

IN THE MATTER OF

Complaint against **HAMPTON
POUMALE** under s 73 & 74 of the
Private Security Personnel and Private
Investigators Act 2010

HEARD

By telephone on 9 November 2021

ATTENDANCES

H Poumale – licence and certificate holder

A Kumar – Investigator, Complaints, Investigation & Prosecution Unit

DECISION

[1] Hampton Poumale holds a certificate of approval and an individual licence in the classes of crowd controller, property guard, personal guard and document destruction agent. In May 2021 I referred a complaint by the Police against Mr Poumale to the Complaints Investigation and Prosecution Unit for investigation. CIPU have completed their investigation and concluded Mr Poumale breached:

- Section 39(1) of the Act by carrying on business under the name of Unit Security without having the written consent of the Authority. However, that breach has largely been remedied and Mr Poumale now has the approval to trade as Unit Security.
- Section 45(1) of the Act by employing or engaging Jason Taala to work as a security guard knowing that Mr Taala did not hold the appropriate certificate of approval.

[2] A breach of the Act or conduct that breaches the Act amounts to misconduct. Misconduct is a ground upon which a complaint can be made and a discretionary ground for the cancellation of Mr Poumale's licence and certificate.

[3] At the hearing Mr Poumale accepted that he had employed Mr Taala to work in security knowing that he did not have a COA. He now realises what he did was wrong but at the time he was trying to help Mr Taala get some experience to see if security was something he was suited to, and if so, to earn some money so that he could pay for the required training. Mr Poumale advises that Mr Taala is the only security guard he has engaged who did not hold a COA.

[4] Mr Poumale has a day job working for another security company and prior to the latest Covid lock down was only working under his licence during weekends at Auckland bars and clubs. He usually undertook this work himself and only engaged others if more than one guard was required for the work he was asked to do.

[5] Mr Poumale advises he is not currently engaging or employing any security workers and has no intention to do so in the medium term. He is getting more static guard work from another security company doing work for MSD and people with Covid 19 who are self-isolating. He is only likely to resume working at bars on a casual basis.

[6] Mr Poumale's current employer advises that he is honest and reliable and a highly valued member of their security team. His employer also says that Mr Poumale has been in many situations where he has successfully de-escalated heated exchanges between people and that he has also mentored younger guards and trained them to handle difficult situations.

[7] While Mr Poumale is guilty of misconduct by breaching the Act, I do not consider that the cancellation or suspension of his licence or certificate is warranted in this case. However, if Mr Poumale wants to continue to run a security business, he needs to ensure he is aware of his obligations under the Act and undertakes further training not only on these obligations but also his rights and responsibilities as a business owner.

Summary & Conclusion

[8] Mr Poumale is guilty of misconduct as he has breached the Act by engaging a security guard knowing he did not have the appropriate licence or certificate and by trading under the name of Unit Security without first obtaining approval to do so under s 39 of the Act. However, to the extent that is possible, Mr Poumale has remedied the breaches and advises that similar breaches will not occur again. Mr Poumale is an experienced and competent security guard who is well thought of by his security employer.

[9] I therefore conclude that instead of suspending or cancelling Mr Poumale certificate or licence the appropriate penalty is a reprimand and for a condition to be attached to his licence. I therefore order:

- Mr Poumale is formally reprimanded for both breaching the Act and for providing incorrect information to the CIPU investigator.
- Mr Poumale is barred from employing or engaging any security staff to work for him or under contract to Unit Security until he completes some advanced training on his rights and responsibilities as a licence holder and business owner. His individual licence will not be renewed unless he provides confirmation of the further training he has completed.

DATED at Wellington this 12th day of November 2021


P A McConnell

Private Security Personnel Licensing Authority