

**IN THE MATTER OF**

A complaint under s 73 of The Private Security Personnel and Private Investigators Act 2010 against  
**DENNIS REDDAWAY**

**HEARD** on 28 September 2022

**DECISION**

[1] Stanislav Dimov says that Dennis Reddaway is guilty of misconduct or unsatisfactory conduct in relation to an event that occurred on 30 August 2018. Mr Dimov says that when Mr Reddaway went to collect a debt allegedly owed by Mr Dimov, Mr Reddaway slapped him on the head twice. He has provided video footage of the incident.

[2] Mr Reddaway accepts he slapped Mr Dimov twice, but says it occurred during a heated conversation and Mr Dimov was speaking so aggressively he was spraying saliva on Mr Reddaway's face. Mr Reddaway accepts what he did was not acceptable, and he apologised to Mr Dimov the following day. He thought the issue had been resolved and cannot understand why Mr Dimov has filed a complaint four years later.

[3] The issues I therefore need to decide are:

- Was Mr Reddaway guilty of misconduct or unsatisfactory conduct by slapping Mr Dimov?
- If so, should any disciplinary action be taken against him?

[4] I accept that what Mr Reddaway did was wrong and was not justified by any provocation he received. However, to decide whether Mr Reddaway's actions were sufficient to support a complaint of misconduct or unsatisfactory conduct I need to consider the legal basis for complaints at the time the events happened.

[5] In August 2018 unsatisfactory conduct was not a ground on which a complaint could be made as it was not introduced as a ground for a complaint until 29 October 2019. In addition, in August 2018 for a licence holder to be guilty of misconduct, the conduct complained about needed to be in the course of carrying out work to which the licence related.

[6] Debt collectors do not have to be licenced under the Act. While Mr Reddaway is licenced as a repossession agent, he says during the event in question he was working as a debt collector and wearing his debt collector's uniform. He accordingly says his actions were not carried out in the course of his work as a repossession agent and therefore cannot amount to misconduct as it was then defined.

[7] While Mr Dimov now claims Mr Reddaway was acting as a repossession agent, he did not say this when he filed the complaint. In his complaint, he stated "Mr Reddaway advised me that he was a debt collector following up on behalf of Mr ...". In addition, Mr Dimov referred to Mr Reddaway's actions as being inappropriate for a debt collector.

[8] In a police complaint dated 2 August 2022 about the same events Mr Dimov stated, "Mr Reddaway advised me that he was a debt collector following up on behalf of Mr ...".

Nowhere in his initial complaint to the PSPLA or his complaint to the police does Mr Dimov say Mr Reddaway was working as a repossession agent.

[9] It was only after Mr Dimov had been advised that the debt collectors did not need to be registered with the PSPLA and that we had no jurisdiction to deal with complaints against debt collectors that Mr Dimov claimed that Mr Reddaway was acting as a repossession agent. Mr Dimov however accepts that he was not served with any repossession papers either before or at the meeting in August 2018.

[10] I accept Mr Reddaway was working as a debt collector on 30 August 2018 when he visited Mr Dimov at his place of work. The fact that he was also trying find out where a car was located does not mean he was acting as a repossession agent. I therefore conclude that Mr Reddaway's conduct was not while working as a repossession agent and therefore cannot amount to misconduct as then defined by the Act.

[11] Even if I had concluded that Mr Reddaway was acting as a repossession agent at the time, I do not consider any disciplinary action, other than a possible reprimand, would be appropriate. From the information provided Mr Reddaway was provoked and over-reacted. While his conduct was unacceptable, he apologised for his actions the following day.

[12] If Mr Dimov did not accept Mr Reddaway's apology he should either have lodged a complaint at the time, or at the latest, filed an objection to the renewal of Mr Reddaway's licence in 2020. Mr Dimov has not provided any plausible explanation as to why he has waited four years to file his complaint.

[13] Mr Reddaway has held an individual licence since 2015 and no other concerns, issues or complaints have been filed in that time. He was granted a new licence in 2020 without any opposition.

[14] Mr Dimov's complaint is accordingly dismissed.

**DATED** at Wellington this 30<sup>th</sup> day of September 2022



P A McConnell

**Private Security Personnel Licensing Authority**