

**IN THE MATTER OF**

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 against **BK**

**DECISION**

- [1] The Police have filed a complaint against BK pursuant to s53(3) of the Act as they consider he is no longer suitable to be a security worker because of his character, circumstances or background. The complaint is based on BK's alleged recent inappropriate behaviour towards women. BK's Certificate of Approval (COA) in the classes of crowd controller, personal guard and property guard expired yesterday, 4 October 2022. He held his COA since 10 April 2017 without incident.
- [2] Being no longer suitable to be a security worker is a ground upon which a complaint can be made under s 74 of the Act and discretionary grounds for the cancellation of a certificate holder's COA. The Authority also has other disciplinary powers pursuant to s81 of the Act in such circumstances if the complaint is upheld.
- [3] BK was directed to file his response to the complaint, advise whether he wishes to challenge the information provided by the police and outline why he considers he is still suitable to be a certificate holder, by 22 September 2022. He has not done so. The Police complaint was heard by way of a virtual hearing today. Constable Leahy for the Police attended but there was no appearance for BK.
- [4] Constable Leahy advises that BK has now been charged with burglary and indecent assault for another event (similar in nature) that allegedly occurred in February 2022. He has entered not guilty pleas and is remanded on bail until his next court appearance. To date he has breached his bail conditions twice.
- [5] Given BK's COA has expired and there is no indication that he is currently working in security or intends to, Constable Leahy is supportive of no further action being taken by the Authority at this stage but would want the concerns addressed should he apply again.
- [6] Accordingly, on the evidence available to me, I uphold the complaint and find that BK is not currently suitable to be a security worker. Should r BK apply again for a COA or individual license, he is to address the issues outlined by the Police in their complaint with his application. It is not likely the Authority will grant him any further certificates or licenses without a comprehensive response to satisfy the Authority as to his suitability to be a certificate holder at that time.
- [7] A copy of the decision will be sent to both parties and published anonymously, given the pending charges, on the Licensing Authority's website.

**DATED** at Wellington this 4<sup>th</sup> day of October 2022



K A Lash

**Deputy Private Security Personnel Licensing Authority**

