

**BEFORE THE IMMIGRATION ADVISERS
COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2018] NZIACDT 12

Reference No: IACDT 025–031,
033–035/15

IN THE MATTER

of a referral under s 48 of the
Immigration Advisers Licensing Act
2007

BY

**The Registrar of Immigration
Advisers**

Registrar

BETWEEN

**Lauro Almirante, Edwin Balatbat,
Gerardo Bautista, Nicanor
Corpuz, Christopher Hindap,
Carlos Padilla, Jolma Palma, Joel
Pangan, Raul Sta Rita, Ramil
Rosi, Jonathan Villarama**

Complainants

AND

Lindsay Charles Sparks

Adviser

**ORDER
(SANCTIONS)**

REPRESENTATION:

Registrar: Ms J Ongley, lawyer, MBIE, Wellington

Complainant: Ms R Burgess, lawyer, Lawhub Ltd, Christchurch for all complainants

Adviser: Mr M Smith, barrister Wellington, on instructions from Lane Neave,
solicitors, Christchurch

Date Issued: 16 April 2018

- [1] The Tribunal orders that:
- [1.1] The Adviser pay each of the complainants the sum of \$1,000, being a refund of fees pursuant to s 51(1)(h) of the Immigration Advisers Licensing Act 2007 (the Act).
 - [1.2] The Adviser pay a total sum of \$10,000 as a financial penalty in relation to all of these complaints, pursuant to s 51(1)(f) of the Act.
 - [1.3] The Adviser is censured pursuant to s 51(1)(a) of the Act, in respect of each of the complaints.
 - [1.4] The Adviser is prevented from applying for any licence under the Act for a period of two years from the date of this order pursuant to s 51(1)(e).
- [2] The Tribunal records:
- [2.1] The Adviser has agreed to write to Immigration New Zealand in relation to the files it holds for each of the complainants, acknowledging that he erroneously checked the box on their work visa application forms that immigration advice had not been provided by the Adviser when, in fact, it had been provided. The Adviser will further acknowledge, in the same letter(s), that he did not directly/personally speak with any of the complainants before he submitted their work visa application forms to Immigration New Zealand.
 - [2.2] The Tribunal does not have the power to order the Adviser to write the letters, but has imposed the sanctions taking account of his undertaking that he will do so.
 - [2.3] The Registrar, the complainants and the Adviser agree that the Adviser will discharge the orders for the refund of fees and payment of a penalty over a period of 12 months following the date of this order; in instalments of not less than \$1,750 per calendar month.
 - [2.4] The Tribunal does not have the power to allow payments by instalments. However, it records it has made the orders for payment after taking account of a representation that payment by instalments will be accepted. The Adviser could expect the entry of judgment in the District Court and enforcement for the full amount, in default of paying any of the instalments when due.
 - [2.5] The Tribunal has the power to prevent the Adviser from applying for a licence under the Act for two years. However, it is a matter for the Registrar as to whether the Adviser would meet the standards required for the issue of a licence after that time. The Adviser should not assume the order

prohibiting him applying for a licence for two years creates any expectation as to the outcome of any application after that time.

DATED at WELLINGTON this 16th day of April 2018

G D Pearson
Chair