Plumbers, Gasfitters and Drainlayers Board

DUNCAN v STEIN

Plumbers, Gasfitters and Drainlayers Board Disciplinary Decision 2026/7

Summary

Alexander Stein, Plumber and Gasfitter, was charged with carrying out gasfitting work in a manner contrary to an enactment relating to gasfitting. The charge related to gasfitting work carried out at a residential property in Maraetai, involving the installation of a gas water heater and gas oven, their connection to two LPG cylinders, and the associated pipework, at a time when Mr Stein was not authorised to carry out gasfitting work.

Mr Stein did not engage in the hearing proceedings and the matter proceeded by way of formal proof.

Mr Stein was found guilty of carrying out gasfitting work when not authorised to do so and of failing to comply with the requirements relating to identification of a proprietary gas piping system. However, the Board was not satisfied that the investigator had established the alleged defects concerning the position of the LPG cylinders or the lack of UV protection to the gas pipework.

The Board considered Mr Stein's offending to be at the high end of moderately serious because he had carried out unauthorised gasfitting work despite not having been authorised to do so for several years. In addition, the work did not comply with applicable Building Code and Gas Standards requirements, and exposed persons and property to potential harm. The Board was not aware of any aggravating factors personal to Mr Stein and considered that any credit for having no previous disciplinary history was offset by his failure to engage in the hearing process.

The Board ordered Mr Stein to pay a fine of $4,800 and $8,000 towards costs.

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

BETWEEN **CATRIONA DUNCAN**

Investigator

AND **ALEXANDER STEIN**
Plumber and Gasfitter of Bay of Plenty/Te Moana-a-Toitehuatahi

Registered Person

DECISION OF THE BOARD
14 OCTOBER 2026

Hearing:	Held in Wellington on 22 July 2026
Members sitting:	Martin de Gouw (Chair), Selwyn Hikuroa, James Smith, Jason O'Connor, Ian Olan
Counsel:	Elena Mok for the investigator
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 22 July 2026, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint against Alexander Stein, Plumber and Gasfitter. The complaint related to gasfitting work carried out at a residential property in Maraetai.

Charge

2. By Notice of Disciplinary Charges dated 24 February 2026, Mr Stein was charged with the following offences:

    a. Carrying out gasfitting work in a manner contrary to an enactment relating to gasfitting, which is a disciplinary offence under section 89(a)(ii) of the Plumbers, Gasfitters and Drainlayers Act 2006 (**Act**).

Formal proof hearing

3. On behalf of the investigator, Ms Mok sought to have the hearing proceed by way of formal proof. She submitted that Mr Stein had not engaged with the disciplinary hearing and had not filed any evidence or otherwise acknowledged the hearing in any way.

4. The Board confirmed that Mr Stein had been provided with all the documentation relating to the hearing, including the time and date of the hearing and how to attend.

5. Being satisfied that Mr Stein was aware of the hearing but was not in attendance, the Board determined that the hearing could proceed by way of formal proof.

Summary of investigator's opening submissions

6. Ms Mok began by submitting that the Board would need to be satisfied on the balance of probabilities that Mr Stein was guilty of a disciplinary offence before it could use its disciplinary powers. She submitted that the investigator's evidence would establish that the charge was proved to the required standard.

7. Ms Mok submitted that the charge alleged Mr Stein had carried out gasfitting work at the property in Maraetai which involved the installation of a gas water heater and gas oven, connecting those appliances to two LPG cylinders, and the associated pipework.

8. Ms Mok submitted that in a phone call with the investigator during the investigation, Mr Stein admitted that he did the gas pipe out and installed a gas water heater, gas hob and gas oven. He further advised that he did a drop test and was planning to get a gas certificate but did not get around to it.

Summary of evidence of investigator

9. The first witness was the investigator Catriona Duncan. The Board considered Ms Duncan's evidence contained in a signed statement dated 1 May 2026.

10. Ms Duncan described being appointed on 3 April 2025 to investigate the gasfitting work carried out by Mr Stein. Ms Duncan determined that between June and November 2022, Mr Stein was not authorised to do gasfitting work.

11. Ms Duncan described that Mr Stein had previously held a Gasfitter licence which expired on 31 March 2019 and he did not renew his licence until 22 September 2023.

12. Ms Duncan described her investigation and how she had corresponded with the property owner, Mr Stein and Greg Valter who was Mr Stein's supervisor prior to 1 April 2019. As part of the investigation, Ms Duncan sought a technical assessment of the work completed by Mr Stein from David Whitfield.

Summary of evidence of David Whitfield

13. The second witness was David Whitfield. The Board considered Mr Whitfield's evidence contained in a signed statement dated 29 April 2026.

14. Mr Whitfield stated that he was a Certifying Gasfitter. Mr Whitfield provides technical advice to the Board under contract.

15. Mr Whitfield stated that he was asked to undertake a technical assessment of the gasfitting work done at the relevant property which was the subject of the complaint. Mr Whitfield described that, as a result of his assessment, he concluded that the work done at the property involved gasfitting work as that term is defined in section 5 of the Act. Specifically, the work done involved the installation of gas pipework and gas appliances for a new gas installation. The work also involved commissioning the gas appliances in a new gas installation.

16. Mr Whitfield identified the following defects with the gasfitting work which meant it did not comply with the Building Code (**Code**), which was required under the Building Regulations 1992, and the AS/NZS 5601.1 (**Standard**), which was required under the Gas (Safety and Measurement) Regulations 2010:

    a. The LPG cylinders were installed on a combustible surface, wooden board mounted on a wooden chair, in breach of clause G11.2 of the Code.

    b. The gas supply pipe connecting to the gas hot water heater was black multilayer pipe that did not have UV protection.

    c. The black multilayer gas supply pipework did not have a label where it connected to the LPG cylinders that indicated the make of the proprietary system, in breach of clause 4.5.4 of the Standard.

17. Mr Whitfield stated that the gasfitting work posed a moderate risk to health and safety because the unstable position of the LPG cylinders meant that, if the cylinders fell, they could damage the gas hoses, in turn potentially resulting in a significant gas leak.

Decision on liability

18. Having considered the investigator's evidence and submissions, the Board was satisfied that the work at the property was gasfitting work as defined in the Act. The Board was also satisfied that the work had been carried out by Mr Stein, which was not in dispute, and that Mr Stein had not held an authorisation allowing him to do gasfitting at the time he carried out the work. However, the Board was not satisfied that all of the alleged defects had been established on the evidence.

19. While the evidence showed that the LPG cylinders were positioned on a combustible surface, the Board was not satisfied there was sufficient evidence to establish that they had been installed in that position. The Board considered it was reasonably possible that the cylinders had been placed there temporarily and, in the absence of further evidence, could not be satisfied that this aspect of the charge was made out.

20. The Board next considered the pipe supplying the gas hot water heater and whether it was black multilayer pipe that was not UV protected. From the evidence, the Board determined that the pipe was approved yellow gas pipe and it had black UV covering. For this reason, the Board found this aspect of the charge was not made out.

21. The Board then turned to the final particular of whether the gas supply pipework did not have a label identifying the make of the proprietary system where it connected to the LPG cylinders. The Board was satisfied that this aspect of the charge had been established, though noted that this was a compliance issue and did not raise any safety concerns.

22. Accordingly, the Board found the charge proved to the extent that Mr Stein carried out gasfitting work when not authorised to do so and that the installation did not comply with the applicable requirements relating to identification of the proprietary piping system.

Summary of investigator's submissions on penalty and costs

23. Ms Mok submitted that the purpose of disciplinary proceedings was not to punish but to ensure public protection and the maintenance of proper industry standards through both specific and general deterrence. She submitted that other principles relevant to assessing penalty were the importance of treating practitioners consistently where possible and the need to impose the least severe penalty appropriate to achieve the purposes of the disciplinary hearing.

24. Ms Mok submitted that Mr Stein's conduct was moderate in seriousness when compared to similar cases of its kind. She noted that Mr Stein had carried out one kind of restricted work at one property when he was not authorised to do so, and that at the relevant time he had not been authorised to carry out gasfitting work for several years.

25. Ms Mok referred the Board to its previous decision in *Cannell v Dunlop* (2024/4). Following a formal proof hearing, Mr Dunlop was found guilty of carrying out both gasfitting and drainlaying while unauthorised, and of providing a false or misleading gas certificate. The charges concerned work at two properties carried out between 2019 and 2021, including a continuous flow water heater at one property for which Mr Dunlop issued a certificate stating the work was safe and compliant when it was not, and a gas hob, water heater and associated pipework at the second property. The Board treated his conduct as moderately serious but towards the top of that range, largely because he had operated without the required licences over a lengthy period, which it regarded as a reckless disregard of his professional obligations. It adopted a starting point for the fine of $5,000 and directed him to complete further gasfitting training before relicensing.

26. Ms Mok accepted that Mr Dunlop's offending was broader than Mr Stein's, spanning two forms of unauthorised work across two properties as well as a false certificate. However, she submitted this was offset by the health and safety risk arising from Mr Stein's work, which had no counterpart in *Dunlop*, so the case was a comparable starting point.

27. Ms Mok next relied on *Cannell v Tautari* (2024/11). Mr Tautari, a tradesman plumber, pleaded guilty to carrying out sanitary plumbing and gasfitting while unauthorised after installing a gas water heater at a residential property without a current plumbing licence and with no authorisation to undertake gasfitting as his trainee gasfitting certificate having long since lapsed. He also failed to give the complainant a gas safety certificate despite her requests, and the work carried several defects that breached the Gas Standards. The Board regarded the offending as highly serious, given it spanned two categories of unauthorised work and the gasfitting defects were assessed as posing a high risk of harm to people or property. It adopted a starting point for the fine of $5,750 together with a censure.

28. Ms Mok noted that several of the defects in *Tautari* mirrored those in the present matter, including gas cylinders that were not secured on a firm, non-combustible base, pipework lacking UV protection, and the work in both cases creating a risk of harm. She submitted, however, that Mr Tautari's offending was the more serious of the two because it also involved unauthorised sanitary plumbing. A slightly lower starting point was therefore warranted for Mr Stein.

29. Finally, Ms Mok took the Board to *Radovich v Lyon* (2021/3). Mr Lyon, a certifying plumber and certifying drainlayer, pleaded guilty to unauthorised gasfitting contrary to an enactment. He had no previous gasfitting experience and understood that he

was not permitted to do the work, which involved installing a gas heater, gas cooker, regulator and pipework at a property on Great Barrier Island. The installation breached the Standard in several respects, one of which gave rise to a serious safety risk. The Board considered the conduct serious and adopted a starting point fine of $6,000.

30. Ms Mok submitted that Mr Stein's offending sat slightly below Mr Lyon's, because although the defects in both cases created a risk of harm, Mr Lyon presented a greater danger to the public in having no gasfitting experience at all. This, she submitted, justified a marginally lower starting point for Mr Stein.

31. Ms Mok submitted that the gasfitting work was non-compliant with the Code and the Standard and posed a risk to the health and safety of persons and property. She submitted that these factors elevated the seriousness of the offending in this case. Ms Mok also submitted that Mr Stein's conduct was aggravated by the fact that he could not provide the property owner with a gas safety certificate as she had requested, given he was not authorised to carry out gasfitting work at the relevant time. Ms Mok submitted that the failure to obtain a safety certified for the gas installation has caused the property owner issues when she was trying to sell her property.

32. Ms Mok accepted that the absence of any prior disciplinary findings counted in Mr Stein's favour. She urged, however, that this be weighed against his failure to take part in the proceeding, which had made a formal proof hearing necessary. In her submission, that failure to participate meant only a limited allowance, if any, should follow from his clean record. Beyond that, Ms Mok noted that Mr Stein's failure to participate had left the investigator unaware of any further personal mitigating circumstances bearing on penalty.

33. Ms Mok submitted that under section 107 of the Act, the Board could require Mr Stein 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 Mok submitted that, as there were no grounds on which to reduce Mr Stein’s contribution towards costs, he should be required to pay 50 per cent of the estimated costs for this matter.

Decision on penalty

34. 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, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

35. Having considered the investigator's submissions, the Board determined that Mr Stein's offending was at the high end of moderately serious. The work completed by Mr Stein was gasfitting work and he did not hold a licence to complete this work. The work was also found to be non-compliant with the Standard because the gas supply pipework did not have a label where it connected to the LPG cylinders identifying the make of the proprietary piping system. The Board noted that this was a compliance issue and did not raise any safety concerns. The offending was made more serious by the fact that Mr Stein had not been authorised to undertake gasfitting work for several years. In addition, when the property owner requested a gas safety certificate, Mr Stein was unable to provide one because he was not authorised to carry out gasfitting work at the time.

36. The Board considered there were no personal aggravating factors in the case, but Mr Stein's lack of previous disciplinary offending was offset by his lack of engagement in the hearing process.

37. The Board considered that a fine was the appropriate penalty and adopted a starting point of $4,800. There being no mitigating factors in the case, the Board declined to reduce the fine and imposed a final fine of $4,800.

Costs

38. 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 investigations, prosecution and hearing amounting to $16,010.19.

39. There being no basis to reduce Mr Stein's contribution towards costs, the Board determined that he should pay $8,000 towards costs, which was around 50% of costs.

Publication

40. In accordance with the requirements of the Act, the Board ordered that details of the action taken against Mr Stein 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

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

    a. Pursuant to section 106(1)(f) of the Act, Mr Stein pay a fine of $4,800.

b. Pursuant to section 107 of the Act, Mr Stein pay $8,000 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 Stein be published on the register.

Appeal

42. If Mr Stein 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 14 October 2026

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board