation refused to do so hence this has been put on hold until such time that he provides the information requested from him. |
| Number of complaints withdrawn | 0 |  |
| 1. **SACPVP**

Total - 15 complaints of improper conduct1 complaint against an unregistered person | 0 | Inaccurate valuations, candidates conducting valuations without (proper) supervision,misleading advertising, Fraud, Inefficient discharging of duties, Conflict of interest, Breach of contract, Failure to hand down appealBoard decision,Theft of client’s propertyUnfair labour practice |
| Number of complaints withdrawn | 7 | The complainants withdrew their cases |
| 1. **SACLAP**

None |  |  |

**ANNEXURE B - ECSA**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **NO.** | **RESPONDENT** | **MERITS OF INVESTIGATION** | **DATE COMPLAINT RECEIVED (year, month, date and number)** | **OUTCOME OF INVESTIGATING COMMITTEE** |
| 1. | R Brittnell against A J Killian Pr Tech Eng (8870177) | It is alleged that the Respondent as an official of the Local Authority, responsible for tender documents scrapped certain requirements of a tender and that” his actions directly deprived consulting engineering companies the opportunity to participate in a fair tender process”. | **(2012/11/20 - 32)** | The Investigating Committee considered the matter and was of the opinion that there was no prima facie evidence of improper conduct by the Respondent. |
| 2. | BRS & R A Wilson obo BRS Wilson Family Trust against D A Rees Pr Eng (790430) | It is alleged that the Respondent, appointed to facilitate a township development, created an unacceptable conflict of interest and failed to carry out his engineering responsibilities with the required degree of competence. | **(2013/05/13 – 16)** | The Investigating Committee considered the matter and were of the opinion that there was insufficient prima facie evidence of improper conduct by the Respondent. |
| 3. | W Strydom obo Avondans Home Owners Association (AHOA) against F J Klomp Pr Eng (830442) | It is alleged that the Respondent rendered professional services to the Developer for the Avondans Development in the construction of the roads. The development was taken over by AHOA. A crack appeared in the road whereafter AHOA employed an independent engineering service to do an investigation and provide a report on their findings. The report indicated that standard construction procedures were not followed. The Respondent denied responsibility and refused to guarantee the quality of his work. | **(2013/06/27 - 27)** | The Investigating Committee considered the matter and was of the opinion that there was insufficient prima facie evidence of improper conduct by the Respondent. |
| 4. | H P Heath against R L Keudel-Schaffer Pr Tech Eng (200170125) | The Respondent issued a completion certificate for a roof which had been repaired. The said roof was subsequently found to be defective. | **(2012/05/11-12)** | The Complainant withdrew the complaint, but due to the number of complaints received against the Respondent, the matter was referred to PROTT as part of their brief. |
| 5. | ECSA against E J Pieters Pr Cert Eng (201290010) | Improper Conduct | **(2013/11/07 - 47)** | The Investigating Committee considered the Respondent’s formal apology. |
| 6. | E Maritz against J Erwee Pr Eng (950433) | It is alleged that the Respondent was appointed as the responsible engineer for the Complainant’s home. A dispute arose between the builder and the owner and the Respondent who was appointed by the builder refuses to issue the completion certificate. | **(2013/12/10 - 54)** | There was insufficient evidence of improper conduct by the Respondent. |
| 7. | C M F Rawlins against Messrs M S Moodley Pr Tech Eng (9340122), S Naidu Pr Eng (20010315) and R J Young Pr Eng (702868) | The Complainant was issued a notice alleging that his gazebo caused the failure of his neighbour’s wall.* It is alleged that the **first Respondent** produced a report in June 2006 containing significant errors and omissions resulting in successive notices of intended prosecution. It is further alleged that the first Respondent failed to correct the evidence presented to the Courts by the Council and failed to respond to letters from the Complainant.
* The **second Respondent** was appointed as an independent engineer by Council and accepted the appointment knowing that the first Respondent had a history of prior involvement in the matter. He thereafter issued a report which contained errors and submissions and allowed this report to be used as evidence in ongoing court proceedings. The Respondent has further failed to respond to letters from the Complainant regarding this issue.
* It is alleged that the **third Respondent** provided the Council with false certification of a wall, that he failed to challenge the statements made by the first Respondent and that he affirmed his “false certification” in the subsequent court action.
 | **(2014/02/12 – 04)** | The Investigating Committee considered the Assignee’s recommendations and were of the opinion that there was insufficient evidence of improper conduct by the Respondents. |
| 8. | **(2014/02/12 – 05)** |
| 9. | **(2014/02/12 –06)** |
| 10. | A D Barratt against A Mitchell Pr Tech Eng (877066) | It is alleged that the Complainant pointed out inconsistencies and irregularities in the alteration of his neighbour’s home. A stop works order was issued which led to the Respondent sending a “threatening” email to the Complainant. | **(2013/09/30 – 41)** | A Peer Counselling meeting was successfully concluded with the Respondent on 23 April 2014 and the Peer Counselling Report was received. |
| 11. | P Venter against H S Van Der Walt Pr Eng (860204) | The Respondent was appointed as the engineer to conduct engineering work on the foundation, floor slab and stairs of the Complainant’s dwelling. The said structures demonstrated defects. | **(2013/03/26 – 08)** | The Assignee’s report was considered by the Investigating Committee which resolved that there was no evidence of improper conduct by the Respondent. |
| 12. | A Solomon against L C Smith Pr Eng (860253) | It is alleged that the Respondent undertook work without the Complainant’s consent or approval of the building plans along the Complainant’s boundary wall. The Respondent’s client is the Complainant’s neighbour. | **(2013/07/08 - 29)** | The Assignee’s verbal report was considered by the Investigating Committee which resolved that there was no evidence of improper conduct by the Respondent. |
| 13. | N E Wana against J F G Fourie Pr Eng (870038) | It is alleged that the Respondent constantly requested his own contractor to be appointed to the project. When this was not done, he found fault with the work done by the builder. The Respondent on ascertaining that an independent engineer was appointed by the owner withdrew his completion certificate. | **(2013/08/02 – 32)** | A response from the Complainant was not forthcoming despite numerous requests from the administration. To close the matter. |
| 14. | J D Scheepers against J M van den Berg Pr Eng (790409) | The Complainant is a contractor who was employed to do additions to a house. Towards completion of the work, the Complainant experienced some problems with the homeowner. The Complainant then requested the homeowner to pay for the labour and material used and the homeowner refused. The homeowner then brought in the Respondent. It is alleged the Respondent, in inspecting the work done by the Complainant, failed to apply his professional skills and that his opinions were subjective. | **(2013/08/07 – 35)** | The Investigating Committee considered the Expert and Assignee’s report and resolved that there was no evidence of improper conduct by the Respondent. |
| 15. | Dr A van Rensburg Pr Eng against Prof R Sandenbergh Pr Eng (790475) | It was alleged that the Respondent did not comply in accordance with the OHS Act when the Complainant addressed safety hazards with the Respondent during construction of the University. The Respondent allegedly did not adhere to requirements in respect of the appointment of personnel nor did he inform ECSA’s accreditation committee of the employee’s non-registration status and qualifications. It is further alleged that the Respondent “intentionally lied” in an affidavit regarding a formal grievance lodged by the Complainant. | **(2014/02/12 - 08)** | Substantiating information was not forthcoming from the Complainant. That the safety issues were addressed with the Respondent and further information with regards thereto supplied by the administration. |
| 16. | R Ramphal against V K Ori Pr Tech Eng (9470055) | It is alleged that the Respondent submitted a payment certificate which was above the tendered price. | **(2014/02/27 - 10)** | That the Investigating Committee considered the matter and resolved that the matter is of a commercial nature. |
| 17. | A Parsotham against T W Harper Pr Eng (940368) | Subsequent to the builder absconding, a new builder was tasked to assess and repair the damages resulting in a dispute with the engineer. It is alleged by the Complainant that “the internal walls and trenches were non-existent; the soil was not compacted before the slab was cast; the slab had various defects and that the walls were cracking and had to be pulled down”. A completion certificate was issued on 23 August 2013 in respect of the foundations.  | **(2014/04/22 - 16)**  | That the Investigating Committee consider the matter and resolved that there was no prima facie evidence of improper conduct by the Respondent. |
| 18. | I C van der Vyver Pr Eng against M J Marais Pr Eng (940375) | The Respondent, an employee of Arcus Gibb, was appointed by the client to undertake an administrative and regulatory audit of the Complainant’s project. The client subsequently terminated the appointment of the Complainant’s company and appointed the Respondent’s company for the said project. It is alleged that the Respondent was not furnished with a copy of the audit report for comment. | **(2013/08/07 – 34)** | A Peer Counselling meeting was successfully concluded with the Respondent. |
| 19. | D Sibiya against J C van Tonder Pr Eng (750430) | It is alleged that the Respondent was appointed as the responsible engineer for a first floor slab and staircase to the Complainant’s property for which he issued a completion certificate despite defects to the staircase and the slab which is on the brink of collapse. | **(2013/05/29 – 18)** | That the Peer Counselling Meeting was successfully concluded with the Respondent. |
| 20. | S Sewchuran against D Rammanhor Pr Tech Eng (201270056) | The Respondent was responsible for the design of the neighbour’s retaining walls. The Complainant alleges that excavation took place onto her property by the Respondent’s client. The Complainant approached the Local Authority regarding safety issues and was advised that back filling appeared to have been done which needed to be removed by her. The Complainant alleges that the wall built poses a danger to her property and vehicles.  | **(2014/05/26 - 23)** | The Assignee’s verbal report was considered by the Investigating Committee which concluded that there was no evidence of improper conduct by the Respondent. |
| 21. | G Strydom vJ N M Barker Pr Eng (750309) | It is alleged that the respondent designed the lateral support system supporting an 8 metre sand bank on the complainant’s northern property boundary. No permission was given for the lateral support. An independent engineering report concluded that the building work carried out on this plot encroached over the common boundary line onto the complainant’s property and has resulted in a potential collapse of the existing dwelling. | **(2014/02/11 - 03)** | No prima facie evidence of improper conduct. |
| 22. | G van Wyk vN Barnard Pr Eng (870461) | It is alleged that the Respondent signed off a temporary inspection certificate for temporary pavilions erected for the North West University for a rugby match. A large amount of spectators were expected at the final rugby match. Before the main event, one of the temporary pavilions collapsed whilst the spectators were sitting thereon. No injuries were reported and an inspection was undertaken of all the other temporary pavilions, which were subsequently declared unsafe. | **(2014/05/14 - 21)** | No prima facie evidence of improper conduct. |
| 23. | W D Niewoudt vC F Joubert Pr Eng (800192) | The complainant purchased a property off-plan. A week after the complainant discovered that the surface bed had cracks all over, the brickwork was not up to standard and dimensions were not the same as on the approved plans. It is alleged that the responsible engineer is Mr C F Joubert. | **(2014/09/04 – 31)** | Insufficient evidence of improper conduct from the complainant. |
| 24. | J Morebudi vD R Veldtman Pr Techni Eng (9740088) | It is alleged that the respondent is helping the second bidder by supplying them with confidential information regarding the project. It is further alleged that the respondent signed the completion certificate while he was registered as a technician. | **(2014/09/04 – 32)** | No prima-facie evidence of improper conduct. |
| 25. | G van der Merwe against C H Magson Pr Tech Eng (770101) | The Respondent allegedly used the Complainant’s (an architect and member of the SACPCMP) registration details without the Complainant’s knowledge which allowed him to secure a tender with the Free State Department of Education.  | **(2013/11/20 - 52)** | That the advisory letter would be forwarded to the respondent.  |
| 26. | J Di Mambro against R L Keudel-Schaffer Pr Tech Eng (200170125) | It is alleged that the Respondent undertook the design and supervision of a residential apartment complex during 2003/2004. It is further alleged that the Respondent failed to adhere to acceptable standards regarding the adequacy, quality and suitability of a large sub-surface channel which crosses the site diagonally below the residential apartment complex. | **(2014/01/20 - 01)** | That a Terms letter was issued to the complainant informing him that failure to respond timeously would result in the case being dismissed. |
| 27. | J J van Niekerk against S P Cilliers Pr Eng (980363), W Kruger Pr Tech Eng (200570100) and J T Pidgeon Pr Eng (780227) | It is alleged that the Respondents were involved in the development of a complex in Bloemfontein. It is further alleged that building plans for the complex were not approved and building plans were not submitted for a septic tank at the back of the complex which is running into the Renoster River. | **(2014/02/27 – 11)** | That there was insufficient evidence of improper conduct. |
| 28. |
| 29. | **(2014/02/27 – 12)** |
|  |
| **(2014/02/27 – 13)** |
|  |
| 30. | G Rossouw against C F Joubert Pr Eng (800192) | The Respondent was appointed to do the structural design and erection supervision of a building in Magaliesburg. It is alleged that the Respondent did not indicate that the contractor deviated from the manufacturer’s instructions. Subsequent to a site visit by the Respondent, during which he advised that work could continue, the floor slab collapsed.  | **(2014/03/14 - 15)**  | I was found there was prima facie evidence of improper conduct. |
| 31. | S Manuier against L L Ashton Pr Eng (870461) | It is alleged that the Respondent refused to certify the work of the Complainant who installed a slab on the approval of the owner without the Respondent having seen the requisite drawings and/or plans. The Respondent was requested to provide reasons for his actions. This negatively impacted on the Complainant’s business.  | **(2014/05/12 - 19)** | There was insufficient evidence of improper conduct. |
| 32 | S Chilwan against J C Krogscheepers Pr Eng (920021), P J Bullock Pr Eng (840217) and R H Botha Candidate Pr Eng (20095007) | It is alleged that the Respondents acted in breach of the contract entered into between the City of Cape Town and Lumen Technologies CC (the Complainant’s Close Corporation) by amongst others, communicating directly with contractors without the consent of the CC, incurring expenses for the CC, etc.  | **(2014/06/13 – 24)** | There was insufficient evidence of improper conduct. |
| 33. |
| 34. | **(2014/06/13 – 25)** |
| **(2014/06/13 – 26)** |
| 35. | D Palm against B J Oosthuizen Pr Eng (20050191) | It was alleged that the respondent canvassed and contracted to do work other than what he was trained and qualified for, such as underpinning to structures, executing concrete sub-contract works, as well as structural sub-contract works . That conflict of interest exists where the Respondent accepted appointments from both the client as a Professional Engineer and from the main contractor (complainant) for the underpinning concrete works and structural installations. It was further alleged that the respondent was unwilling to issue the completion certificate. | **(2014/07/04 – 28)** | That there was insufficient evidence of improper conduct. |
| 36. | R Manaraj against B Ansell Pr Eng (980726) | The respondent representing Clickscales Maughan-Brown (CMB) Electrical and Mechanical Engineers was appointed by Raj Maharajh Associates (RMA), representing the RMA Professional Consortium. It is alleged that the Respondent colluded with a Project Manager of Coega Development Corporation (CDC), which was the client of (RMA) in receiving a payment of R298 683.84 without informing RMA and thus resulted in losses to other members of the RMA Consortium. | **(2014/08/21 – 30)** | There was insufficient evidence of improper conduct. |
| 37. | H H Page against D P Odendaal Pr Tech Eng (9970121) | The complainant lodged a complaint with Eskom, regarding the publication by some engineers of Eskom on Magnitech Xenon lamp products. During Eskom’s investigation of the above, the Complainant was introduced to the Respondent as an expert. It is alleged that the respondent was not objective and did not apply professional engineering judgement to the case. | **(2014/09/04 – 33)** | There was insufficient evidence of improper conduct. |
| 38. | H H Page against P M Smit Pr Eng (970373), B G M Van Wyk Pr Tech Eng (9270025) and S R Sishuba Pr Eng (980711) | It was alleged that the Respondents published false information regarding Magnitech Xenon Sodium lamp products without any scientific basis. | **(2014/09/04 – 34)** | There was insufficient evidence of improper conduct. |
| 39. |
| 40. | **(2014/09/04 – 35)** |
| **(2014/09/04 – 36)** |  |
| 41. | D G Naidoo against N J King Pr Eng (930184) | The Respondent was appointed as the consulting engineer on a project to review and design work. It is alleged that the Respondent reviewed the Complainant’s design without informing him. The Respondent’s report was said to be biased leading to the immediate dismissal of the Complainant on the project. The Client also refused to pay the Complainant for outstanding fees and the complainant suffered loss of income and credibility as a result thereof. The Respondent was said to have compromised the position of the Complainant by his actions, which were solely for the Respondent’s benefit. | **(2014/09/23 – 40)** | There was insufficient evidence of improper conduct. |
| 42. | C van Dyk vJ C van Tonder Pr Eng (750403) | The Respondent allegedly allowed an unregistered person to sign off completion certificates, using Respondent’s profession credentials. | **(2011/02/08-60)** | No prima facie evidence of improper conduct.  |
| 43. | Dr T Scholtz v J R Müller Pr Eng (760565) &J G Claassen Pr Eng (910241) | It is alleged that the first Respondent acted as both contractor and registered professional in respect of the Complainant’s home. The first Respondent did not disclose this conflict of interest to the Complainant. The first Respondent then proceeded to act as an expert witness acting on behalf of the second Respondent after being suspended by the NHBRC. It was alleged that the second Respondent acting as an expert witness, made incorrect statements regarding the boundary walls and damp proofing throughout the dwelling. | **(2013/10/28 – 42)** | No prima facie evidence of improper conduct. |
| 44. |
| **(2013/10/28 – 43)** |
| 45. | M Ungerer against J Singh Pr Tech Eng (200170137) | The Respondent signed off a completion certificate whilst not attending to any site inspections. It is further alleged that the respondent stated that the A19 was not a legally binding document and that he had no contractual obligations to fulfill as the complainant was not his client. | **(2013/11/07 – 53)** | Insufficient evidence of improper conduct from the complainant. |
| 46. | R Lees vM M B van Rooyen Pr Eng (880203) | It is alleged that the Respondent was appointed as the competent person for the design of a reinforced concrete raft foundation, which has since developed major cracks. The Complainant alleged that the Respondent was not accepting responsibility for the failure of the foundations. | **(2014/05/12 – 18)** | No prima-facie evidence of improper conduct. |