

IN THE MATTER OF

A complaint filed under application the
Private Security Personnel and Private
Investigators Act 2010 against
EREISKY LAFAELE

HEARD by telephone on 19 May 2022

APPEARANCES

J Anderson, the complainant with J Gardner & R Parker
E Lafaele – no appearance written response only

DECISION

[1] Janine Anderson works for Ereisky Lafaele's former security employer. She laid a complaint against Mr Lafaele on behalf of her employer as they consider that Mr Lafaele's conduct means that he is no longer suitable to be a security worker.

[2] Ms Anderson is responsible for administering the pay roll for her employer. On 20 and 21 April 2022 Mr Lafaele sent Ms Anderson threatening and abusive texts regarding his holiday pay. He also made threats to another staff member about what he would do to her. Mr Lafaele came into the office on 21 April with a petrol can concealed under his jacket and started swearing at Ms Anderson, making growling sounds and being physically intimidating. Ms Anderson was frightened for her own safety and laid a complaint with the police. The police have recorded Mr Lafaele's actions as threatening to kill / do grievous bodily harm.

[3] Mr Lafaele was already subject to a disciplinary process. On 4 March he had been given a written warning for misuse of a company vehicle, claiming hours not worked and threatening to assault a member of the public. He had been spoken to by the operations manager on several previous occasion about his ongoing poor conduct.

[4] Mr Lafaele's former employer has subsequently been advised that Mr Lafaele is associated with Black Power and collects debts for Black Power by using stand over tactics. They also understand that he left or was fired from his previous job with a security company after getting into an argument with his boss.

[5] In his written response Mr Lafaele says he did not intend to intimidate Ms Anderson but appears to blame her for what happened. I do not accept his explanation of events. I found Ms Anderson and Mr Gardner to be credible and reliable witnesses. Mr Lafaele did not attend the hearing to be questioned on his written statement. In addition, his statement was not supported by any evidence such as references or statements from other workers.

[6] I accept that Mr Lafaele's conduct on 20 and 21 April is behaviour that a reasonable person would consider to be disgraceful and therefore amounts to misconduct as defined by s 4 of the Act. I also accept that Mr Lafaele assaulted a member of the public while working in foot patrol in the city on an earlier occasion. This also amounts to misconduct.

[7] Misconduct is a discretionary ground for cancellation of Mr Lafaele's certificate of approval. Therefore, if Mr Lafaele's conduct is such that he is no longer suitable to hold a certificate holder I should cancel his certificate.

[8] Mr Lafaele has a history of violent offending and threatening behaviour. When he was granted his certificate in early 2021, he advised that he had completed two anger management programmes and was working hard to put his life back on track. Mr Lafaele also provided information to suggest that he had learnt to control his temper and remain calm under pressure. Even if this was correct at the time, which is unlikely, it is no longer the case. The evidence before me establishes that Mr Lafaele resorts to abuse, threats and even violence to try and get people to do what he wants. This is not a desirable characteristic for a security worker.

[9] Mr Lafaele cannot control his temper. He has sent abusive and threatening texts, threatened fellow employees and members of the public and has continually failed to comply with the standard policies of his employer. He is therefore not suitable to be a certificate holder.

Summary & Conclusion

[10] Mr Lafaele's behaviour amounts to misconduct and I am satisfied his conduct shows that he is no longer suitable to be a security worker. I therefore make the following orders:

- Mr Lafaele's certificate of approval is cancelled effective immediately.
- Mr Lafaele is to return his COA and formal ID to the Authority within seven days of receipt of this order. Failure to do so is an offence under the Act.

DATED at Wellington this 20th day of May 2022



P A McConnell
Private Security Personnel Licensing Authority