

IN THE MATTER OF

A complaint against **KESHIA NIA NIA**
under the Private Security Personnel
and Private Investigators Act 2010 (the
Act)

AGAINST

KESHIA NIA NIA

DECISION

[1] In July 2022 Keshia Nia Nia wrote a letter in support of her brother Tainui Nia Nia's application for a certificate of approval (COA). She wrote the letter as CEO of Influential Security Limited advising she would employ Mr Nia Nia if he was granted a COA. She also advised that she had worked alongside Mr Nia Nia in several projects over the last 7 years and had "managed Mr Nia Nia in stressful and complicated projects requiring high levels of intelligence and understanding".

[2] Ms Nia Nia holds a COA in the classes of crowd controller, property guard and personal guard. However, as neither Ms Nia Nia nor Influential Security hold a security licence, I wrote to Ms Nia Nia advising her that her company needed to have a company licence if it was providing security services or employing security guards.

[3] I also advised Ms Nia Nia that although it appeared she and her company were in breach of the Act by running a business without the required licence, no further action would be taken provided she filed an application for a new company licence on behalf of Influential Security Limited by 20 July 2022. Ms Nia Nia neither responded to my letter nor filed an application for a company licence.

[4] I accordingly referred the matter to the Complaints, Investigation and Prosecution Unit (CIPU) and asked them to investigate:

- Did Ms Nia Nia or Influential Security Limited provide restricted security services without the required licence?
- Did Influential Security or Ms Nia Nia employ or engage Tainui Nia Nia or any other person who did not hold a current certificate of approval as a crowd controller, property guard or personal guard?

[5] CIPU have completed their investigation and provided a report. The report concludes:

- Ms Nia Nia provided security services either on her own behalf or through Influential Security on at least one occasion in 2021 and most likely on more.
- Tainui Nia Nia worked without a COA most likely in roles that required him to hold a COA.
- Influential Security does not hold a company licence and Ms Nia Nia does not hold an individual licence which they are required to do if they operate a security business.
- Ms Nia Nia accepts she is part of Influential Security and is still working at that company. Influential Security has however been removed from the company register.

[6] Ms Nia Nia was advised that if the above were proved that would be sufficient to establish that she had breached ss 23 and 45(2) of the Act. If so, this would amount to misconduct which is a discretionary ground for the cancellation of Ms Nia Nia's certificate of approval.

[7] Ms Nia Nia was asked to provide a response to the CIPU report, an outline of the work she does for Influential Security, and why she considers she did not need a licence. Ms Nia Nia neither provided a written response nor any supporting documentary evidence. However, she attended the hearing and insisted that she had done nothing wrong.

[8] Ms Nia Nia refused to provide any details of the work she did other than stating that she ran a business providing safety and security for the private and public sectors. She insisted she had the required licence to do so but refused to provide any details of that licence or the name in which it was issued. She also said that she engaged people to carry out security work, but they all had the required certificates.

[9] The issues I need to decide are:

- a) Does Ms Nia Nia have the required licence to run a security business?
- b) If not has Ms Nia Nia contravened the Act by carrying on a security business without the required licence?
- c) Is Ms Nia Nia guilty of misconduct?
- d) If so, what is the appropriate penalty?

Does Ms Nia Nia have a security licence?

[10] I have searched the PSPLA registers and can find no record of Ms Nia Nia ever holding or applying for either an individual licence or a company licence in the name of Influential Security Limited. Ms Nia Nia claims she has a licence which entitles her to run her business and to employ staff but refused to give any details of that licence or by whom it was issued.

[11] Ms Nia Nia was granted a COA on 7 September 2020 which is currently valid until 7 September 2025. Ms Nia Nia's COA only entitles her to be employed or engaged to work in security by a licence holder or similar. It does not entitle her to run a security business. I accordingly conclude that Ms Nia Nia does not hold, and has never held, either an individual security licence or a company security licence for Influential Security.

Has Ms Nia Nia contravened the Act by carrying on a security business without holding a licence?

[12] Section 23 of the Act provides that anyone who carries on business in any of the stated classes of security work must hold a licence. Section 23(2) of the Act states that every person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$40,000 for an individual or \$60,000 in the case of a body corporate.

[13] Ms Nia Nia accepts she runs a business providing safety and security in the private and public settings. She refused to give any details of the type of contracts she had or the nature of the work she did as she claimed it was confidential. She accepted that the work included guarding properties, crowd controlling and providing security equipment to her clients. She also stated she had employees but any that were carrying out security work held the appropriate certificates.

[14] I therefore conclude that Ms Nia Nia has contravened the Act by running a security business without holding a security licence. I also note that Ms Nia Nia's certificate is only in the guarding classes. Therefore, even if she considered it allowed her to run a security business it does not cover the classes of security consultant or security technician which would be required for some of the work, she agreed her business provided.

[15] I also conclude that it is more likely than not that Ms Nia Nia contravened s 45(2) of the Act by employing or engaging her brother to work as a crowd controller or some other restricted security work although he did not hold a COA.

[16] At the hearing Ms Nia Nia accepted her brother worked with her but said it was in roles that did not require him to hold a COA. She refused to provide details of the work he did other than saying it was private and confidential. From what I could understand from her contradictory statements any confidentiality agreement was either between her and her brother or between her and her company.

[17] It is highly unlikely that any role Ms Nia Nia's brother had with her business that included "stressful and complicated projects requiring high levels of intelligence and understanding" would not require him to hold a COA. Therefore, either she engaged her brother without a COA in contravention of the Act or the letter she wrote in support of his application for a COA was untrue.

Is Ms Nia Nia guilty of misconduct?

[18] Section 74(4) of the Act states that it is a ground for a complaint if a certificate holder, such as Ms Nia Nia has been guilty of misconduct or gross negligence. Misconduct is defined in s 4 of the Act as being.

Conduct by a licensee or certificate holder that a reasonable person would consider to be disgraceful, wilful, or reckless or conduct that contravenes this Act or any Regulations made under this Act

[19] I have already concluded Ms Nia Nia has contravened ss 23 and 45(2) of the Act by running a security business without the required licence and by employing or engaging Mr Nia Nia although he did not have a COA. Ms Nia Nia is therefore guilty of misconduct.

What is the appropriate penalty

[20] Misconduct is a discretionary ground for cancellation of a certificate. Section 81(1)(c) of the Act says that in addition to, or instead of, cancellation I can make other orders including suspending a certificate, ordering the certificate holder to undertake further training, impose conditions on the certificate holder, reprimand the certificate holder or impose a fine of up to \$2,000.

[21] In determining the appropriate penalty, I need to consider the gravity of the misconduct, the impact of any penalty and any other relevant factors in relation to Ms Nia Nia's competency, experience, and character.

[22] Ms Nia Nia was advised a year ago that she needed to apply for a security licence if she was running a security business and has had other reminders since. She has consistently refused to apply for a licence and has accused the PSPLA of being offensive and telling untruths. She repeated similar accusations throughout the hearing.

[23] Despite being continually advised that this is not the case Ms Nia Nia continues to say that her COA is the only authorisation she needs to run a security business and employ staff. Ms Nia Nia's misconduct is therefore ongoing and intentional.

[24] Ms Nia Nia has not provided any references or supporting letters to show she is a responsible and competent security worker. To the contrary, she has demonstrated a lack of understanding of her responsibilities under the Act, and the work for which a licence or

certificate is required. I consider that she needs to undertake further training if she wants to retain her COA or be a licence holder.

[25] I however have no confidence that she would undertake any further training even if it were ordered, or that she would comply with any other orders such as imposing conditions on her certificate.

[26] Therefore, after considering all the information before me, I am satisfied that given Ms Nia Nia's continued misconduct and refusal to comply with her obligations under the Act she is no longer suitable to be a certificate holder. I therefore make the following orders:

- a) Ms Nia Nia's certificate of approval is cancelled effective from 9:00am on Wednesday 12th July 2023.
- b) Ms Nia Nia is to return her COA and security ID within seven days of the date of receipt of this order. Failure to do so is an offence under the Act.

DATED at Wellington this 7th day of July 2023



P A McConnell
Private Security Personnel Licensing Authority