

**IN THE MATTER OF**

A complaint made under s 73 of the Private Security Personnel and Private Investigators Act 2010 (the Act)

**AGAINST**

**AG CONSULTANCY NZ LIMITED & GREGORY IOANE**

**HEARD** virtually on 5 October 2023

**APPEARANCES**

G Irvine and A McLellan for CIPU

G loane – no appearance

**DECISION**

[1] In June 2022 we received a complaint that Gregory loane was providing restricted security services through his company AG Consultancy NZ Limited without holding the necessary licence. I referred the complaint to the Complaints, Investigation and Prosecution Unit (CIPU) for investigation and report.

[2] The report, associated documents and evidence provided at the hearing establish that Mr loane:

- a) Conducted security work through his company AG Consultancy Services without holding a licence. Mr loane has also continued to promote AG Consultancy Services on line and to utilise his company email address.
- b) Has been working as a security consultant and advertising services as a security consultant and security technician although he does not hold a certificate of approval (COA) in either class.
- c) Incurred further criminal convictions since being granted a COA. On 20 April 2022 Mr loane was convicted of behaving threateningly. On 6 April 2023 Mr loane was convicted of Causing Harm by Posting Digital Communications. He is yet to be sentenced for this offence.
- d) Throughout the investigation displayed hostile and intimidating tendencies towards the investigator. There is also evidence he was hostile and intimidating towards others who questioned his character. Multiple witnesses have also expressed concerns about Mr loane's inappropriate conduct as a security guard.

[3] The issues I therefore need to decide are:

- a) Is Mr loane guilty of misconduct?
- b) Do grounds for disqualification now apply to Mr loane?
- c) If so, is Mr loane still suitable to be a certificate holder?

**Is Mr loane guilty of misconduct?**

[4] Misconduct is defined in section 4 of the Act as:

*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*

[5] I have concluded that Mr loane was running a business without holding a licence. This is a breach of s 21 of the Act. He has also contravened s 44 the Act by working as a security consultant employee without a COA in that class.

[6] I am also satisfied that a reasonable person would consider Mr loane's conduct during the investigation as well as his conduct as outlined by several witnesses to be disgraceful, wilful, or reckless. I therefore conclude that Mr loane is guilty of misconduct.

### **Do grounds for disqualification now apply to Mr loane?**

[7] Mr loane's 2022 conviction for behaving threateningly is an offence of violence and therefore grounds for disqualification under s 62(f)(vii) of the Act. Section 82 of the Act states that it is a mandatory ground for cancellation of a certificate if one or more grounds of disqualification under s 62 now apply to the certificate holder, and because of this the certificate holder is no longer suitable to hold a certificate.

### **Is Mr loane suitable to be a certificate holder?**

[8] While Mr loane has only been convicted of one offence of threatening behaviour his conduct was not a one off. He has threatened the CIPU investigator during the investigation as well as several other people spoken to during the investigation.

[9] Mr loane has not filed a response to, or disputed any of the information outlined in the CIPU report. In addition, he did not attend the hearing to speak in his defence. The only information he has provided since the report was sent to him is an email advising that he had been a part time drug dealer while working in a security role for a government department. Mr loane also sent a link to a podcast where he admitted to drug dealing and drug use.

[10] While he stated he has not been using or dealing in drugs for two years he has provided no other evidence to confirm this. His behaviour throughout the investigation and towards several of the witnesses spoken to during the investigation demonstrates a volatility which tends to point to continued drug use, mental health issues or emotional instability. These are not suitable characteristics for a security guard.

[11] After considering all the information before me I am satisfied that Mr loane is no longer suitable to be a certificate holder and the appropriate outcome of the complaint and investigation is the cancellation of his certificate of approval.

### **Summary & Conclusion**

[12] I am satisfied that Mr loane is guilty of misconduct. In addition, one or more grounds of disqualification under s 62 of the Act apply to Mr loane and I am satisfied that because of this he is not suitable to hold a certificate.

[13] I therefore make the following orders:

- a) Mr loane's certificate of approval is cancelled effective from 9:00am Thursday 12 October 2023.
- b) A copy of this order is to be sent to both Mr loane's known recent employers and a copy is to be published on the Authority's website.

**DATED** at Wellington this 9<sup>th</sup> day October 2023

  
P A McConnell  
**Private Security Personnel Licensing Authority**

