

## **R Hamilton Wilson & Associates (INT) Pty Ltd and Robert Hamilton Wilson**

The accused company was charged with 8 counts of representing itself to be an architect when it was not an approved company under the Architects Act. The company was engaged by clients to provide services in the construction of a residential premises in Portsea between 2009 and 2010. The retainer agreement, building plans and tax invoices made various references to the company and its nominee, Mr Wilson, as 'the architect'.

The accused person was charged with 8 counts of being knowingly concerned in and a party to the commission of the offences by the company.

The Board agreed to withdraw the charges against the company and have the charges against the accused person dealt with under the Diversion Program. The Board took account of the following factors in determining not to seek a finding of guilt against the accused:

- the accused company and person cooperated fully with the Boards investigation;
- Mr Wilson was qualified for registration as an architect and had been registered between 1978 and 2008;
- the reason for Mr Wilson's suspension of registration was the failure to provide proof of professional indemnity insurance;
- Mr Wilson attempted to have his suspension revoked sometime in early 2011 by forwarding a cheque for his registration fees, however he did not provide required insurance details and the cheque was returned;
- subsequent to being charged, Mr Wilson regained registration as an architect and the company was approved under the Architects Act; and
- Mr Wilson acknowledged the significant costs he had caused through the investigation and prosecution and volunteered to fully reimburse the Board for those costs.

The diversion conditions were that Mr Wilson write a letter of apology to the clients and pay the Board's costs of \$26,000.