

IN THE MATTER OF

An application by **JESSE STEPHENS**
for a certificate under the Secondhand
Dealers and Pawnbrokers Act 2004 (the
SHDP Act)

DECISION

[1] Jesse Stephens has applied for a certificate under the Secondhand Dealers and Pawnbrokers Act. Police oppose Mr Stephens application as they do not consider he is a fit and proper person to hold a certificate given his offending history and continued association with known criminals.

[2] Mr Stephens has convictions for offences of dishonesty but as they date back to 2015, they no longer disqualify him from holding a certificate. Mr Stephens has however amassed six convictions for breaching community work sentences and six convictions for driving while disqualified or while his licence was revoked since 2016. His most recent conviction was in August 2023 for breaching his community work sentence.

[3] These more recent convictions raise questions about whether Mr Stephens will comply with his obligations under the SHDP Act. While Mr Stephens asked for a hearing to be convened to address the police concerns, he neither attended the hearing nor filed a written response to the police objection or supporting references as requested.

[4] With every objection filed by the Police the question for the Authority is whether the applicant is a fit and proper person to hold a certificate.¹ In making this decision the purpose of the Act is my primary consideration. A fit and proper person is someone who can be trusted to comply with his obligations as a secondhand dealer under Part 3 of the SHDP Act, and who is aware of the need to be vigilant and to use his best endeavours to ensure stolen goods do not pass through his employer's business.

[5] On the other hand, a person who encourages the transit of stolen property through his business or who turns a blind eye when stolen property is offered to him is not a fit and proper person.

[6] I do not consider someone with Mr Stephens' history of failing to comply with court-imposed sanctions and sentences can be trusted to comply with his obligations under the SHDP Act. Mr Stephens' continued association with known criminals also raises the risk that he will at least turn a blind eye to stolen property passing through any business where he works.

[7] Based on the evidence before me I am satisfied that Mr Stephens is not a fit and proper person to be a certificate holder. The Police objection is therefore upheld and Mr Stephens' application for a certificate is declined.

DATED at Wellington this 4th day of April 2024



P A McConnell
Private Security Personnel Licensing Authority

¹ Secondhand Dealers and Pawnbrokers Act 2004, ss25–29.