



LEGAL AND COMPLIANCE QUARTERLY REPORTS (FOR THE PERIOD 01 APRIL 2022 – 31 MARCH 2023)

The Architectural Professions Act 44 of 2000 enjoins the South African Council for the Architectural Profession to take any steps it considers necessary for the protection of the public in their dealings with Registered Persons and to take any steps it considers necessary, where, as a result of architectural related undertakings, public health and safety is prejudiced. The objective is to maintain the integrity and the enhancement of the status of the architectural profession.

To that end, complaints of improper conduct against Registered Persons are lodged by aggrieved members of the public in an Affidavit form, under oath or affirmation. Additionally in cases where the Council has reasonable grounds to suspect that a Registered Person has committed an act which may render him or her guilty of improper conduct, the Council has powers to initiate and investigate such a complaint. Preliminary investigations of complaint against unregistered persons are conducted by Council and referred to law enforcement agencies.

The Investigating Committee has been delegated by Council to investigate all complaints of improper conduct, to obtain evidence to determine whether or not a Registered Person may be charged with improper conduct for contravention of the Code of Conduct and to make recommendations based on its findings.

Below are the first, second and third quarter complaints of improper conduct that served before various enforcement structures within the organisation (Investigating Committee and Disciplinary Tribunal), and complaints against Registered Persons that were referred to SAPS for criminal cases to registered and investigated, and for further referral to the National Prosecuting Authority (NPA) for prosecution.

QUARTER 1 REPORT (FOR THE PERIOD 01 APRIL 2022 – 30 JUNE 2022)

1. During the 1st quarter of 2022/2023 Financial Year, 43 new cases were referred to the Legal and Compliance Unit for investigations processes to be invoked. In addition, thereto, the Unit also dealt with 96 cases which were carried over from the previous financial year, thus bringing the total number of cases handled in the 1st quarter to 139. Out of the 139 cases handled:
 - 88 x cases were complaints of improper conduct; and
 - 51 x cases were complaints against unregistered persons.
2. There were 9 improper conduct complaints dismissed and closed mainly due to insufficient evidence or lack thereof.
3. There were 29 improper conduct complaints finalised by the Investigating Committee with the recommendation that charges be preferred against errant Registered Persons.
4. There were 17 complaints against unregistered persons received in the 1st quarter. In addition thereto, there were 34 unregistered persons complaints carried over from the previous financial year that were placed in abeyance pending appointment of Investigating Officer.

Tables 1 – 5 below provide the statistics, analysis and the breakdown of the 1st quarter complaints in their respective categories.

TABLE 1: 1ST QUARTER STATISTICS				
No. of complaints carried over from 2021/22	No. of complaints received in Q1	Total No. of complaints handled in Q1	No. of complaints finalised / closed in Q1	Total No. of complaints to be carried over to Q2
96	43	139	45	94

TABLE 2 CATEGORIES OF CASES HANDLED IN THE 1 ST QUARTER			
Categories of cases received in Q1		Combined categories of cases handled in Q1 - (carried over + Q1)	
Improper conduct	Criminal offence (unregistered persons)	Improper conduct	Criminal offence (unregistered persons)
26	17	88	51
TOTAL: 43		TOTAL: 139	

TABLE 3
1ST QUARTER PERFORMANCE BREAKDOWN – CRIMINAL OFFENCES AND OF IMPROPER CONDUCT COMPLAINTS

1.	Matters under preliminary Investigation – improper conduct	26
2.	Number of complaints investigated by Investigating Committee in terms of s28(2)	39 – case breakdown: 1 x referred for further evidence. 9 x dismissed – lack of evidence. 29 x sufficient grounds for Charges to be preferred
3.	Matters pending disciplinary tribunal	4
4.	Plea of guilt and settlement agreements	11
5.	Number of matters adjudicated by the Disciplinary Tribunal.	8
6.	Matters under preliminary Investigation – unregistered persons	17
7.	Number of complaints placed in abeyance pending appointment of IO	34
8.	Number of complaints referred to the South African Police Services	0
TOTAL:		139

The Investigating Committee recommended the following charge(s) to be preferred against 18 Registered Persons:

TABLE 4		
1ST QUARTER – Breakdown of Complaints referred to the Disciplinary Tribunal		
No.	Charge(s) to be preferred	Number of charges
1.	Perform professional work without entering into a written agreement with the client setting out requirements – Rule 4.1 (a) – (i)	17 charges to be preferred
2.	Entering a professional relationship or association with a person who is not a registered person or a registered professional of a closely allied profession without the permission of Council	5 charges to be preferred
3.	Submitting building plans to the Municipality using a consent given by the abutting neighbours to a different plan	1 charge to be preferred
4.	Using registration details and forged the signature of another registered person on municipal submission documentation, without his knowledge or permission.	1 charge to be preferred
5.	Failure to issue an inaccurate environmental report	1 charge to be preferred
6.	Failure to attend to amendments on building plans as request by the local authority.	1 charge to be preferred
7.	Failure to submit drawings to the local authority for approval.	4 charges to be preferred
8.	Failure to perform as per the appointment by the client.	1 charge to be preferred
9.	Failure to notify the Council within 30 days of establishing an architectural practice.	3 charges to be preferred
10.	Failure to perform architectural work for a client within a reasonable time.	1 charge to be preferred
11.	Failure to inform the client in writing about the progress of work undertaken on their behalf within a reasonable time.	1 charge to be preferred
12.	Failure to promote services in a truthful and responsible manner.	1 charge to be preferred
13.	Failure to adequately communicate with the client regarding architectural work undertaken.	1 charge to be preferred
14.	Performing architectural work for the public during the period the registration is suspended/cancelled.	7 charges to be preferred
15.	Failure to perform architectural work under the direction, control and/or continual supervision of a registered professional entitled to perform such work and who must assume responsibility for any such work performed by the candidate.	1 charge to be preferred
16.	Failure to ensure that the letterhead of the practice displays the names of principals, registration numbers and the category of registration of principals.	10 charges to be preferred
17.	Unauthorised use of a registered principal's registration number to submit applications to the local authority for approval.	1 charge to be preferred
18.	A registered person recommended to the client to commence with the erection of a building without the approval of the local authority.	1 charge to be preferred
19.	Practice not determined by the most senior category of registered professionals in the practice.	1 charge to be preferred
TOTAL:		59 charges to be preferred

Complaints referred to the South African Police Services

TABLE 5 1 st QUARTER - Criminal cases (unregistered persons) reported to the SAPS		
No.	Criminal case investigation status	Number of cases
1.	Withdrawn/nolle prosequi	0
2.	Under Investigation	0
3.	Referred for SPP decision	0
4.	Pending prosecution	0
TOTAL:		0

QUARTER 2 REPORT (FOR THE PERIOD 01 JULY 2022 – 30 SEPTEMBER 2022)

1. During the 2nd quarter of 2022/2023 Financial Year, 47 new cases were referred to the Legal and Compliance Unit for investigations processes to be invoked. In addition, thereto, the Unit also dealt with 94 cases which were carried over from the previous Quarter, thus bringing the total number of cases handled in the 2nd quarter to 141. Out of the 141 cases handled:
 - 89 x cases were complaints of improper conduct; and
 - 52 x cases were complaints against unregistered persons.
2. There were 7 improper conduct complaints dismissed and closed mainly due to insufficient evidence or lack thereof.
3. There were 18 improper conduct complaints finalised by the Investigating Committee with the recommendation that charges be preferred against errant Registered Persons.
4. There were 34 complaints against unregistered persons reported to the SAPS. In the main, these related to performing architectural without a license.

Tables 1 – 5 below provide the statistics, analysis and the breakdown of the 2nd quarter complaints in their respective categories.

TABLE 1: 2ND QUARTER STATISTICS				
No. of complaints carried over from 1st Quarter	No. of complaints received in Q2	Total No. of complaints handled in Q2	Total No. of complaints finalised / closed in Q2	Total No. of complaints to be carried over to the 3rd Quarter
94	47	141	66	75

TABLE 2 CATEGORIES OF CASES HANDLED IN THE 2ND QUARTER			
Categories of cases received in Q2		Combined categories of cases handled in Q2 - (carried over + Q2)	
Improper conduct	Criminal offence (unregistered persons)	Improper conduct	Criminal offence (unregistered persons)
36	11	53 + 36 = 89	41 + 11 = 52
TOTAL: 47		TOTAL: 141	

TABLE 3
2ND QUARTER PERFORMANCE BREAKDOWN – CRIMINAL OFFENCES AND OF IMPROPER CONDUCT COMPLAINTS

1.	Matters under preliminary Investigation – improper conduct	36
2.	Number of complaints investigated by Investigating Committee in terms of s28(2)	27 – case breakdown: 1 x referred to institution vested with jurisdiction. 1 x placed in abeyance. 7 x dismissed – lack of evidence. 18 x sufficient grounds for Charges to be preferred
3.	Number of complaints dismissed based on receipt of proof of compliance	3
4.	Matters placed in abeyance pending finalisation of civil court case	1
5.	Matters pending disciplinary tribunal	1
6.	Plea of guilt and settlement agreements	16
7.	Number of matters adjudicated by the Disciplinary Tribunal.	5
8.	Matters under preliminary Investigation – unregistered persons	11
9.	Referred to IO due to RPs deregistration status	7
10.	Number of complaints referred to the South African Police Services	34
TOTAL:		141

The Investigating Committee recommended the following charge(s) to be preferred against 18 Registered Persons:

TABLE 4		
2ND QUARTER – Breakdown of Complaints referred to the Disciplinary Tribunal		
No.	Charge(s) to be preferred	Number of charges
1.	Perform professional work without entering into a written agreement with the client setting out requirements – Rule 4.1 (a) – (i)	12 charges to be preferred
2.	Entering a professional relationship or association with a person who is not a registered person or a registered professional of a closely allied profession without the permission of Council	3 charges to be preferred
3.	Misled client into believing that building plans were submitted at the municipality whilst in fact they were not submitted	1 charge to be preferred
4.	Failure to attend to the referrals from the local authority within a reasonable time.	2 charges to be preferred
5.	Failure to attend to the amendments on the drawings as request by the local authority.	1 charge to be preferred
6.	Failure to submit drawings to the local authority for approval.	1 charge to be preferred
7.	Failure to notify the Council within 30 days of establishing an architectural practice.	4 charges to be preferred
8.	Failure to perform architectural work for a client within a reasonable time.	1 charge to be preferred
9.	Failure to inform the client in writing about the progress of work undertaken on their behalf within a reasonable time.	1 charge to be preferred
10.	Failure to adequately communicate with the client regarding architectural work undertaken.	1 charge to be preferred
11.	Performing architectural work for the public during the period the registration is suspended/cancelled.	2 charges to be preferred
12.	Failure to promote architectural services in a truthful manner.	2 charges to be preferred
13.	Failure to perform architectural work under the direction, control and/or continual supervision of a registered professional entitled to perform such work and who must assume responsibility for any such work performed by the candidate.	5 charges to be preferred
14.	Failure to ensure that the letterhead of the practice displays the names of principals, registration numbers and category of registration of principals.	8 charges to be preferred
15.	Failure to take into consideration the standard of honesty and integrity that underpin the Code of Conduct when performing architectural work in that the he/she failed to provide the services that she was appointed for.	1 charge to be preferred
16.	Failure to drop off the plans at client's residence.	1 charge to be preferred
17.	Failure to conduct him /herself in a professional manner throughout the appointment.	1 charge to be preferred
18.	Failure to indicate the contours line that fall across the side on the building plan.	1 charge to be preferred
19.	Failed to adequately advise the client in terms of the title deeds restrictions,	1 charge to be preferred
20.	Displayed Council's logo on corporate stationery quotation and building plans,	2 charges to be preferred
21.	Unauthorised use of a registered person's registration number to submit applications to the local authority for approval.	1 charge to be preferred
22.	Provided Client with a false invoice from the Municipality building Control as indication that he submitted the plan.	1 charge to be preferred
23.	Establishment of Architectural practice whilst registered in the category of Candidate.	1 charge to be preferred
24.	Practice name portrays itself by name to be in a higher category than that of registered principals who own the practice.	2 charges to be preferred
TOTAL:		59 charges to be preferred

Complaints referred to the South African Police Services

TABLE 5 2 ND QUARTER - Criminal cases (unregistered persons) reported to the SAPS		
No.	Criminal case investigation status	Number of cases
	Withdrawn/nolle prosequi	2
	Under Investigation	32
	Referred for SPP decision	0
	Pending prosecution	0
TOTAL:		34

QUARTER 3 REPORT (FOR THE PERIOD 01 OCTOBER 2022 – 31 DECEMBER 2022)

1. During the 3rd quarter of 2022/2023 Financial Year, 41 new cases were referred to the Legal and Compliance Unit for investigations processes to be invoked. In addition, thereto, the Unit also dealt with 75 cases which were carried over from the previous Quarter, thus bringing the total number of cases handled in the 3rd quarter to 116. Out of the 116 cases handled:
 - 81 x cases were complaints of improper conduct; and
 - 35 x cases were complaints against unregistered persons.
2. There were no improper conduct complaints dismissed or closed due to lack of jurisdiction or insufficient evidence or lack thereof.
3. Referral of improper conduct complaints to the Investigating Committee held in abeyance pending Council's resolution on proposed interim measures to ensure independence of the Investigating Committee. Submission approved by Council on 09 December 2022. Investigating Committee meeting accordingly scheduled for 18 January 2023 and February 2023.
4. There were 13 complaints against unregistered persons reported to the SAPS. In the main, these related to performing architectural without a license.

Tables 1 – 4 below provide the statistics, analysis and the breakdown of the 3rd quarter complaints in their respective categories.

TABLE 1: 3RD QUARTER STATISTICS				
No. of complaints carried over from 2nd Quarter	No. of complaints received in Q3	Total No. of complaints handled in Q3	Total No. of complaints finalised / closed in Q3	Total No. of complaints to be carried over to the 4th Quarter
75	41	116	23	93

TABLE 2 CATEGORIES OF CASES HANDLED IN THE 3RD QUARTER			
Categories of cases received in Q3		Combined categories of cases handled in Q3 - (carried over + Q3)	
Improper conduct	Criminal offence (unregistered persons)	Improper conduct	Criminal offence (unregistered persons)
25	16	56 + 25 = 81	19 + 16 = 35
TOTAL: 41		TOTAL: 116	

TABLE 3
3RD QUARTER PERFORMANCE BREAKDOWN – CRIMINAL OFFENCES AND OF IMPROPER CONDUCT COMPLAINTS

1.	Matters under preliminary Investigation – improper conduct	60 – case breakdown: 24 (Q3) + 36 (Q2) = 60
2.	Number of complaints investigated by Investigating Committee in terms of s28(2)	0
3.	Number of complaints dismissed	0
4.	Matters placed in abeyance by pending finalisation of civil court case	1
5.	Matters referred for further information by the Investigating Committee	1
6.	Matters pending disciplinary tribunal	7
7.	Plea of guilt and settlement agreements	5
8.	Number of matters adjudicated by the Disciplinary Tribunal.	5
9.	Matters under preliminary Investigation – unregistered persons	16
10.	Referred to IO due to RPs deregistration status	2
11.	Number of complaints pending referral to SAPS	6
12.	Number of complaints referred to the South African Police Services	13
TOTAL:		116

Complaints dismissed

None.

Charges recommended by the Investigating Committee

None.

Complainant referred to the South African Police Services

TABLE 4 3 RD QUARTER - Criminal cases (unregistered persons) reported to the SAPS		
No.	Criminal case investigation status	Number of cases
1.	Withdrawn/nolle prosequi	0
2.	Under Investigation	10
3.	Referred for SPP decision	2
4.	Pending prosecution	1
TOTAL:		13