

IN THE MATTER OF

Complaints made under s 73 & 74 of the Private Security Personnel and Private Investigators Act 2010 (the Act)

AGAINST

TIGERS EXPRESS SECURITY LIMITED and
RAYMOND DEANE

PENALTY DECISION

[1] In a decision dated 23 June 2023 I found that Mr Deane and Tigers Express Security Limited had contravened the Act and were guilty of misconduct by:

- Trading under the name of Tiger Security without approval. This is a contravention of s 39(4), and an offence under s39(5) of the Act.
- Engaging security guards to work in security without holding a certificate of approval (COA) and by allowing them to continue working for several months after their COAs had been declined. This is in contravention of s 45(1) and an offence under s45(3) of the Act.
- Being a party to Visions of a Helping Hand Charitable Trust (Visions) running a security business without holding a security licence and wrongly advising Visions they could rely on Tigers Express's security licence to run a security business. This is a contravention of s 20(1) and an offence under s 20(2) of the Act.

[2] In addition, Mr Deane did not follow either the Ministry of Housing and Urban Development (HUD) or the PSPLA's guidelines for running security companies or providing security to emergency housing providers.

[3] I concluded Mr Deane's failures were sufficient to establish that he is not suitable to be the managing director and sole officer of a security company. I indicated the penalty was therefore likely to include either a period of suspension together with an order that Mr Deane undertake further training, or cancellation of Tigers Express's licence.

[4] Given the negative impact that an order cancelling or suspending Tiger Express's security licence would have on the security staff it employed and its clients I put off making a final decision on the appropriate penalty until after 20 August 2023. This was to give Mr Deane time to rearrange, sell, or contract out the security business run by Tigers Express.

[5] This timeframe was extended several times due to adjournments to conditional dates and potential sales falling over. The settlement of the sale of the security business operated by Tigers Express was finally settled in early February 2024. The purchaser is a reputable and established security licence holder.

[6] Tiger Express Security Limited's company shares were not part of the sale and Mr Deane remains the sole director and shareholder of that company. It however no longer owns or runs the security business formerly operated as Tigers Express Security. Therefore, I need to decide the appropriate penalty for Mr Deane and Tigers Express's misconduct.

[7] Misconduct is a discretionary ground for cancellation of a certificate or a licence. Sections 78(1)(c) and 81(1)(c) of the Act says that in addition to, or instead of, cancellation I can make other orders including suspending a certificate or licence, ordering the certificate holder or company officer to undertake further training, impose conditions on the certificate or licence holder, reprimand the certificate holder or impose a fine of up to \$2,000.

[8] 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 Mr Deane's competency, experience, and character. While individually Mr Deane's breaches of the Act may not be at the more serious end, combined they establish Mr Deane is no longer suitable to be the sole officer of a security company. I also note that some of the breaches of the Act amount to offences for which fines of up to \$40,000 can be imposed upon conviction.

[9] I accept that when Mr Deane first got involved in providing emergency housing he did so with good intentions and did his best for those in need who required his support. I also accept that the work was expanding exponentially in 2021 and it would have been extremely difficult to keep up with the ever-growing demands of his job as chief executive of Visions.

[10] As previously noted, it is incomprehensible given the pressures Mr Deane was under with the full-time job of being the chief executive of Visions that he took on another full-time role as managing director of a security company. It is also difficult to understand why Visions agreed for him to do this, particularly as the HUD contract specifically required a separation between the security work and the emergency housing and social work services.

[11] The pressure of running both Visions and Tigers Express and the public scrutiny that resulted no doubt contributed to the mistakes Mr Deane made. However, from the time Tigers Express applied for a company security licence Mr Deane has failed to understand and comply with his responsibilities as a security business owner and manager. He either did not read or failed to comprehend the clear advice and guidelines with which he was provided.

[12] There is no evidence that he consistently sought advice and guidance from the agencies who he believed to be experts as he claims. For example, there is no evidence, or record of, any written or telephone communications with the PSPLA other than one email before the licence application was filed. Mr Deane also provided no evidence of the legal advice he claimed to be following. If he was following such advice, it was plainly wrong.

[13] Mr Deane did not follow the very clear guidelines for security operators provided by HUD throughout 2021. These guidelines align with PSPLA's own guidelines. Therefore, I do not accept Mr Deane's initial explanation that these were confusing because they were inconsistent with the PSPLA guidelines. I also do not accept his subsequent explanation that he thought they were a draft only and did not need to be followed.

[14] Mr Deane also failed to comply with the HUD contractual requirement for the security work to be separate from the social services and emergency housing services. When these requirements came into force the security business continued to be run through Visions rather than the security licence holder. Even once they were separated out, the necessary separation could not be achieved with the same person being chief executive of Visions and managing director of the security company.

[15] Mr Deane has demonstrated a further lack of business acumen in the steps he has taken, or failed to take, when trying to sell or appoint independent managers for the security business. While some of the issues may have been a result of poor advice, Mr Deane failed to understand the clear guidelines provided in my earlier decision and did not understand the necessity to complete basic business documentation.

[16] I conclude Mr Deane's failures and his misconduct are sufficient to establish that he is not suitable to be the managing director and sole officer of a security company. Mr Deane accepts that

cancellation of his company licence is an appropriate outcome. He also advises he does not intend to return to the security industry.

[17] Mr Deane's failures relate to the management of a security business and not to his work as a security guard. Therefore, even though he does not currently intend to work in security I will leave that option open. I will allow Mr Deane to keep his certificate of approval, but on the condition that he is not to work in a management role for a security company and can only work in security if he is employed by an established licence holder.

[18] I also consider a fine towards the upper limit is appropriate given the fact that Mr Deane no longer requires a licence. In addition, he was given significant extensions to the timetable to sell his business and profited from the business during that time.

Summary & Conclusion

[19] Mr Deane and Tigers Express have contravened the Act and are therefore guilty of misconduct. The appropriate penalty for the misconduct is a fine, the cancellation of Tigers Express's security licence and conditions to be imposed on Mr Deane's certificate of approval.

[20] I therefore make the following orders:

- a) Tigers Express Security Limited's company licence is cancelled effective from the date of this decision.
- b) Tigers Express Security Limited and Raymond Deane are fined \$1750.00.
- c) The following conditions are imposed on Raymond (Tiny) Deane's security certificate of approval:
 - i) Mr Deane can only work as a security guard for an established security licence holder.
 - ii) Mr Deane must not work in a security management or consultancy role.
 - iii) These conditions are in place until October 2025 when Mr Deane's certificate of approval expires.

DATED at Wellington this 22nd day of February 2024



P A McConnell
Private Security Personnel Licensing Authority