

IN THE MATTER OF

Complaint by Police under s 74 of the Act against **KATHY STEPHENS** under the Private Security Personnel and Private Investigators Act 2010

HEARD virtually on 14 June 2023

APPEARANCES

Snr Constable N Stringer for NZ Police

K Stephens – dialled in after hearing concluded and spoke in her defence

DECISION

[1] Police are asking for Kathy Stephens' certificate of approval (COA) to be cancelled as she has been convicted of receiving property. Ms Stephens accepts she was convicted but still says she is innocent. She would like to be able to resume working in security at some time in the future.

[2] The issues I need to decide are:

- a) Has Ms Stephens been convicted of a disqualifying offence?
- b) If so, does this show that she is no longer suitable to be a certificate holder?

[3] In January 2021 the police laid a complaint against Kathy Stephens as she was facing a charge of receiving stolen property. On 25 November 2022 Ms Stephens was convicted of receiving property and possession of utensils used in connection with methamphetamine. She appealed the convictions, but they were upheld on 21 March 2023.

[4] The receiving conviction is an offence of dishonesty as defined in the Act and therefore grounds for disqualification under s 62 of the Act. Having been convicted of a disqualifying offence is a mandatory ground for the cancellation of Ms Stephens unless the grounds for disqualification are waived.

[5] Ms Stephens was advised in my previous directions that if she wanted to retain her COA she needed to apply for waiver of the grounds for disqualification before the hearing. She has not done so and did not provide any reasons in her attendance following the hearing why disqualification should be waived.

[6] I further note that Mr Stephens is still serving a term of supervision and a condition of her supervision is that her probation officer must approve any change of, or new employment. Ms Stephens COA is due to expire shortly after her sentence of supervision ends and it is extremely unlikely her probation officer would consent to her working as a private investigator while serving her sentence for receiving stolen property.

[7] Police have therefore established that grounds for disqualification apply to Ms Stephens and because of this she is no longer suitable to be a certificate holder. I therefore make the following orders:

- a) Ms Stephens' certificate of approval is cancelled effective immediately.
- b) Ms Stephens is to return her security ID to the Licensing Authority within seven days of receiving this decision. Failure to do so is an offence under the Act for which she could be prosecuted.

DATED at Wellington this 15th day of June 2023


P A McConnell
Private Security Personnel Licensing Authority

The seal of the Private Security Personnel Licensing Authority is circular, featuring a central coat of arms with a crown on top. The text "THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY" is written around the perimeter of the seal.