

IN THE MATTER OF

The Private Security Personnel and
Private Investigators Act 2010

AND

IN THE MATTER OF

Complaint against **CARLOS WILKIE**
made under s 74 Of the Act

HEARD by telephone on 16 June 2020

APPEARANCES

J Chacko & H Parata for the complainant

C Wilkie – no appearance

DECISION

[1] Carlos Wilkie holds a certificate of approval (COA) in the classes of crowd controller, property guard and personal guard. His employer says that Mr Wilkie is guilty of gross negligence or misconduct in his work as a security guard. They accordingly consider that Mr Wilkie is no longer suitable to be a certificate holder.

[2] Section 4 of the Act says that misconduct means conduct by a certificate holder that a reasonable person would consider to be disgraceful, wilful or reckless behaviour, or conduct that contravenes the Act.

[3] While Mr Wilkie was working as a security guard during Covid 19 emergency level 4 he removed and stole a knife and authentication certificate out of a frame at premises he was supposed to be guarding. He then lied to try and cover up his offending.

[4] I am satisfied that any reasonable person would consider such conduct to be disgraceful. Mr Wilkie is therefore guilty of misconduct during his work as a security guard. This is both grounds for a complaint to be laid against him and discretionary grounds for cancellation of Mr Wilkie's COA.

[5] This is not the first time Mr Wilkie has stolen from his workplace. When Mr Wilkie first came to work for his current employer he had been barred from working in a security role at banks because he had stolen a small amount of cash while working at a bank. At the time his employer was prepared to give Mr Wilkie a second chance, so he could make a fresh start.

[6] When Mr Wilkie last applied for a certificate the Police objected to his application because he had four previous convictions for theft between 2007 and 2013. At that stage Mr Wilkie's employer supported his application and provided a positive reference. However, they now wish to withdraw their reference and their support for Mr Wilkie.

[7] Mr Chacko also advised of other concerns they have had with Mr Wilkie's behaviour, particularly towards women clients, which resulted in him not being allowed to work in a security role at some of their sites

[8] Mr Wilkie did not attend the hearing or provide any written response to the complaint laid against him. He has filed three references from people with whom he has previously

worked. They describe Mr Wilkie in almost identical terms and none of them appeared at the hearing. Therefore, I can place little weight on the references.

[9] Mr Wilkie has four theft convictions and has stolen property while working on at least one other occasion. I therefore conclude that he is not suitable to be a certificate holder and the appropriate penalty is cancellation of Mr Wilkie's COA.

Summary & Orders

[10] Mr Wilkie is guilty of misconduct during his work as a security guard by stealing goods from a property he was supposed to be guarding. I therefore make the following orders:

- Mr Wilkie's certificate of approval is cancelled from the date of this order.
- Mr Wilkie is to return his COA to the Licensing Authority within 7 days of the date of this order.

DATED at Wellington this 17th day of June 2020



P A McConnell
Private Security Personnel Licensing Authority