

IN THE MATTER OF The Private Security Personnel and
Private Investigators Act 2010

AND

IN THE MATTER OF Complaint against **LK for SEKI**
SECURITY LIMITED and **PI** made
under ss 73 & 74 of the Act **and**
Application for a company license by
SEKI SECURITY LTD

DECISION

- [1] GH initially made a complaint against PI, a Certificate of Approval (COA) holder, regarding his inaction during an incident on 18 December 2022.
- [2] Mr LK of Seki Security was joined on the complaint given Mr PI was working for Seki Security at the time of the incident, and Seki Security did not have a company license at the time. The complaint was also widened to consider the implications of Mr PI working for Mr LK and Seki Security when they do not have a company license.
- [3] Mr LK holds a COA in the classes of property guard, crowd controller and personal guard. He has held a COA since 2017 ostensibly without issue. In September 2022 Seki Security was registered with the New Zealand Companies Office and in February 2023 Mr LK applied for a company license in the class of personal guard which has been on hold ever since.
- [4] Mr LK has advised the Authority that he has been running Seki Security as a going concern since about September 2022. He neglected to apply for a company license as he initially thought he could employ other security workers by virtue of his COA only.
- [5] On 18 December Mr Seki had employed Mr PI and another person on a casual basis to undertake crowd controller duties at the [redacted] bar in Manurewa. The other person does not have a valid COA.
- [6] Mr LK is wholly apologetic for the situation. He says his failure to apply for a company license before commencing Seki Security's work was borne from ignorance, however he is now aware of his obligations. He had no reasoning for his employment of a non-COA holder in a crowd controlling position. He says he is thankful this situation has occurred so he can learn from it.

- [7] Based on Mr LK's disclosures, he has breached the Private Security Personnel and Private Investigators Act 2010 (the Act) in the following way:
- [a] By operating a security company which provides security services without a company licence in breach of s23 of the Act.
 - [b] By employing staff to provide security work who do not have a valid COA to conduct the work in breach of s45 of the Act.
 - [c] By providing false information to the Authority.
- [8] Accordingly, I am satisfied that Mr LK is guilty of misconduct which is a discretionary ground for cancelling his COA pursuant to section 83 of the Act.
- [9] However, given Mr LK's acknowledgement of his wrongdoings, willingness to learn from them and lack of understanding of the law I am not satisfied that cancelling his license is the appropriate cause of action in these circumstances. Mr LK has provided extensive submissions confirming that he has ceased operating Seki Security until a decision is made on the company licence application. He has provided a list of all COA holders he wishes to employ if his licence is granted, and the majority have held COAs for some time. He has provided information as to his understanding of his legal obligations and confirmed his willingness to attend a business management course. Importantly he has taken full responsibility for his breaches of the Act, and I accept as genuine his submission that he wishes to learn from this situation.
- [10] I also take into account that Mr LK has been working in security for a number of years and is clearly well suited to the occupation. He has provided a number of exemplary references supporting him and his skills from businesses he has provided security services for. They are all extremely flattering of Mr LK's skills and competencies in providing security.
- [11] I accept Mr LK's submission that it was ignorance that got him into this position, not an intention to evade the law. He has taken the required steps to legalise his situation and understand his obligations since the matter was raised.
- [12] Accordingly, I consider it appropriate for Mr LK to be formally reprimanded for his breaches of the Act. This reprimand will be recorded on his file and taken into account should he face further complaints in the future.
- [13] Seki Security is granted a company license in the classes of property guard, crowd controller and personal guard. The company licence is to be subject to the following conditions:
- [a] Should Seki Security fail to comply with the requirements of the Act in future, for example employ security workers who do not hold valid COAs or fail to file annual returns, the company licence will likely be immediately suspended and potentially cancelled.
 - [b] Mr LK must engage in business management training and provide confirmation of completion of the courses he undertakes to the Authority.
 - [c] Mr LK is to ensure that all employees of Seki Security engage in regular training that is specifically relevant to the roles they serve in the company.

[14] This decision is to be published on the Authority website and provided to the complainant and Mr LK. The individual names are to be redacted from the published decision although the company name may be publicised.

DATED at Wellington this 1st day of June 2023



K A Lash
Deputy Private Security Personnel Licensing Authority