

**BEFORE THE IMMIGRATION ADVISERS
COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2014] NZIACDT 19

Reference No: IACDT 049/12

IN THE MATTER

of a referral under s 48 of the Immigration
Advisers Licensing Act 2007

BY

The Registrar of Immigration Advisers

Registrar

BETWEEN

KI and KN

Complainants

AND

XGN

Adviser

DECISION

REPRESENTATION:

Registrar: In person.

Complainants: In person.

Adviser: Mr S Laurent, Laurent Law, Auckland.

Date Issued: 10 March 2014

DECISION

- [1] The Registrar filed a Statement of Complaint. It identified the complaint was referred to the Tribunal in respect of concerns relating to fees. The concerns related to quantum and the steps taken to collect fees.
- [2] Counsel for the adviser filed a comprehensive memorandum. In essence it took the position the complainants were satisfied as to the professional services they received. The only live issues related to fees. The memorandum contained a full explanation, identified some elements of miscommunication, and contained an offer of settlement.
- [3] The complainants responded to the adviser's position. They indicated they still saw some inconsistencies, but wished to conclude the matter. However, they did wish to ensure:
- [3.1] All fees and debts were accepted as having been satisfied;
- [3.2] The reference to the debt collection agency would be withdrawn, and a clear record the referral must not reflect on their credit history; and
- [3.3] There would be no further statements of account issued.
- [4] Neither the Registrar nor the adviser took issue with the complainants' response.
- [5] I am satisfied the proper course is to dismiss the complaint on the basis the parties have reached an agreement. There are matters potentially subject to dispute, however I am satisfied the resolution does not raise any issues that give rise to public interest concerns.
- [6] I specifically record, given the adviser's offer to treat all fees and debts as satisfied:
- [6.1] This is a full and final settlement. No fees or debts are owed arising from the professional engagement between the adviser and the complainants;
- [6.2] The referral to the debt collection agency was of a "debt" the referrer accepts was not due, and accordingly there can be no adverse inference against the complainants; and
- [6.3] No demands are to issue that are inconsistent with this full and final settlement.
- [7] The Tribunal dismisses the complaint, by consent, pursuant to section 50(a).

DATED at WELLINGTON this 10th day of March 2014

G D Pearson
Chair