

[2017] NZSHD 6

LASDP Number 15-021369

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND

IN THE MATTER

of a complaint by the Police against
YI MING YANG

**BEFORE THE LICENSING AUTHORITY OF
SECONDHAND DEALERS AND PAWNBROKERS**

DECISION

[1] The Police have filed a complaint against Yi Ming Yang as in February 2017 he was convicted of forgery under s 256(1) of the Crimes Act on. He was sentenced to 40 hours community work.

[2] Section 22(a) of the Secondhand Dealers and Pawnbrokers Act 2004 (the Act) states that a person is disqualified from holding a certificate if he has been convicted of a specified offence within the last five years. Specified offence is defined in s 4 of the Act and includes any offence under ss 217 to 265 of the Crimes Act 1961.

[3] Mr Yang was sent a copy of the Police complaint on 29 August 2017 and advised he had two weeks to file a response or request a hearing on the complaint. At the end of two weeks he asked if he could have further time and was advised he could have a further week but if more time was needed he would need to file a formal request. He has not sought a further extension nor filed any submissions in response to the Police complaint.

[4] Mr Yang's conviction fits within the definition of a specified offence therefore he is disqualified from holding a certificate until at least 17 February 2022. The Authority has no discretion to waive such disqualification under s 23 of the Act as waiver is unable to be considered for people who have been convicted of specified offences within the last five years.

Conclusion

[4] As Mr Yang is disqualified from holding a certificate his certificate is cancelled with immediate effect.

DATED at Wellington this 10th day of October 2017

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers