Plumbers, Gasfitters and Drainlayers Board

RADOVICH v KUMAR

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/4)

Summary

Amit Kumar, Certifying Plumber, was charged with employing, directing, or permitting an unauthorised person to carry out gasfitting work. The charge related to the installation of a gas oven and gas water heater in a residential property in Auckland/Tāmaki Makaurau.

Mr Kumar pleaded guilty to the charge.

The Board considered Mr Kumar's offending was moderately serious as the unauthorised person had no gasfitting experience and the work had been defective. The Board accepted there were no aggravating factors in the case and Mr Kumar was entitled to credit for his guilty plea, cooperation, lack of previous disciplinary history, remorse, and changes to his practices.

The Board ordered Mr Kumar to pay a fine $2,200 and $4,000 towards costs.

IN THE MATTER OF a disciplinary hearing pursuant to section 101 of the Plumbers, Gasfitters, and Drainlayers Act 2006

BETWEEN **WAYNE RADOVICH**

Investigator

AND **AMIT KUMAR**
Certifying Plumber, of Auckland/Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
23 SEPTEMBER 2025

Hearing:	Held via audio-visual link on 23 July 2025
Members sitting:	Martin de Gouw (Chair), Selwyn Hikuroa, Beth Healy, Sue Simons, Jason O'Connor
Counsel:	Madeleine Purcell for the investigator Mr Kumar was self-represented
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 23 July 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing via audio-visual link to consider a complaint by Bryce Tribe against Amit Kumar, Certifying Plumber. The complaint related to gasfitting work carried out at a residential property in Auckland/Tāmaki Makaurau.

Guilty plea

2. On 17 April 2025, Mr Kumar pleaded guilty to a charge of employing, directing, or permitting an unauthorised person to carry out gasfitting work and signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Kumar is a registered and licensed certifying plumber.

    b. Around February 2022, Mr Kumar was the main contractor for works being undertaken at a residential property in Pukekohe. At this time, Mr Kumar arranged for a person to carry out gasfitting work at the property. The work consisted of installing a gas oven and Infinity gas water heater. The person that carried out this work was not authorised to carry out gasfitting work at the time and had never held an authorisation to do gasfitting. Following completion of the work, the person provided a gas certificate for the work, signed by Certifying Gasfitter Jai Sen, certifying that the work was safe and compliant.

    c. In June 2022, the property owners engaged Mr Tribe to move the oven as part of kitchen renovations. Mr Tribe noted several compliance issues with the oven and subsequently made a complaint to the Board.

    d. The gasfitting work was found to be non-compliant in the following ways:

        i. there was no restraint on the oven for the gas line contrary to clauses 2.6.2 and 6.2.14 of the AS/NZS 5601.1 (**Standard**)

        ii. there was no tilt restraint on the oven contrary to clause 6.10.1.11 of the Standard

        iii. the oven was installed lower than the wooden benchtop contrary to clauses 2.6.2 and 6.10.1.1(c) of the Standard

        iv. the gas hose was twisted subjecting it to additional pressure and risking it failing prematurely

        v. gas seal tape had been applied to flare connections risking improper sealing of the compression fitting for the flare cap connections which could give rise to a gas leak contrary to regulation 9 of the Gas (Safety and Measurement) Regulations 2010.

e. The defects with the work were assessed as high risk because of the risk of a gas leak.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Mr Kumar had committed a disciplinary offence under sections 89(g) of the Act.

Summary of investigator's submissions on penalty and costs

4. On behalf of the investigator, Ms Purcell submitted that the purpose of disciplinary proceedings was not to punish but to ensure public protection and maintenance of proper industry standards through both specific and general deterrence. She submitted that the penalty imposed on Mr Kumar should correct his behaviour while being consistent with other decisions of the Board and be the least severe penalty appropriate to achieve the relevant principles and purposes.

5. Ms Purcell submitted that Mr Kumar's offending was moderately serious. Mr Kumar was a registered and licensed plumber and should have been aware of the need for any person who carried out restricted gasfitting work to be appropriately authorised. She submitted that Mr Kumar could have confirmed that the person held an authorisation to do gasfitting by checking the Board's public register and, had he done so, he would have seen the person had never held an authorisation to do gasfitting work.

6. Ms Purcell submitted that gasfitting work was inherently dangerous if done incorrectly and the risk of allowing unauthorised people to do gasfitting was that the work would not be carried out safely or compliantly. Ms Purcell submitted that the person who carried out the work lacked any experience in gasfitting and the work had been defective in a number of ways, one of which created a risk of harm to people because of the potential to result in a gas leak. Mr Purcell submitted that this was made worse by Mr Sen certifying that the work was safe and compliant.

7. Ms Purcell did acknowledge that Mr Kumar's offending related to only one property and one unauthorised person. In addition, she acknowledged that no actual harm occurred in this case.

8. Ms Purcell submitted that consistency with similar cases was an important consideration when determining penalties in disciplinary matters. She referred the Board to its previous decisions in *Costelloe v Su*, 2020/34, *Jury v East*, 2024/21, and *Costelloe v Harmse*, 2018/4. In *Su*, Mr Su pleaded guilty to instructing an employee whose limited certificate authorisation had expired to install a gas water heater. The Board considered his conduct was moderately serious and adopted a starting point of $4,000 for the fine in the case. In *East*, Mr East pleaded guilty to employing, directing or permitting an unauthorised person to do gasfitting and negligently creating a risk of serious harm through gasfitting work. The Board considered the seriousness of his offending to be high and adopted a starting point for the fine of $7,000. Finally, in

Harmse, Mr Harmse pleaded guilty to employing, directing, or permitting an unauthorised person to do sanitary plumbing and causing sanitary plumbing to be carried out in a non-compliant manner. Mr Harmse was fined $3,350.

9. Ms Purcell submitted that Mr Kumar's conduct also involved unauthorised people and creating a risk of harm as in the *East* case, but accepted that the risk created in the present case was much less and had not resulted in an actual leak as it had in *East*. She submitted that while Mr Kumar's case involved only one property and a single unauthorised person as in *Su* and *Harmse*, his case was more serious than those cases because there was no evidence of any defects with the work in *Su* and the defects in *Harmse* had been more minor. In addition, in *Su* the unauthorised person had previously held an authorisation to do gasfitting. Having regard to these factors, Ms Purcell submitted that the starting point for a fine for Mr Kumar should be in the range of $4,500 to $5 ,000.

10. Ms Purcell submitted that the investigator was not aware of any aggravating factors personal to Mr Kumar. In addition, he was entitled to credit for his guilty plea, cooperation, and lack of any previous disciplinary offending.

11. Ms Purcell submitted that under section 107 of the Act, the Board could require Mr Kumar to pay a reasonable sum towards the costs and expenses of the investigation, prosecution, and hearing. She submitted that the starting point for an order of costs was typically half of the costs though it was a matter for the Board in its discretion to determine. Ms Purcell submitted it was open to the Board to make a reduction to that contribution to recognise that Mr Kumar's guilty plea had saved the costs of a hearing.

Summary of Mr Kumar's submissions on penalty and costs

12. Mr Kumar submitted that the penalty in his case should be a fine in the range of $500 to $1,000. He submitted that it was his first offence and had not been intentional. Mr Kumar submitted that he should have checked that the person was authorised rather than accepting his word for it and accepted that his mistake could have had terrible consequences for the property owners if there had been a gas leak.

13. Mr Kumar submitted that he had learnt his lesson and now checks the licences of any gasfitters he subcontracts. Mr Kumar submitted that he had worked very hard to become a certifying plumber and was very proud of his registration. He submitted that he would not have anyone working under him and was very careful about signing off his work.

14. Mr Kumar described his personal and financial circumstances to the Board and provided supporting documentation. In relation to name suppression, Mr Kumar submitted that he was not requesting it as he had made an honest mistake and had

not tried to deceive anyone. He submitted that his experience may even be a helpful lesson for other practitioners.

Decision on penalty

15. When it comes to imposing penalties in disciplinary cases, the Board's primary considerations are the need to protect the health and safety of the public and maintain industry standards. Any disciplinary penalty should aim to ensure the competency of a practitioner by holding them to account for their offending, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

16. Having considered the parties' submissions and the facts of the case, the Board determined that Mr Kumar's offending was moderately serious given the unauthorised person had no previous gasfitting experience and there had been defects with the work, one of which created a risk of a gas leak. However, Mr Kumar had accepted that he had made a mistake and now recognised the importance of ensuring any person that carries out restricted work like gasfitting must be authorised. The Board found there were no aggravating factors in the case and Mr Kumar was entitled to credit for his guilty plea, cooperation, and lack of previous disciplinary offending. The Board also accepted that Mr Kumar was remorseful and had changed his practices to ensure he checked all subcontracted gasfitters were now authorised.

17. The Board considered that a fine was the appropriate penalty and adopted a starting point of $3,500. Recognising the mitigating factors in this case, the Board reduced the fine to $2,200.

Costs

18. Section 107 of the Act provides that, in addition to any penalty imposed, the Board may order a registered person to pay a reasonable sum towards the costs and expenses incidental to the investigation of the complaint, prosecution, and hearing. The Board was provided with a schedule of estimated costs for the investigation, prosecution and hearing amounting to $13,598.10.

19. The Board recognised Mr Kumar's personal circumstances and the fact that his guilty plea had avoided the costs of a full defended hearing. The Board determined that he should pay $4,000 towards costs which was around 30% of the total costs.

Publication

20. In accordance with the requirements of the Act, the Board ordered that details of the action taken against Mr Kumar should be recorded on the register of plumbers, gasfitters, and drainlayers in the usual way. Any other publication of the Board's

orders would be at the discretion of the Registrar of Plumbers, Gasfitters and Drainlayers.

Board orders

21. Being satisfied that Mr Kumar was guilty of a disciplinary offence under section 89(g) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Mr Kumar pay a fine of $2,200.

    b. Pursuant to section 107 of the Act, Mr Kumar pay $4,000 towards the costs of the investigation, prosecution, and hearing.

    c. Pursuant to section 74(1)(c)(viii) of the Act, details of the Board's orders in respect of Mr Kumar be published on the register.

Appeal

22. If Mr Kumar is dissatisfied with the whole or any part of this decision or these orders, he may appeal to the District Court under section 162(1)(f) of the Act. Any appeal must be brought within 20 working days from the date on which this formal written decision is received, or within any other timeframe the District Court may allow.

Dated 23 September 2025

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board