

IN THE MATTER OF

Complaint by The Police under s 74 of the Private Security Personnel and Private Investigators Act 2010 against **LB**

DECISION

- [1] LB holds a certificate of approval (COA) in the classes of crowd controller, property guard and personal guard valid until 5 March 2026. On 30 August 2021 LB's COA was suspended as he was facing charges of assault due to repeatedly punching a patron he was attempting to remove from his place of work.
- [2] The Police lodged a complaint against LB on the grounds that he is guilty of misconduct pursuant to s74(4)(d) of the Private Security Personnel and Private Investigators Act 2010. LB completed diversion in relation to this offence however the Police maintained the complaint due to the nature of the offence.
- [3] On 17 March 2022 a telephone hearing was held which LB and Constable Meier attended. LB accepted the inappropriateness of his actions and has apologised unreservedly. He is confident that such an event will not occur again and wishes to have his COA reinstated in order that he be able to undertake casual security work whilst completing his University studies. He says his employer is aware of what has happened and maintains their offer of employment.
- [4] Misconduct in the course of working as a security officer is a discretionary ground for the cancellation of a COA. Given the evidence provided I am satisfied that LB is guilty of misconduct. However, I accept his remorse and give him credit for being upfront and honest in his criminal proceedings and these proceedings.
- [5] I advised LB at the hearing that if he was able to provide the Authority with a letter from his employer in support of having his COA reinstated, I would lift the suspension on his COA. He has now provided the reference and accordingly I consider LB suitable to recommence his work as a security officer. The suspension on his COA is therefore lifted immediately.
- [6] However, should LB come to Police attention again, the Police are able to apply for immediate suspension of his COA again and it may be that the Authority will need to take a more restrictive stance at that time.
- [7] I do not consider it appropriate to impose any other penalties on LB and I direct that the publicised decision be anonymised given he has taken responsibility for his actions and expressed remorse.

DATED at Wellington this 29th day of March 2022



K A Lash
Deputy Private Security Personnel Licensing Authority