

IN THE MATTER OF

A Complaint against **ZEBULUN MACK SCHWALGER** under section 74 of the Private Security Personnel and Private Investigators Act 2010

DECISION

- [1] The Police have laid a complaint against Zebulun Mack Schwalger who has a Certificate of Approval (COA) in the classes of security consultant and security technician that is currently valid until 5 April 2023. On 10 March 2022 the Authority suspended Mr Schwalger's COA on the basis of a complaint laid by the Police.
- [2] The Police complaint was lodged on 4 March 2022 is based on the following:
- [i] Mr Schwalger is currently facing 10 active charges for shoplifting and is next before the court in April 2022;
 - [ii] He has 3 requirements for arrest related to breaching his bail conditions;
 - [iii] Since he was granted a COA Mr Schwalger has been subject to 21 warrants for arrest for failing to appear in court;
 - [iv] In January 2022 Mr Schwalger breached his 24-hour curfew to remain home on four occasions;
 - [v] In 2020 Mr Schwalger obtained two convictions for breaching court release conditions;
 - [vi] In 2020 Mr Schwalger was convicted of breaching community work;
 - [vii] In 2021 Mr Schwalger was imprisoned as a result of two convictions for shoplifting; and
 - [viii] Between 2018 and 2022 being the period of his COA, Mr Schwalger has had extensive interactions with the Police in particular with relation to offences of dishonesty.
- [3] Being convicted of a disqualifying offence such as an offence of dishonesty is a mandatory ground for cancellation of Mr Schwalger's certificate of approval, as is being sentenced to a term of imprisonment. In addition, s 71(1)(b) requires a certificate holder to advise the Authority if any grounds for disqualification apply to them after their COA has been issued. Failure to do so is a breach of the Act which could amount to misconduct.
- [4] Therefore, I find that Mr Schwalger does have grounds for disqualification that apply to him and his failure to advise the Authority of his disqualifying factors and in particular his imprisonment does amount to misconduct.
- [5] Mr Schwalger has not applied for a waiver within the timeframe directed, nor did he attend the hearing. Therefore, on the information available to me I do not consider Mr Schwalger suitable to hold a COA given the grounds for disqualification that apply to him. Accordingly, the complaint is upheld and Mr Schwalger's COA is cancelled, effective immediately.

[6] A copy of the decision is to be sent to both parties and published on the Licensing Authority's website.

DATED at Wellington this 29th day of March 2022

A blue ink handwritten signature is written over a circular official seal. The seal features the coat of arms of New Zealand in the center, surrounded by the text "THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY" and a small star at the bottom.

K A Lash
Deputy Private Security Personnel Licensing Authority