

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 (the Act) against **JUNIOR FULUTUSI**

HEARD remotely on 16 April 2024

APPEARANCES

Snr Constable W Dabb for NZ Police
J Fulutusi – certificate holder

DECISION

[1] Police are asking for Junior Fulutusi's certificate of approval (COA) to be cancelled. They say he is no longer suitable to work in security as he has been convicted on two charges of obtaining by deception. Mr Fulutusi acknowledges his convictions but says he was scammed into doing it. He therefore does not think his convictions should affect his suitability to work in security.

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

- Do Mr Fulutusi's convictions disqualify him from holding a COA under s 62 of the Act?
- If so, does the nature of Fulutusi's offending mean he is unsuitable to be a certificate holder?
- Should Mr Fulutusi's COA be cancelled or should grounds for disqualification be waived?

[3] Mr Fulutusi's offending related to him acting as a money mule or middleman in financial scams. The money was transferred from the victim's bank accounts to Mr Fulutusi's bank account by the scammer. Mr Fulutusi then made rapid cash withdrawals from his account using his eftpos card. He then deposited the cash to other accounts or purchased pre-paid cards for the scammers. He was able to keep a percentage of what was deposited into his account as a fee.

[4] Mr Fulutusi was initially charged with money laundering but was convicted on two charges of obtaining by deception on 26 March 2024. Mr Fulutusi was ordered to pay a total of \$10,685.14 in reparation and sentenced to 40 hours community work.

[5] Offences of obtaining by deception fit within the definition of offence of dishonesty as set out in s 4 of the Act. They are therefore grounds for disqualification under s 62(f)(vi) of the Act. The effect of s 82 of the Act means it is a mandatory ground for cancelling Mr Fulutusi's COA if one or more grounds for disqualification apply to him and because of this he is no longer suitable to hold a certificate.

[6] Mr Fulutusi says that his convictions do not mean he is a bad person. He says he was scammed as well and thought what he did was legitimate. He also says he is assisting police to find the people behind the scam and that he always works cooperatively with police by making appropriate referrals when trying to keep customers of stores where he is working safe.

[7] Mr Fulutusi's convictions and sentences show that he was more than just an innocent victim caught up in a scam. He acknowledges he got into it as he thought it was easy money. It

should have been obvious to Mr Fulutusi that what he was getting himself involved in was a scam and illegal. Around the time he was charged with the current offences he received a written warning for earlier similar offending.

[8] Mr Fulutusi continues to show little insight into the seriousness of his offending. I therefore consider there is a risk of him reoffending if he continues to work as a security guard. He is likely to be tempted to make easy money by turning a blind eye to illegal activities or agreeing to be a middleman, particularly if he were to work on the door at clubs or pubs.

[9] I also note that Mr Fulutusi continued to work in security as a loss prevention officer after his COA was suspended and while he was on bail. The suspension order was posted and emailed to his current address. I consider it is likely that he received it but chose to ignore it.

[10] I am therefore satisfied that Mr Fulutusi's convictions are grounds for disqualification and because of the nature of his convictions he is no longer suitable to hold a certificate. I therefore make the following orders:

- Mr Fulutusi's certificate of approval is cancelled effective immediately.
- Mr Fulutusi must return his COA to the PSPLA within 7 days of receipt of this order. Failure to do so is an offence under the Act for which he could be prosecuted.

DATED at Wellington this 18th day of April 2023

The image shows a handwritten signature in blue ink, which appears to read 'P A McConnell'. To the right of the signature is a circular official seal. The seal features a central crest with a crown and two figures holding a shield. The text 'THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY' is written around the perimeter of the seal.

P A McConnell
Private Security Personnel Licensing Authority