

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

Decision No: [2018] NZIACDT 26

Reference No: IACDT 013, 015–
022, 038/17

IN THE MATTER

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

BY

**The Registrar of Immigration
Advisers**

Registrar

BETWEEN

**Rowel Espedido Ramirez,
Vergelio Campos Bernalte,
Mark Amoyan Gojar,
Christopher Delim Carriedo,
Edwin Aquino, Larry Embiado
Elgario, Wilson Manaral De
Leon, Isidoro Dalubatan Loor,
Jumie Dacusay Celeste and
Marvin Isais**

Complainants

AND

Lindsay Charles Sparks

Adviser

**ORDER
(SANCTIONS)**

- [1] The Tribunal orders that Mr Sparks will:
- [1.1] pay to each individual complainant \$1,000 as a partial refund of fees (a total of \$10,000);
 - [1.2] pay the sum of \$2,000 to the Registrar as a financial penalty; and
 - [1.3] he is censured in respect of the breaches of professional duty.
 - [1.4] He is also prevented from reapplying for a license to be a licensed immigration adviser for a period of two years from the date of this order, and, in addition, until he has:
 - [1.4.1] complied with the orders set out above; and
 - [1.4.2] written to Immigration New Zealand stating that for each of the complainants “I erroneously checked the box on [the named complainant’s] work visa application forms, saying I had not provided immigration advice, when I had provided advice.”
- [2] The Tribunal records:
- [2.1] All parties agree Mr Sparks will pay off the financial orders by seven instalments, the first in the calendar month April 2019, and a further six instalments in each consecutive calendar month. The first six instalments being each of \$1,750 and the final being \$1,500.
 - [2.2] The parties agree the instalments will be allocated to the 10 complainants as a refund of fees (equally to each complainant); and after payment of the refunds the money will pay off the financial penalty.
 - [2.3] 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.
 - [2.4] The Tribunal has the power to prevent Mr Sparks from applying for a licence under the Act for two years, and until meeting specified conditions. 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 those requirements are met. Mr Sparks should not regard the order prohibiting him from applying for a licence as establishing a right to be issued a licence when the restriction ends.

[2.5] The Tribunal reserves leave for any party to seek directions concerning the implementation of the orders, and matters recorded.

DATED at WELLINGTON this 25th day of June 2018

G D Pearson
Chair