

Solicitor Adrian Mueller's predictive behaviour, contempt of court, falsified documents, and insurance claims in two CTTT/NCAT cases in 2012/2013 (SCS 12/32675 and SCS 12/50460, conducted by Tribunal member M. Harrowell) and 2020 (SC 20/33352, conducted by Tribunal member G.J. Sarginson)

Applicant – Lot 158 of strata plan SP52948
Respondent – Owners corporation SP52948

Solicitor Adrian Mueller created dangerous precedence in two CTTT/NCAT cases (SCS 12/32675 and SC 20/33352) which, based on Australian legal system, allow other parties to use as valid defence:

- 1) Coerce Tribunal he was legal representative of Respondent without offering evidence of valid procedure for his Standard Costs Agreement or legally-compliant meetings of Respondent,
- 2) Suggest to Respondent use of insurance claims for his legal costs,
- 3) Send secret defamation threats to Applicant before two Tribunal Hearings as an attempt of intimidation and deterrent,
- 4) Prevent Applicant's Motion for Annual General Meetings,
- 5) Had direct knowledge of Applicant being denied to access strata documents, in spite of paid document searches and evidence of being legal member of the committee,
- 6) Not comply with Tribunal orders at Directions Hearings to submit evidence of behalf of Respondent (Solicitor Adrian Mueller failed to comply with Tribunal orders six times whilst not authorised to represent owners corporation in period 2012 to 2021),
- 7) Prevent Respondent from attending Hearings and coercing Tribunal to ignore Applicant's evidence due to Respondent's absence,
- 8) Actively support threats (even death threats) to Applicant, without taking actions to prevent such behaviour,
- 9) Bring no evidence at Hearings and deny/refute all Applicant's statements (without offering any files to counter their claims),
- 10) Co-operate with Respondent to submit false insurance claims for his legal costs (four claims) in CTTT SCS 12/32567 in GST exclusive amount of \$24,919.31 in 2012/2013 and undisclosed insurance claim in NCAT case SC 20/33352 in GST exclusive amount of \$19,758.14 in March 2022,
- 11) Directly responsible for preparing falsified evidence in Statutory Declaration for CTTT on behalf of BCS Strata Management Peter Bone on 19 April 2013, and had full knowledge of false statements by Peter Bone in Affidavit to District Court case 2013/360456 on 31 January 2014, and not providing any evidence in Affidavit by Solicitor's receptionist for case SC 20/33352 dated 8 February 2022,
- 12) Coerce Tribunal to enforce costs recovery from Applicant without approval of SP52948 at any legally-convened meeting, whilst being accessory to insurance claims as back-up option for his legal costs,
- 13) Attempt to justify non-compliant committee meetings dated 8 July 2012, 19 April 2013 (scheduled for 26 March 2013 and brought forward as time-warped event), and all meetings in 2020, 2021, and 2022 (CTTT dismissed Solicitor's claims and declared meetings 8 July 2012 and 19 April 2013 ineffective in their decision in SCS 12/32675 on 6 November 2013),
- 14) Prevent Police, CTTT/NCAT, Fair Trading NSW, Office of Legal Services Commissioner, District Court, and Supreme Court from access to Respondent's files and his alleged correspondence with Respondent.

This document is just a brief summary of events related to CTTT SCS 12/32675 and NCAT 20/33352. Full evidence, collected over 10 years at these secure websites (including certified audio recordings of CTTT SC 12/32675 and NCAT SC 20/33352):

<https://www.vk2cot.id.au/NCAT-20-33352/>

<https://www.vk2cot.id.au/NCAT-20-33352/Solicitor-Adrian-Mueller-illegal-representation-CTTT-SCS-12-32675/>

<https://www.vk2cot.id.au/NCAT-20-33352/Solicitor-Adrian-Mueller-illegal-representation-CTTT-SCS-12-50460/>

<https://www.vk2cot.id.au/NCAT-20-33352/>

<https://www.vk2cot.id.au/CA2022-70683/>

Extract from Applicant's 116-page submission to Solicitor Adrian Mueller on 27 February 2022 which Solicitor ignored

Current Office of Legal Services Commissioner (OLSC) case CAS006791 and pending submission in person for Crime Stoppers Event 648467: Solicitor Adrian Mueller: professional misconduct, involvement in fraud, falsified evidence and false representation in CTTT cases SCS 12/32675, SCS 12/50460, SCS 13/50737, NCAT case SC 20/33352, false representation in District Court case 13/360456, refusal to co-operate with OLSC in three previous submissions (41368, 56561, CAS005901), persistent contempt of court through willful disobedience to, and disregard of, court orders and misconduct in the presence of courts and Tribunals (in period 2012 to 2021, Solicitor Adrian Mueller failed to comply with CTTT/NCAT orders for the Hearings six times), refusal to co-operate with Police Event E65804633 and NCAT in case SC 20/33352 by withholding evidence and coercing the Tribunal to ignore evidence of the Applicants without considering it, earnings through proceeds of crime (insurance fraud), and serial litigator with intention to harass (including being silent witness of stalking, exposure to ridicule, discrimination on religious and nationality basis, being aware of anonymous death threats against Applicant and not taking any action to prevent such actions, and more), waste court time, and incur expenses for personal benefits. Solicitor Adrian Mueller not only initiated an abuse of the court processes to gain personal advantage through proceeds of crime but caused harm to other parties (to harass and annoy, to cause delay and detriment).

Actions by Solicitor Adrian Mueller obstructed Police investigators, insurance investigators, and other government officials (Fair Trading NSW, CTTT/NCAT, OLSC) and perverted the course of justice, falsified evidence, provided statements knowing they were not factual, earned income through proceeds of crime, and more).

Solicitor Adrian Mueller was recipient of formal request "20220209-Re_OLSC case CAS005901 - Request for Solicitor Adrian Mueller to respond with evidence on 8Feb2022-1750.pdf", as sent by Applicant on 8 February 2022. No reply was received for OLSC or Applicant. Substance of Conduct Matter for Solicitor Adrian Mueller:

1. Breach of section 172 LPUL (NSW) - legal costs must be fair and reasonable,
2. Breach of section 178 LPUL (NSW) - non-compliance with disclosure obligations,
3. Breach of section 180 LPUL (NSW) - making costs agreements,
4. Breach of section 185 LPUL (NSW) - certain costs agreements are void ,
5. Misappropriation, caused deficiency in owners corporation SP52948 funds and insurance company's funds,
6. Failure to comply with a requirement under section 371 LPUL (NSW) and failure to assist an investigator in the investigation of a complaint,
7. Breach of section 387 LPUL (NSW) - obstruction of investigator,
8. Breach of section 388 LPUL (NSW) – obligation of lawyers,
9. Breach of sections 3, 4, 5, 6, 7, 12, and 14 of Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 under the LPUL.

False statements are a very serious offence in their own right. Deliberate lying in a Statutory Declaration is punishable by up to five years in prison, according to the NSW Oaths Act. Former judge Marcus Einfeld served two years in prison for knowingly making a false statement under oath and for attempting to pervert the course of justice. The case stemmed from the improbable catalyst of a false statutory declaration over a \$77.00 speeding fine.

Solicitor Adrian Mueller is prepared to go take extreme steps to protect own interests, which include examples from 2017, 2018, 2019, 2020, 2021, and 2022:

Unredacted evidence in document "SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf".

Unredacted evidence in document "Solicitor-Adrian-Mueller-prevented-Lot-158-Motions-and-disallowed-owners-to-vote-AGM-2018.pdf".

Example of Solicitor Adrian Mueller directly preventing Applicant's Motion at Annual General Meeting 2017

Motion: Confirm undisclosed insurance claims for Lot 3 in 2012/2013 with evidence of illegal activities

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- BCS Strata Management, with full knowledge and support by EC members, made four insurance claims in amount of \$24,919.31 for alleged "defense" of Lot 3 at CTTT in 2012/2013:

First claim on 31 st of August 2012	\$367.64
Second claim on 7 th of December 2012	\$12,714.65
Third claim on 26 th of April 2013	\$1,320.00
Fourth claim on 4 th of June 2013	\$10,517.02

- BCS Strata Management and EC members failed to disclose the insurance claims in any financial statements to owners corporation,
- The insurance policy was changed one month before the secret first claim was made, in spite of insurance broker's warnings about high risks,
- Owner of Lot 3 was ex-Chairperson of the Executive Committee and current member,
- Solicitor Mr. Adrian Mueller, who recommended the insurance claims in 2012, reviewed this Motion on, or around 5th of September 2016,
- The legal case for defense of Lot 3 did not exist.
- At EC meeting held on 16th of March 2017, current EC member Mrs. Lorna Zelenzuk (Secretary of the EC) failed to declare the special interest in issue of insurance reimbursement claim by CHU Insurance at meeting held on 16 March 2017.

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

- BCS Strata Management secretly changed insurance policy for the complex on 1st of August 2012, without owners corporation approval at any meeting. They started making claims for legal fees for non-existent CTTT case "defending Lot 3", engaging Solicitor Mr. Adrian Mueller (without valid owners corporation decision).
- BCS Strata Management secretly transferred \$50,000.00 into strata funds from MBL account due to lack of money to pay any bills for SP52948 on 4th of July 2012.
- Secret EC meeting (CTTT confirmed it was not compliant with strata laws in 2013) was held in Lot 181 (Mr. Stan Pogorelsky who was unfinancial to represent SP52948 as EC member) without notifying owners corporation on 9th of July 2012. Two other EC members were unfinancial due to undeclared personal benefits from common funds – one of them being current EC member Mr. Moses Levitt.
- BCS Strata Management, without approval of the EC or owners corporation at any meeting, changed insurance policy for SP52948 on 1st of August 2012.
- Undisclosed to owners, CTTT, and District Court in 2012, 2013, and 2014. BCS Strata Management signed insurance claim form and provided files on 28th of August 2012.
- First of four insurance claims for non-existent "CTTT Defence of Lot 3" by BCS Strata Management on behalf of Strata Plan 52948 was sent on 31st of August 2012, less than a month after secret change of the insurance policy.
- Solicitor Mr. Adrian Mueller admitted to CTTT that Lot 3 is not part of the proceedings on 26th of October 2012.
- BCS Strata Management issues second insurance claim for non-existent "CTTT Defence of Lot 3" in amount of \$12,714.65 on 7th of December 2012.

- Solicitor Mr. Adrian Mueller initiated CTTT case for alleged losses to SP52948 three days later on 10th of December 2012 without approval or knowledge of owners corporation.

- Three different Standard Costs Agreements with Solicitor Mr. Adrian Mueller were uncovered by Lot 158 by June 2017, of which two have strong evidence of being created through falsified documents with intention to obtain personal benefits and hinder investigations.

- McCulloch Lawyers, on behalf of CHU Insurance, requested owners corporation to repay \$8,800.00 for insurance claims that BCS Strata Management had made.

BCS Strata Management was aware of this at least since 19th of October 2016 and kept owners corporation uninformed until they left.

Waratah Strata Management, Mr. Robert Crosbie, was aware of this since 11th of January 2017.

- Waratah Strata Management and EC members failed to disclose full information about insurance claims to owners corporation.
- Mr. Stan Pogorelsky, fully supported by EC members, tried to bully and prevent Lot 158 from passing evidence to CHU Insurance on 3rd of April 2017.

Example of Solicitor Adrian Mueller directly preventing Applicant's Motions at Annual General Meeting 2017

Motion: Confirm Payments to Solicitor Mr. Adrian Mueller

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- Solicitor Mr. Adrian Mueller was engaged 14 times in period March 2012 and September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meetings,
- Solicitor Mr. Adrian Mueller was paid \$63,318.77 (GST included):

Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date
J S MUELLER & CO SOLICITORS	78428	5/09/2016	\$1,100.00	19/09/2016
J S MUELLER & CO SOLICITORS	69179	28/10/2014	\$742.50	30/10/2014
J S MUELLER & CO SOLICITORS	67976	29/07/2014	\$484.00	31/07/2014
J S MUELLER & CO SOLICITORS	65777	6/03/2014	\$242.00	25/03/2014
J S MUELLER & CO SOLICITORS	65461	14/02/2014	\$20,624.75	05/03/2014
J S MUELLER & CO SOLICITORS	65483	18/02/2014	\$6,980.28	04/03/2014
J S MUELLER & CO SOLICITORS	64289	8/11/2013	\$484.00	19/11/2013
J S MUELLER & CO SOLICITORS	61904	24/06/2013	\$1,452.00	04/07/2013
J S MUELLER & CO SOLICITORS	61223	10/05/2013	\$11,568.72	20/05/2013
J S MUELLER & CO SOLICITORS	60252	6/03/2013	\$1,452.00	22/03/2013
J S MUELLER & CO SOLICITORS	58762	15/11/2012	\$13,986.12	27/11/2012
J S MUELLER & CO SOLICITORS	57380	10/08/2012	\$1,504.40	22/08/2012
J S MUELLER & CO SOLICITORS	56130	28/05/2012	\$198.00	31/05/2012
J S MUELLER & CO SOLICITORS	55003	13/03/2012	\$2,500.00	27/03/2012

- Two reports by the Office of Legal Services Commissioner, dated 31st of May 2013 and 13th of June 2013 were not disclosed by BCS Strata Management and EC members to owners corporation,
- Alternative quotes from other legal services providers were never disclosed and evidence of their existence not shown at any meeting.

Motion: Confirm payment to Solicitor Mr. Adrian Mueller for undisclosed service on 5th of September 2016

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- Solicitor Mr. Adrian Mueller was engaged on, or around, 5th of September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meeting,
- Solicitor Mr. Adrian Mueller was paid \$1,100.00 (GST included) for reviewing 50 pages of Motions submitted by Lot 158,
- BCS Strata Management and EC members failed to provide Costs Disclosure to owners corporation,
- Solicitor Mr. Adrian Mueller reviewed and provided advice on Motions submitted by Lot 158, with end result of 34 Motions being entirely excluded from agenda of the general meeting without due notice to the requestor and owners corporation denied a vote on the motions, and 6 Motions not including Explanatory Notes of crucial importance for owners corporation to have full knowledge of material circumstances before voting on 19th of October 2016,
- Alternative quotes from other legal services providers were not disclosed and evidence of their existence not shown at any meeting.

Example of Solicitor Adrian Mueller directly preventing Applicant's Motion at Annual General Meeting 2018

Motion: Order strata documents to be handed over by Solicitor Mr. Adrian Mueller

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Section 192E of the Crimes Act 1900 states that a person who, by any deception, dishonestly obtains property belonging to another, or obtains any financial advantage or causes any financial disadvantage, is guilty of the offence of fraud, with maximum penalty of imprisonment for 10 years.
- Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment.

Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4.

Section 316(1) states if a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

- There is currently no maximum elapsed time period for indictable offences in NSW.
- After owners corporation was forced to repay \$8,800.00 to CHU Insurance for insurance claims in first quarter of 2017 for events that occurred in 2012/2013. Fraud Report E65804633 dated 9th September 2017 was submitted, with Police investigations and interviews starting in late 2017 and continuing in 2018.

Issues in the investigations include alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19th April 2013, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for alleged "defense" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting, false written statements to CTTT by selective EC members, invoice paid for insurance premiums to Gallagher Australia on 21st September 2012 in amount of \$84,414.77, which was 74.38% higher than in September 2011, losses to Lot 158 in amount of close to \$29,000.00.

Solicitor Mr. Adrian Mueller, was actively involved in the creation of the Statutory Declaration, against the wishes of owners corporation or approval at any general meeting or disclosure, caused excessive courier costs to owners corporation in amount of \$851.56 on 19th April 2013 and was based on rushed EC meeting seven days ahead of scheduled date, without owners being able to respond, comment, or complain.

- Secretary of the EC Mrs. Lorna Zelenzuk and acting Chairperson Mr. Robert Crosbie failed to include Motion at AGM 2017 confirm payments to Solicitor Mr. Adrian Mueller, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4):

Solicitor Mr. Adrian Mueller was engaged 14 times in period March 2012 and September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meetings,

Solicitor Mr. Adrian Mueller was paid \$63,318.77 (GST included), with full details for 2017 and 2018 undisclosed to owners by Waratah Strata Management:

Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date
J S MUELLER & CO SOLICITORS	78428	5/09/2016	\$1,100.00	19/09/2016
J S MUELLER & CO SOLICITORS	69179	28/10/2014	\$742.50	30/10/2014
J S MUELLER & CO SOLICITORS	67976	29/07/2014	\$484.00	31/07/2014
J S MUELLER & CO SOLICITORS	65777	6/03/2014	\$242.00	25/03/2014
J S MUELLER & CO SOLICITORS	65461	14/02/2014	\$20,624.75	05/03/2014
J S MUELLER & CO SOLICITORS	65483	18/02/2014	\$6,980.28	04/03/2014
J S MUELLER & CO SOLICITORS	64289	8/11/2013	\$484.00	19/11/2013
J S MUELLER & CO SOLICITORS	61904	24/06/2013	\$1,452.00	04/07/2013
J S MUELLER & CO SOLICITORS	61223	10/05/2013	\$11,568.72	20/05/2013
J S MUELLER & CO SOLICITORS	60252	6/03/2013	\$1,452.00	22/03/2013
J S MUELLER & CO SOLICITORS	58762	15/11/2012	\$13,986.12	27/11/2012

J S MUELLER & CO SOLICITORS	57380	10/08/2012	\$1,504.40	22/08/2012
J S MUELLER & CO SOLICITORS	56130	28/05/2012	\$198.00	31/05/2012
J S MUELLER & CO SOLICITORS	55003	13/03/2012	\$2,500.00	27/03/2012

Mr. Adrian Mueller was allegedly engaged to provide legal advice at an estimated cost of \$3,500.00 + GST and review Lot 158 owner's motions for AGM 2017 at an estimated cost of \$1,750.00 + GST (documented in the Minutes of EC meeting on 20th July 2017).

- For missing documents that are critical to proving false statements by BCS Strata Management staff in Statutory Declaration to CTTT on 19th April 2013, Police requested access to strata files from BCS Strata Management and Solicitor Mr. Adrian Mueller (separate Motion for AGM 2018 deals with Waratah Strata Management).
- Based on latest update from the Police dated 22nd August 2018, none of the parties provided copies of eight emails, with statement that Mr. Adrian Mueller attempted to find them but failed to locate them.
- Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, under the Legal Profession Uniform Law, the following applies to legal profession:
 - 4.1 A solicitor with designated responsibility for a client's matter, must ensure that, upon completion or termination of the law practice's engagement:
 - 14.1.1 the client or former client, or
 - 14.1.2 another person authorised by the client or former client, is given any client documents, (or if they are electronic documents copies of those documents), as soon as reasonably possible when requested to do so by the client, unless there is an effective lien.
 - 14.2 A solicitor or law practice may destroy client documents after a period of 7 years has elapsed since the completion or termination of the engagement, except where there are client instructions or legislation to the contrary.
- As 7-year period expires in February 2021 (from the completion of the law practice engagement in 2014), owners corporation issues an order to Solicitor Mr. Adrian Mueller to give all SP52948 documents to current Secretary of the Executive Committee at no cost, who shall ensure that Police receives the copies of missing eight emails.
- If Solicitor Mr. Adrian Mueller fails to comply, owners corporation shall raise a complaint with the Office of the Legal Services Commissioner (OLSC), which already had a caution against Mr. Adrian Mueller for not following legal practices in SP52948 in 2013, and raise a further complaint with the Department of Fair Trading.

Example of Solicitor Adrian Mueller directly preventing Applicant's Motion at Annual General Meeting 2018

Motion: Order to Waratah Strata Management to produce eight copies of emails to Police and Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Fraud Report E65804633 dated 9th September 2017 initiated Police investigations and interviews in late 2017 and during 2018.

For missing documents that are critical to proving false statements by BCS Strata Management staff in Statutory Declaration to CTTT on 19th April 2013, Police requested access to strata files from Waratah Strata Management Mr. Robert Crosbie.

Waratah Strata Management provided incomplete strata files and none of the eight crucial documents (copies of emails) were included.

- Two written reports from BCS Strata Management claim that all SP52948 were provided to Waratah Strata Management before end of their contract on 30th January 2017:

Representative of Pica Group (parent company of BCS Strata Management) in email on 13th February 2018.

BCS Strata Management Licensee-in-Charge Dr. Adrian Carr in email on 20th July 2018.

- Strata Schemes Management Act 2015, Section 180 prescribes that certain records of strata plan must be retained for period of seven years, and that includes all correspondence and emails.
- In accordance with Strata Schemes Management Act 2015, Section 181, owners corporation issues a request to Waratah Strata Management to produce eight emails no later than 14 days after the notice. The emails shall then be handed over to the Police.
- Owners corporation shall hand over copies of eight missing emails (and other strata documents as listed for the members of the EC and Waratah Strata Management) that lot 158 did not get in spite of paid document search on 13th June 2017.
- Owners corporation acknowledges that refusal to provide the documents might incur additional costs at owners expense and force NCAT Tribunal's orders.

SP52948 financial discrepancies from when Waratah Strata Management took office on 1 February 2017 to 29 April 2022, with emphasis on last three Annual General Meetings (AGM)

31/01/2017 changeover from BCS Strata Management to Waratah Strata Management: Balance Sheet had positive balance in amount of \$129,704.57

17/10/2019 day of AGM: Balance Sheet had negative balance in amount of \$131,852.25

22/10/2020 day of AGM: Balance Sheet had positive balance of only \$14,411.82

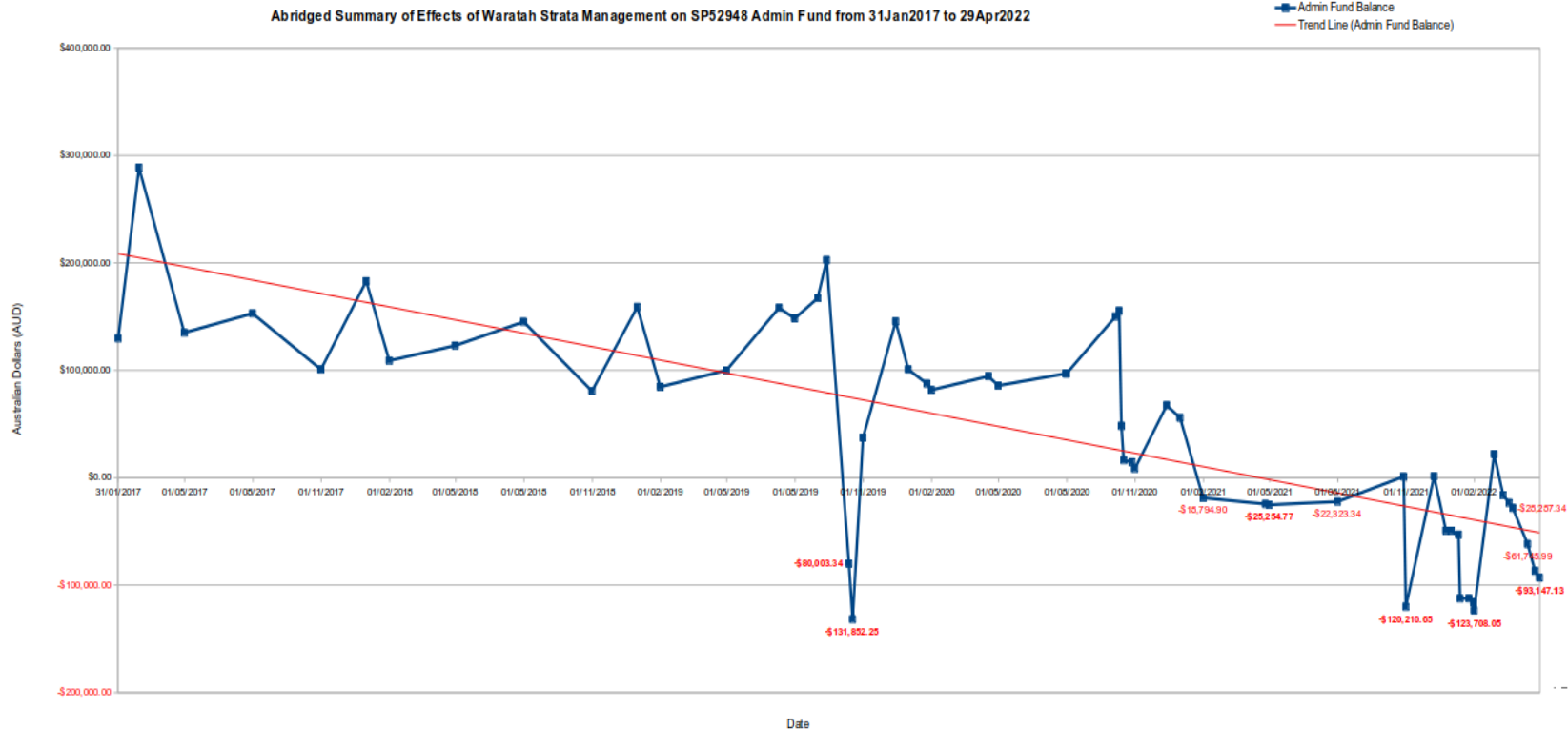
31/10/2020 nine days after AGM: Balance Sheet had positive balance of only \$8,368.92

28/10/2021 day of AGM: Balance Sheet had positive balance of only \$1,019.14

31/10/2021 three days after AGM: Balance Sheet had negative balance in amount of \$120,210.65

29 April 2022 Balance Sheet had negative balance in amount of \$93,147.13

Date	Admin Fund Balance	Comment
31/01/2017	\$129,704.57	Change BCS Strata Management to Waratah Strata Management
28/02/2017	\$288,552.51	
30/04/2017	\$135,012.17	
31/07/2017	\$152,916.30	
31/10/2017	\$100,815.56	
31/12/2017	\$182,979.04	
31/01/2018	\$108,936.47	
30/04/2018	\$123,012.91	
31/07/2018	\$145,119.88	
31/10/2018	\$80,599.23	
31/12/2018	\$158,913.31	
31/01/2019	\$84,559.32	
30/04/2019	\$99,934.95	
10/07/2019	\$158,181.40	
31/07/2019	\$148,247.36	
31/08/2019	\$167,231.72	
12/09/2019	\$202,523.24	
12/10/2019	-\$80,003.34	
17/10/2019	-\$131,852.25	Day of Annual General Meeting
31/10/2019	\$37,259.31	
14/12/2019	\$145,404.20	
31/12/2019	\$100,772.58	
25/01/2020	\$87,537.36	
31/01/2020	\$81,654.32	
17/04/2020	\$94,415.82	
30/04/2020	\$85,707.93	
30/07/2020	\$96,907.38	
31/07/2020	\$96,907.38	
05/10/2020	\$150,004.16	
10/10/2020	\$155,409.14	
13/10/2020	\$48,166.76	
16/10/2020	\$16,253.12	
27/10/2020	\$14,497.09	
31/10/2020	\$8,368.92	
13/12/2020	\$67,317.74	
31/12/2020	\$55,699.04	
31/01/2021	-\$18,794.90	
30/04/2021	-\$25,254.77	
25/04/2021	-\$24,560.03	
31/07/2021	-\$22,323.34	
28/10/2021	\$1,019.14	Day of Annual General Meeting
31/10/2021	-\$120,210.65	Three days after Annual General Meeting
08/12/2021	\$1,263.46	
24/12/2021	-\$49,429.69	
31/12/2021	-\$49,429.69	
10/01/2022	-\$53,002.08	
12/01/2022	-\$112,530.07	
24/01/2022	-\$112,421.07	
30/01/2022	-\$116,068.14	
31/01/2022	-\$123,708.05	
27/02/2022	\$21,931.68	
11/03/2022	-\$16,236.00	
19/03/2022	-\$23,536.87	
24/03/2022	-\$28,287.34	
13/04/2022	-\$61,745.99	
23/04/2022	-\$86,877.20	
29/04/2022	-\$93,147.13	



Six versions of Solicitor Adrian Mueller's alleged costs in NCAT case SC 20/33352

Cost figures (GST excl) provided by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022 (no invoices were included by the Solicitor), and 25 March 2022, and listed on Waratah Strata Manager's agenda for Annual General Meeting on 7 October 2021 differ to a large extent.

Solicitor Adrian Mueller refused to respond to emails dated 27 February 2022, 5 April 2022, and 20 April 2022 – not only ignoring the Applicant, but Supreme Court Cost Assessor as well. Solicitor Adrian Mueller used silence as his defence, or providing statements that had no evidence. Such actions can bring penalties against lawyers, as Legal Services Commissioner v Yakenian [2019] NSWCATOD [98] proved: a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ. The defendants' solicitor requested particulars of Mr Yakenian's builder client's statement of claim and said the defendants would provide defences within a reasonable time after the particulars were given. They invited the solicitor to advise them if he had any difficulty with this course. He did not do so. There was also talk of a security for costs application.

<https://lawyerslawyer.net/2019/07/08/snapping-on-judgment-and-misleading-by-silence/>

This raises justifiable and serious concerns about Solicitor Adrian Mueller's validity of statements:

Date	Solicitor's Invoice 11Dec2020	Solicitor's Invoice 3Feb2021	Solicitor's Invoice 11Feb2021	Solicitor's Invoice 6May2021	Solicitor's Invoice 9Jun2021	Solicitor's Invoice 12Jul2021	Solicitor's Invoice 4Feb2022	Solicitor's Invoice 14Mar2022	Total (GST excl)
12Jul2021	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	N/A	N/A	N/A	\$20,263.14
7Oct2021	No invoice	No invoice	No Invoice	No Invoice	No invoice	No invoice	N/A	N/A	\$23,142.87
7Feb2022	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	N/A	\$25,158.14
25Mar2022	\$8,030.00 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	\$2,213.55 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	\$4,921.40 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	\$3,198.75 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court Listed as "Defamation by Lot 158" in Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200) – not part of NCAT case SC 20/33352	\$1,899.44 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	\$660.00 Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	\$2,475.00	\$1,296.58	\$24,694.72

1) First version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his letter dated 12 July 2021 (reference AM:CP:37289), allegedly without prejudice, Solicitor Adrian Mueller made the claim of \$20,020.00 (\$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings).

2) Second version of total expenses (GST inclusive!) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$25,714.30:

Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200), which include costs not related to NCAT case (preventing Applicant's Motions at AGM 2020 and fourth defamation attempt which was not approved by owners corporation, never achieved its alleged goal, and wasted owner's funds):

28/09/2020 Advice on Motions requested by Applicant \$2,700.00
26/10/2020 Defamation by Applicant \$413.50
23/11/2020 Defamation by Applicant (Hussein Elachkar) \$1,218.75
14/12/2020 NCAT application by Applicant Lot 158 \$8,030.00
8/02/2021 NCAT application by Applicant Lot 158 \$2,213.55
19/04/2021 NCAT application by Applicant Lot 158 \$4,921.40
10/05/2021 Defamation by Applicant \$3,198.75
11/06/2021 NCAT application by Applicant \$1,899.45

Four defamation threats initiated by Solicitor Adrian Mueller without success, without owners corporation approval at any legally-valid meeting, and without disclosure of costs to owners:

- 6 September 2012 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with CTTT case SCS 12/32675, claimed payment for his legal costs from owners corporation insurance),
- 20 June 2019 (attempt by Solicitor Adrian Mueller to use his own "Unreasonable Communications" Special By-Law to prevent Applicant from reporting problems with strata management, whilst ignoring conflict of interest due to Police Event E65804633 and Office of Legal Services Commissioner case 56561),
- 17 October 2019 (premeditated attempt by Solicitor Adrian Mueller to force Applicant to sign Deed of Agreement for alleged defamation of Uniquenco Property Services, Waratah Strata Management, and committee members). Undeclared Admin Fund balance sheet on 17 October 2019 (day of Annual General Meeting), when Solicitor Adrian Mueller was allegedly approved to spend up to \$150,000.00 in defamation case against the Costs Respondent, had a negative balance of \$131,852.25. Unnamed barrister and Solicitor Adrian Mueller tried to force the Costs Respondent into Deed under duress and failed in all attempts. In financial statements for FY 2020 (1 September 2019 to 31 August 2020), in spite of extensive legal involvement, Waratah Strata Management reported only \$2,940.00 for legal costs in audited accounts, which is an impossible amount considering daily rates for barristers and senior legal professionals.
- 21 October 2020 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with NCAT case SC 20/33352). Balance in Admin Fund had \$1,019.14 whilst three days later on 31 October 2021 they had negative balance of \$120,210.65.

Second version of total costs (GST exclusive) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$23,142.87.

3) Third version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for barrister Hussein Elachkar, and without alleged defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$19,764.4.

Total expenses (GST exclusive) for legal and debt collection fees for all lawyers and solicitors in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 18: \$24,171.90.

4) Fourth version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for barrister Hussein Elachkar, and with defamation costs in FY 2021 which are NOT part of NCAT

proceedings and not legally approved at Annual General Meeting 2020): \$23,376.62.

5) Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claims costs of \$25,158.14.

6) Sixth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claims costs of \$24,694.72.

8 August 2012 Directions Hearing

- Solicitor Adrian Mueller present in person, without evidence of his Standard Costs Agreement
- Applicant to provide SP52948 and Tribunal with all files they seek to rely on by 15 August 2012
- Solicitor Adrian Mueller to provide Applicant and Tribunal all documents they seek to reply on by 12 September 2012

Evidence

CTTT-SCS-12-32675-Directions-Hearing-Decision-8Aug2012.pdf

13 August 2020

Redacted email to Solicitor Adrian Mueller with request from Waratah Strata Management

From: Robert Crosbie <[redacted]>
Sent: Thursday, 13 August 2020 7:01 PM
To: Adrian Mueller <[redacted]>
Subject: FW: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Adrian,

We have received the attached NCAT notice of directions hearing following action commenced by [redacted]. We ask you to provide a fee proposal to attend to this matter on behalf of the OC. We also ask you to provide advice on whether your legal fees can be approved by the strata committee or whether they will need to go to a general meeting. Please provide the appropriate motions.

I also advise that we are still waiting on advice from the barrister on the defamation claim. He did try calling me today, so I will speak with him tomorrow. I understand the barrister will not be able to write directly to [redacted], so that action will also go through you.

Evidence

Costs Assessment Application for service-Bundle of Invoices-as-received-on-25Mar2022.pdf

2 July 2012

- Solicitor Adrian Mueller sent letter (no email) to BCS Strata Management with suggestion to use insurance claims for his costs

I note that many strata insurance policies contain cover for legal defence expenses up to \$50,000. You should therefore consult with your insurer about whether or not my legal costs would be covered by the insurer if the owners corporation decides to retain me in the appeal.

- Solicitor's letter was date-stamped 10 July 2012 in strata records

Evidence

Solicitor-Adrian-Mueller-letter-to-BCS-Strata-Management-advising-on-his-cost-estimates-and-suggesting-to-use-insurance-claims-for-legal-costs-2Jul2012.pdf

Directions Hearing 25 September 2020

- Waratah Strata Management Director Robert Crosbie present in person, without evidence of his valid contract with SP52948
- Applicant to provide to each of six committee members documents by 2 October 2020
- Applicant to provide to six members of the committee and Tribunal details of a website through which access can be obtained to any video and photographs relied upon by the applicants by 2 October 2020
- Respondent to provide to Applicant and Tribunal, either in person or by post, and by email, a copy of all documents on which the Respondent seeks to rely at the hearing by 20 November 2020
- Applicant to provide to Respondent and the Tribunal, either in person or by post, and by email, a copy of any documents in reply on which the Applicant seek to rely at the hearing and the applicants' outline of submissions by 18 December 2020

Evidence

NCAT-SC-20-33352-Directions-Hearing-Decision-25Sep2020.pdf

4 July 2012

SP52948 had no money to pay invoices (had to withdraw \$50,000.00 from the other funds secretly - BCS Strata Management Paul Banoob, Gary Webb, Donna Townsend, and Amador Capuno were involved in this secret transaction). Amount of \$14,056.90 for creditor code 69633 was outstanding for payment on 4 July 2012

Evidence

BCS-Strata-Management-hid-information-that-SP52948-had-no-readily-available-funds-to-pay-bills-4Jul2012.htm

28 September 2020

Solicitor Adrian Mueller provided advice to Respondent on how to prevent Applicant's Motions being approved at Annual General Meeting (AGM) 2020 and charged \$2,700.00 for it

Evidence

SP52948-agenda-for-AGM-2021-7Oct2021.pdf

9 July 2012

Falsified evidence of committee meeting allegedly held in Unit 181 on 9 July 2012 (who was unfinancial to be a member of the committee and vote)

Evidence

SP52948-minutes-EC-meeting-9Jul2012.docx

SP52948-Notice-EC-meeting-13Aug2012-organised-by-BCS-Strata-Management-Paul-Banoob-and-not-containing-minutes-of-EC-meeting-9Jul2012.pdf

1 August 2012

BCS Strata Management secretly changed insurance policy for SP52948, in spite of warnings of high risks by insurance broker

Hi Mark

We would not refer this matter through to our Company's Lawyers nor do we impose a rate scale.

We thought being a large risk that they would be in contact with a Strata Lawyer.

They can seek advice through the SCA (Strata Committee Australia).

Two others come to mind, Bannermans and the other, Le Page.
Both deal in Strata Law.

Kind Regards,

Brian Turpin | Claims Consultant

CHU Underwriting Agencies Pty Ltd | P 02 8923 5330 | W www.chu.com.au

Evidence

SP52948-CHU-and-Strata-Manager-high-risk-insurance-claim-for-legal-costs-1Aug2012

8 October 2020

- Applicant received extension of time to submit documents by 16 October 2020

- NCAT did not allow Applicant to move the submission date after SP52948 AGM on 22 October 2020 which was most sensible option without legal case

15 August 2012

Applicant complied with CTTT Directions Hearing

15 October 2020

Applicant complied with CTTT Directions Hearing

6 September 2012

Solicitor Adrian Mueller sent defamation threat to Applicant as direct attempt to intimidate

Evidence

Solicitor-J-Mueller-Defamation-Threat-6Sep2012-arrived-10Sep2012.pdf

21 October 2020

Solicitor Adrian Mueller sent defamation threat to Applicant as direct attempt to intimidate

Evidence

Solicitor-Adrian-Mueller-defamation-threats-sent-one-day-before-Annual-General-Meeting-and-before-NCAT-case-20-33352-without-owners-corporation-approval-21Oct2020.pdf

CTTT SCS 12/32675**12 September 2012**

Solicitor Adrian Mueller failed to comply with CTTT Directions Hearing first time

NCAT 20/33352**23 October 2020**

Solicitor Adrian Mueller allegedly received approval to represent owners corporation in NCAT case SC 20/33352

From: Robert Crosbie <
Sent: Friday, 23 October 2020 12:23 PM
To: Adrian Mueller
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Adrian,

We advise your fee proposal to act for the Owners Corporation in the NCAT Application lodged by Lot 158 has been accepted at last night's AGM.

Attached is a copy of various correspondence that has been received to date in this matter. Also attached is access to a website set up by to provide access to his documentation.

We ask you to notify NCAT that you will now be representing the OC and whether you require any further time to review and respond to the application.

Now that you have been formally appointed, we ask you to respond to our email sent on 7/10/20 regarding the Legal Defences insurance claim.

- Solicitor refused to provide unredacted copy of this email to Office of Legal Services Commissioner case CAS005901, Supreme Court case CA 2022/00070683, and Applicant,
- Solicitor Adrian Mueller failed to provide evidence he notified NCAT about his legal engagement in October or November 2020,
- Solicitor Adrian Mueller failed to comply with owners corporation request to review Applicant's website containing evidence for strata misconduct,
- This email confirms that owners corporation failed to notify insurance company about pending NCAT case SC 20/33352 in spite of having such knowledge as early as 27 July 2020 (insurance renewal falls on 21 September each year)

Evidence

Costs Assessment Application for service-Bundle of Invoices-as-received-on-25Mar2022.pdf

17 September 2012

CTTT notice of non-compliance with Directions Hearing sent to Solicitor Adrian Mueller

Evidence

Adrian-Mueller-warned-about-non-compliance-CTTT-SCS-12-32675-17Sep2012.pdf

20 November 2020

Solicitor Adrian Mueller failed to comply with NCAT Directions Hearing first time

19 September 2012

Solicitor Adrian Mueller requested CTTT grant two-week extension to submit documents

Evidence

SP52948-Solicitor-J-Mueller-CTTT-Letter-19Sep2012.pdf

30 November 2020

NCAT warning about non-compliance with Directions Hearing

Evidence

20201130-Re_SUMMARY NSW Civil & Administrative Tribunal - SC 20_33352 – Lot 158 vs The Owners - Responed failed to comply with Directions Hearing 29Nov2020-34.html

26 September 2012

CTTT granted extension to Solicitor Adrian Mueller to submit documents by 28 September 2012

Evidence

CTTT-File-SCS-12-32675-Extended-Documents-Submitter-from-Respondents-26Sep2012.pdf

28 September 2012

Solicitor Adrian Mueller provided advice to Respondent to prevent Applicant's Motions for Annual General Meeting 2012, including Motion to enforce free mediation before engaging legal services

Evidence

SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf

18 December 2020

- Solicitor Adrian Mueller failed to comply with NCAT Directions Hearing second time
- Due to no submissions by Solicitor Adrian Mueller, Applicant unable to submit response

25 January 2021

Solicitor Adrian Mueller sent 4-page First Respondent's Outline of Submissions via email to Applicant (letter arrived belatedly in early February 2021)

In his submission, Solicitor listed falsified date 18 January 2020, whilst the metadata of PDF document showed it had been created On 14 December 2020 and updated on 24 December 2020 and withheld from Tribunal and Applicant for a month:

General	Fonts
Title:	None
Location:	file:///tmp/user/1000/Respondent's Outline of Submissions.pdf
Subject:	None
Author:	Karen Gillies
Keywords:	None
Producer:	Aspose.Words for .NET 18.4
Creator:	Microsoft Office Word
Created:	Mon 14 Dec 2020 11:55:00
Modified:	Thu 24 Dec 2020 11:43:00
Format:	PDF-1.5
Number of Pages:	4
Optimised:	No
Security:	No
Paper Size:	A4, Portrait (210 × 297 mm)
Size:	83.4 kB

Evidence

Respondents Outline of Submissions-25Jan2021.pdf

29 September 2012

Solicitor Adrian Mueller failed to comply with CTTT Directions Hearing second time

11 February 2021 CTTT Hearing

- Solicitor Adrian Mueller did not bring any evidence to court, including proof that he was legally approved to represent owners corporation through signed Standard Costs Agreement Signed Standard Costs Agreement was not sent to owners or NCAT within seven days after disclosure
- Solicitor Adrian Mueller coerced Tribunal to continue with Hearing in spite of efforts by Tribunal to call six members of the committee and strata manager to attend Hearing Solicitor Adrian Mueller lied to Tribunal when confirming that all six committee members were still valid

2 October 2012

Solicitor Adrian Mueller requested CTTT grant extension to submit documents without notifying Applicant

Insurance claims for Solicitor Adrian Mueller's alleged legal costs in NCAT SC 20/33352

- \$19,758.14 (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report)

- Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 21 March 2022 as \$380.00 and no insurance claims for legal costs

- Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 24 March 2022 as \$4,128.71 and no insurance claims for legal costs

- Income & Expenditure Report suddenly listed all legal costs in period from 1 September 2021 to 25 March 2022 as \$4,128.71 and insurance claims for legal costs as 19,758.14

Evidence

SP52948-Balance-Sheet-as-at-25Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-21Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-24Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-25Mar2022.pdf

9 October 2012

- CTTT did not grant further extension to Solicitor Adrian Mueller and reminded him of procedural directions

- Solicitor Adrian Mueller failed to comply with CTTT Directions Hearing third time

Evidence

CTTT-File-SCS-12-32675-Non-Compliance-Documents-from-Respondents-9Oct2012.pdf

2 February 2021 to 18 February 2022

Solicitor Adrian Mueller fully aware and involved in cost recovery correspondence from insurance

02 Feb 21	Perusing emails passing between strata manager and insurer regarding conflict of interest of solicitor and break down of fees and perusing email from strata manager requesting response to allegation of conflict of interest and breakdown of fees	\$110.00
04 Mar 21	Perusing email from strata manager requesting advice on reimbursement of costs by insurer	\$55.00
05 Mar 21	Email to you providing advice on reimbursement of costs by insurer	\$110.00
16 Jul 21	Perusing email from strata manager advising of decision of insurer to reimburse costs	\$55.00
14 Sep 21	Perusing email from strata manager requesting estimate of likely costs to be recovered in costs assessment	\$55.00
22 Sep 21	Email to you providing estimate of likely costs to be recovered in costs assessment	\$55.00
09 Dec 21	Perusing email from strata manager requesting update on recovery of costs and advice on publication on strata sleuth website	\$55.00
20 Dec 21	Perusing strata sleuth website	\$110.00
20 Dec 21	Email to you providing update on recovery of NCAT costs and advice and on strata sleuth website	\$110.00
17 Feb 22	Perusing email from strata manager requesting advice on cost recovery at request of insurance broker	\$55.00
18 Feb 22	Email to you providing advice on costs assessment process and cost recovery in response to request for advice from insurance broker	\$55.00

March and April 2022

Solicitor Adrian Mueller was repeatedly asked by Applicant to provide evidence of validity of committee meetings in period 2019 to 2022, details of insurance claim in amount of \$19,758.14, why there were six versions of his alleged costs in NCAT case SC 20/33352, including these invoices as listed in balance sheet at Annual General Meeting 2021 (unsuccessful defamation costs and advice on Applicant's Motions was not approved by owners corporation at any meeting). No response was received from Solicitor Adrian Mueller:

- 28/09/2020 Advice on Motions requested by Applicant \$2,700.00
- 26/10/2020 Defamation by Applicant \$413.50
- 23/11/2020 Defamation by Applicant (Hussein Elachkar) \$1,218.75
- 14/12/2020 NCAT application by Applicant Lot 158 \$8,030.00
- 8/02/2021 NCAT application by Applicant Lot 158 \$2,213.55
- 19/04/2021 NCAT application by Applicant Lot 158 \$4,921.40
- 10/05/2021 Defamation by by Applicant \$3,198.75
- 11/06/2021 NCAT application by Applicant \$1,899.45

Three different versions of invoices as sent by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022, and 25 March 2022

Evidence

<https://www.vk2cot.id.au/CA2022-70683/>

10 October 2012

Solicitor Adrian Mueller provided advice to Respondent to prevent Applicant's Motions for Annual General Meeting 2012, including Motion to enforce free mediation before engaging legal services

Evidence

SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf

12 July 2021 (Solicitor initiated alleged legal costs recovery from Applicant without owners corporation approval at any legally-convened meeting)

19 July 2021 (Applicant responded to Solicitor, who never replied)

2 February 2022 (For five and half months Solicitor Adrian Mueller failed to respond to Applicant but secretly worked on making legal costs claims through insurance company – in frustration, Applicant sent complaint to NCAT about lack of responses from Solicitor)

7 February 2022 (In rush, after Applicant's complaint to NCAT, Solicitor sent intimidating updated alleged legal costs recovery through Supreme Court case CA 2022/70683 with increased costs from Applicant without owners corporation approval at any legally-convened meeting)

22 February 2022 (Applicant responded to Solicitor, who never replied)

25 March 2022 (Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 24 March 2022 as \$4,128.71 and no insurance claims for legal costs)

24 March 2022 (staff member of Solicitor Adrian Mueller deleted Applicant's email without reading)

25 March 2022 (Solicitor Adrian Mueller sent his alleged documents (heavily redacted), which uncovered serious discrepancies in his invoices and evidence, Solicitor failed to inform Supreme Court about insurance claim in amount of \$19,758.14 and failed to provide other files)

31 March 2022 (Applicant questioned Solicitor's evidence and statements and requested access to unredacted files, not only for alleged legal costs recover, but for OLSC case and insurance claim made by owners corporation on 25 March 2022 – no response was received from Solicitor)

5 April 2022 (Applicant again questioned Solicitor's evidence and statements and requested access to unredacted files, not only for alleged legal costs recover, but for OLSC case and insurance claim made by owners corporation on 25 March 2022 – no response was received from Solicitor)

Evidence

Bundle of Invoices-as-received-on-12Jul2021.pdf

20210712-Re_Lot_158 -v- SP 52948 & Ors - NCAT File No. SC 20_33352 (JSM 37289)-37954.pdf

Costs Assessment Application for service-Bundle of Invoices-as-received-on-7Feb2022.pdf

20220207-Lot_158 -v- SP52948 - NSW Civil & Administrative Tribunal File No. SC 20_33352 - Service of Costs Assessment Application & Bill of Costs (JSM 37289)-40355.pdf

Tax Invoices Bundle-as-received-on-25Mar2022.pdf

20220325-Re_The Owners – Strata Plan No. 52948 v Lot 158 CA 2022_70683 (JSM 37289)-40948.pdf

20220202-UPDATE - LOT 158 REQUESTS TO SETTLE COSTS IGNORED BY SOLICITOR ADRIAN MUELLER AND SP52948 NCAT File No. SC 20_33352 – 2Feb2022-40302.pdf

20220324-Not read_ SECOND RESPONSE_ Lot_158 -v- SP52948 - NSW Civil & Administrative Tribunal File No. SC 20_33352 - Service of Costs Assessment Application & Bill of Costs (JSM 3.pdf

Costs-Respondent-letter-to-Ms-Julie-Wright-5Aprl2022.pdf

16 October 2012

Solicitor Adrian Mueller provided further advice to Respondent about Applicant's complaints and Motions excluded from AGM 2012

Evidence

SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf

20 April 2022

• Solicitor Adrian Mueller sent email to Cost Assessor and Costs Respondent at 16:30 hours in hope that Costs Respondent would not have to respond (20 April was deadline for all submissions)

• Costs Respondent anticipated such actions by the Solicitor and provided reply on time

• Costs Applicant did not respond to the submissions of the Costs Respondent dated 5 April 2022 which included three attachments (email by the Costs Applicant does not answer or provide the information being sought even for Costs Respondent's submission with 19 attachments dated 31 March 2022 is taken into account):

NCAT-20-33352-submissions-and-document-report-from-18Aug2020-to-9Jun2021-for-document-search-photo-1-8Mar2022.png (one page)

Costs-Respondent-letter-to-Ms-Julie-Wright-5Apr2022.pdf (50 pages)

Costs-Respondent-Questions-on-Validity-of-Legal-Cost-Items.pdf (spreadsheet)

• Solicitor Adrian Mueller created PDF file for Cost Assessor on 14 April 2022 and waited until close to deadline on 20 April 2022. The PDF document had falsified date of 20 April 2022, which is proved by hidden metadata:

Title:	<i>None</i>
Location:	file:///home/dub/Adrian-Mueller-brief-comparison-between-two-CTTT-NCAT-cases/Letter to Ms J Wright - Costs Assessor-Mueller-14Apr2022.pdf
Subject:	<i>None</i>
Author:	Adrian Mueller
Keywords:	<i>None</i>
Producer:	Microsoft® Word for Microsoft 365
Creator:	Microsoft® Word for Microsoft 365
Created:	Thu 14 Apr 2022 18:49:46
Modified:	Thu 14 Apr 2022 18:49:46
Format:	PDF-1.7
Number of Pages:	2
Optimised:	No
Security:	No
Paper Size:	A4, Portrait (210 × 297 mm)
Size:	138.0 kB

Evidence

Costs-Respondent-letter-to-Ms-Julie-Wright-20Apr2022.pdf

Strong-case-for-Solicitor-Adrian-Mueller-being-assessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf

Solicitor-PDF-file-for-J-Wright-last-created-and-modified-on-14Apr2022-but-not-sent-until-close-to-deadline-on-20Apr2022.png

16 October 2012

Secret email between SP52948 Chairperson Bruce Copland and BCS Strata Management confirming that levy arrears above \$10.00 would prevent such owner from being financial to vote

Evidence

SP52948-committee-agreeing-that-levy-arrears-above-10-dollars-is-not-acceptable-for-voting-at-general-meeting-16Oct2012.pdf

Insurance claims for Solicitor Adrian Mueller's alleged legal costs in NCAT SC 20/33352

• \$19,758.14 (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report)

• Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 21 March 2022 as \$380.00 and no insurance claims for legal costs

• Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 24 March 2022 as \$4,128.71 and no insurance claims for legal costs

• Income & Expenditure Report suddenly listed all legal costs in period from 1 September 2021 to 25 March 2022 as \$4,128.71 and insurance claims for legal costs as 19,758.14

Evidence

SP52948-Balance-Sheet-as-at-25Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-21Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-24Mar2022.pdf

SP52948-Income-and-Expenditure-Report-1Sep2021-to-25Mar2022.pdf

17 October 2012 CTTT Hearing and Annual General meeting

• Solicitor Adrian Mueller did not bring any evidence to court, including proof that he was legally approved to represent owners corporation through signed Standard Costs Agreement

• Standard Costs Agreement was not sent to owners within seven days after disclosure, as per Strata Schemes Management Act 1996, 230A Disclosure of matters relating to legal costs

• Solicitor Adrian Mueller lied to Tribunal about Lot 3 not being able to attend Hearing due to absence overseas and coerced Tribunal and Applicant to remove CTTT Motion for Lot 3 non-compliance with Special By-Law

• Annual General Meeting did not discuss or have any Motion to approve Solicitor Adrian Mueller's engagement

• Annual General Meeting failed to comply with SSMA 1996

• Solicitor Adrian Mueller signed Agreement that Applicant would receive all strata documents which were not provided in previous period

Evidence

faxcoversheet-SCS-12-32675-False-Statement-for-Order-4-Hearing-19Oct2012.pdf

SP52948-emails-to-MA-After-Hearing-and-AGM-2012-17Oct2012.pdf

26 October 2012

- Solicitor Adrian Mueller confirmed to CTTT and Applicant that Lot 3 was not part of Tribunal proceedings
- Solicitor Adrian Mueller lied to CTTT in his signed document on 17 October 2012 that Applicant would receive all requested strata files from Respondent

Evidence

Solicitor-Mueller-Letter to TribunalCommission-confirming-Lot-3-not-part-of-proceedings-26Oct2012.pdf

CTTT-Solicitor-agreement-about-access-to-files-17Oct2012-received-on-22102012.pdf

7 December 2012

Solicitor Adrian Mueller sent secret email to two BCS Strata Management staff and Chairperson of committee (Mr. Peter Bone, Mr. Paul Banoob, and Mr. Bruce Copland) asking for approval to initiate costs recovery from Applicant, in spite of knowing his conduct was fraudulent

Evidence

J S Mueller & Co letter_20170131144946.pdf

10 December 2012

After two insurance claims in amount of \$13,082.29 without disclosure to owners, Solicitor Adrian Mueller secretly initiated legal costs recovery at CTTT without owners corporation knowledge or approval

Evidence

Solicitor-Adrian-Mueller-secretly-initiated-legal-cost-recovery-without-owners-corporation-knowledge-or-approval-in-spite-of-already-paid-two-insurance-claims-10Dec2012.pdf

12 December 2012

Minutes of committee meeting held on 5 December were published, and no approval for Solicitor Adrian Mueller was listed to proceed with CTTT case for legal costs recovery

Evidence

SP52948-EC-Minutes-5Dec2012.pdf

24 February 2013

- Applicant issued summonses to BCS Strata Management Peter Bone to produce evidence and access to strata files (including evidence of signed Standard Costs Agreement for Solicitor Adrian Mueller)
- Solicitor Adrian Mueller actively worked to prevent summonses at CTTT and charged Respondent for his services

Evidence

Peter-Bone-CTTT-request-to-issue-summons-scanned-document-25Feb2013.pdf

SP52948-Mueller-invoice-13Mar2012-BCS3353890.pdf

26 February 2013

- After notice of issue of summonses to strata manager Peter Bone, there was an anonymous phone call to Applicant (male voice) with clear instruction to stop CTTT cases or risk own life, with suggestion to disappear from complex
- Similar threat happened in 2012 but was dismissed by Applicant as "prank call"
- Anonymous letterbox threat "urging" Applicant to disappear from complex was reported to Police (and ignored by them) in Event E45617744 on 6 October 2011
- Applicant reported it to Fair Trading NSW Minister, Bamfield auditors, and CTTT but was ignored
- Solicitor Adrian Mueller was fully aware of threats to Applicant

Evidence

SP52948-Lot-158-email-to-Fair-Trading-Minister-2013.pdf

NSW-Minister-reference-FTMIN13-561-promise-to-investigate-death-threat-and-other-issues-in-CATT-cases-12-50460-and-12-32675-22Mar2013.pdf

SP52948-Single-file-for-extension-of-time-CTTT-13-50737-complaint-about-CTTT-bias-46-pages-including-Thode-ignorance-15Nov2013.pdf

20131113-INQUIRY_ Bamfield Audit Report for Strata Plan 52948 on 10 October 2013-1682.pdf

27 February 2013

- Applicant issued updated summonses to BCS Strata Management Peter Bone to produce evidence and access to strata files (including evidence of signed Standard Costs Agreement for Solicitor Adrian Mueller)
- Applicant issued updated summonses to Chairperson Bruce Copland to produce evidence and access to strata files
- Applicant issued updated summonses to Treasurer John Ward produce evidence and access to strata files
- Applicant issued updated summonses to Assistant Treasurer Maureen McDonald to produce evidence and access to strata files
- Solicitor Adrian Mueller actively worked to prevent summonses at CTTT and charged respondent for his services

Evidence

Peter-Bone-produce-documents-summons-short-v2-27Feb2013.docx

Bruce-Copland-produce-documents-summons-short-v2-27Feb2013.docx

John-Ward-produce-documents-summons-short-v2-27Feb2013.docx

Maureen-McDonald-produce-documents-summons-short-v2-27Feb2013.docx

SP52948-Mueller-invoice-13Mar2012-BCS3353890.pdf

28 March 2013

At rushed paper committee meeting (four committee members did not vote and out of five others two were unfinancial to vote and be elected on the committee – Mr. Stan Pogorelsky and Mr. Moses Levitt), decision was made not to approve Solicitor Adrian Mueller's attendance at CTTT Hearing scheduled for 15 April 2013

Evidence

SP52948-Minutes-paper-EC_meeting-28Mar2013.pdf

11 April 2013

BCS Strata Management published false Income & Expenditure Report under Regulation 39 for strata plan SP52948, with total legal costs in period 1 September 2012 to 28 February 2013 listed as only \$200.00

Evidence

SP52948-FONTENOY_FIN REPORT_SEP2012_FEB2013-balance-sheet.pdf

15 April 2013

- At CTTT Hearing, when asked by Applicant to prove he was legal to attend the event, Solicitor Adrian Mueller stated:

What I wish to do is... continue with the Hearing today on proviso that I am able to tender some evidence on this issue. Evidence which I've only discovered... Material...

There's two documents: Second document is email from the Strata manager to me on 6th of August 2012 returning the signed copy of my costs agreement... and the costs agreement... signed by the strata manager on behalf of the owners corporation...

And I apply... to... tender of these documents today on the basis that I've only been informed of the challenge...

- Solicitor Adrian Mueller withheld information from CTTT about his legal costs
- He also persuaded the Tribunal member that the Motion at the EC meeting was accidentally mistaken for Fair Trading NSW mediation case SM12/1537JR although the Solicitor knew quite well that the mediation case was closed on 27 March 2013.

Evidence

Certified audio recordings of the Hearing which Applicant obtained from CTTT

23 April 2013

Under pressure from Applicant and Lot 98 (retired University professor with background in statistics and mathematics), BCS Strata Management published amended version of Income & Expenditure Report under Regulation 39, and listed legal costs as \$12,914.65

Evidence

OFFICIAL_REQUEST__Secretary_of_the_EC_to_explain_six-monthly_balance_sheet_for_FY_2013_and_another_discrepancy-14Apr2013.pdf

SP52948-Accounting-balance-sheet-1Sep2012-to-28Feb2013-CORRECTION-on-23Mar2013-img-423171440-0001.pdf

15 April 2013

Straight after the Hearing, Solicitor Adrian Mueller sent secret email to BCS Strata Management and committee Chairperson Bruce Copland

From: Adrian Mueller [mailto:adrian.mueller@bcstrata.com.au]
Sent: Monday, April 15, 2013 6:12 PM
To: peterb@bcstrata.com.au; Bruce Copland; paul.banoob@bcstrata.com.au
Subject: Re: SP52948 - CTTT Appeal (22012)
Importance: High

Dear All,

I attach letter reporting on today's CTTT hearing.

I need you to immediately do the following:

1. Confirm when Raine & Horne Strata Sydney received my letter dated 2 July 2012 advising that Mr Baljevic had lodged an appeal against the adjudicator's decision.
2. Provide me with complete copies of the notice and minutes of the executive committee meetings held on 9 July 2012 and the next meeting held in August 2012.
3. Confirm that Gary Webb signed my costs agreement on 25 July 2012 on behalf of the owners corporation.
4. Convene another executive committee meeting to be held by this Friday, 19 April 2013 and to place on the agenda for and, if thought fit, pass the motions which appear towards the end of my attached letter (those motions may require amendment - you should consult with me before sending the meeting notice).

Regards

Adrian Mueller

Solicitor

Evidence

SP52948-Solicitor-Adrian-Mueller-Giving-Secret-Advice-to-Bruce-Copland-and-BCS-Strata-Management-Provide-Signed-Contract-Under-Pressure-After-CTTT-Hearing-15Apr2013.png

17 April 2013

Applicant, even without having knowledge of secret preparation of signed version of Standard Costs Agreement, sent request to Solicitor Adrian Mueller and BCS Strata Management to withdraw CTTT case SCS 12/32675 – response was never received

Evidence

SP52948-SCS-12-32675-paper-EC-meeting-on-26Apr2013-for-Solicitor-and-Respondent-16Apr2013-withdraw-CTTT-case-request.docx

19 April 2013

• Solicitor Adrian Mueller prepared falsified evidence in Statutory Declaration for CTTT on behalf of BCS Strata Management Peter Bone, which implied that he received signed Standard Costs Agreement by email from SP52948 strata manager who as legally representing owners corporation on the day (his Standard Costs Agreement was allegedly signed by Mr. Gary Webb but sent by different strata manager Mr. Peter Bone who was only introduced to represent SP52948 on 22 August 2012):

5. On 9 July 2012 the members of the executive committee held an emergency meeting at which it was *“unanimously resolved to appoint Adrian Mueller to represent the owners corporation at the directions hearing and to enter into an appropriate costs agreement noting that this may incur costs up to \$12,000 [in the CTTT appeal]”*.
6. On 16 July 2012 the owners corporation’s lawyer sent by email to the strata manager a costs agreement concerning the CTTT appeal with a cost disclosure estimating that the lawyer would charge the owners corporation \$11,550 to act in the CTTT appeal.
7. On 25 July 2012 the then strata manager of the owners corporation, Gary Webb, signed the lawyer’s costs agreement on behalf of the owners corporation and the signed costs agreement was emailed to the lawyer by the strata manager on that day.
8. On 22 August 2012 the executive committee held its next meeting the minutes of which relevantly record the following: *“As minuted on 9 July 2012, Mr Adrian Mueller of JS Mueller & Co had been engaged to represent the OC at the CTTT hearing held on 8 August 2012. DB is appealing against the decision by CTTT to dismiss his application for orders against the OC. The lawyer estimated the OC legal costs may reach \$12,000.”*

Statutory Declaration by Peter Bone (fully prepared by Solicitor Adrian Mueller) stated:

5. On 16 July 2012 I received by email from Adrian Mueller of JS Mueller & Co Solicitors a document headed “Standard Costs Agreement”. Annexed hereto and marked “D” is a copy of Mr Mueller’s email to me dated 16 July 2012 and a copy of the Standard Costs Agreement attached to that email also dated 16 July 2012.
6. On 25 July 2012 the Standard Costs Agreement was signed by Gary Webb on behalf of the owners corporation. I know Gary Webb personally. He is employed by Raine & Horne Strata - Sydney. Mr Webb was the person at Raine & Horne Strata Sydney who throughout July 2012 was the person responsible for the day to day strata title management of the owners corporation. I have seen Mr Webb sign documents previously and I recognise the signature on the costs agreement as his signature.
7. On 25 July 2012 I emailed to Adrian Mueller a copy of the Standard Costs Agreement signed by Gary Webb. Annexed hereto and marked “E” is a copy of my email to Mr Mueller dated 25 July 2012 and a copy of the Standard Costs Agreement signed by Gary Webb attached to my email.

Solicitor’s own letter to Applicant and Tribunal on 19 April 2013 conflicted statements in Statutory Declaration by strata manager Peter Bone

Evidence

Peter-Bone -SD-declaration-19Apr2013.pdf

Letter-to-TribunalCommission-by-courier-19Apr2013.pdf

10 May 2013 (third CTTT Hearing)

Solicitor Adrian Mueller continued to mislead CTTT about his legal engagement in email to Mr. Peter Bone and Mr. Paul Banoob:

During the hearing I presented submissions concerning the question of whether or not I had been properly retained by the owners corporation to act for it in the appeal. I also made submissions explaining why the owners corporation contends [redacted] should be ordered to pay its costs of the appeal. [redacted] made submissions on the question of my retainer and the costs order sought by the owners corporation.

14 May 2013

- After third CTTT Hearing in case SCS 12/32675, Applicant sent request to Solicitor Adrian Mueller to return private property and reimburse owners corporation for his unapproved work
- Solicitor responded on 14 May 2013, providing further false statements and refuting Applicant's claims (even stating that CTTT gave him files, which was not true)

Evidence

20130514-Re_OFFICIAL REQUEST on 10 May 2013_ Immediate return of private property and reimbursement of Invoice on 6 March 2013-29293.pdf

J S Mueller Co letter-CTTT-10May2013.pdf

31 January 2014 (District Court appeal)**13 February 2014 (District Court mediation)**

- Solicitor Adrian Mueller presented Affidavit by BCS Strata Management Peter Bone, knowing that it contained false information about Applicant never being denied access to strata files, which is easily refuted by following evidence:

12 November 2012

15 November 2012 (complaint to BCS Strata Management that Respondent failed to honour Agreement signed by Solicitor Adrian Mueller during CTTT hearing on 17 October 2012)

8 March 2013

5 June 2013

17 October 2013

- Solicitor Adrian Mueller's Standard Costs Agreement in District Court case 2013/360456 approved costs in amount of \$16,500.00 (GST inclusive) whilst Solicitor Adrian Mueller charged \$20,866.75 (GST inclusive) without owners corporation approval or knowledge (similar problem happened in CTTT case SCS 12/32675: alleged Standard Costs Agreement for Solicitor Adrian Mueller approved \$11,550.00 (GST inclusive) whilst Solicitor charged \$28,511.24 (GST inclusive) without owners corporation approval or knowledge)

Evidence

Affidavit-by-BCS-Strata-Management-to-District-Court-31Jan2014.pdf

District-Court-13-360456-Lot-158-Affidavit-4Feb2014.pdf

BCS8420767-District-Court-Deed-13Feb2014.pdf

BCS-Strata-Management-Paul-Banoob-Manager-False-Assurances-for-Access-to-Documents-Nov2012.pdf

20130308-Strata Plan 52948 - 1-15 Fontenoy Road North Ryde-1486.pdf

20130605-FW_ REQUEST FOR ACCESS TO DOCUMENTS_ SP52948 for CTTT case SCS 12_50460 on 5 June 2013-163.pdf

SP52948-Lot-158-cost-submission-reply-27Feb2022.pdf

SP52948-SSMA-1996-Section-108-Document-Viewing-written-notes-by-Peter-Bone-17Oct2013.docx

SP52948-Lot-158-cost-submission-reply-27Feb2022.pdf

SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-whilst-not-authorized-to-represent-owners-corporation-in-period-2012-to-2021.pdf

Insurance claims for Solicitor Adrian Mueller's alleged legal costs in SCS 12/50460 and SCS 12/32675

- SP52948 Lot 3 Insurance Claim 1 on 31 August 2012 (\$367.64)
- SP52948 Lot 3 Insurance Claim 2 on 7 December 2012 (\$12,714.65)
- SP52948 Lot 3 Insurance Claim 3 on 2 May 2013 (\$1,320.00)
- SP52948 Lot 3 Insurance Claim 4 on 4 June 2013 (\$10,517.02)

Evidence

Adrian-Mueller-insurance-claim-1-for-non-existent-CTTT-event-defence-of-Lot-3-31Aug2012.pdf

Adrian-Mueller-insurance-claim-2-for-non-existent-CTTT-event-defence-of-Lot-3-7Dec2012.pdf

Adrian-Mueller-insurance-claim-3-for-non-existent-CTTT-event-defence-of-Lot-3-2May2013.pdf

Adrian-Mueller-insurance-claim-4-for-non-existent-CTTT-event-defence-of-Lot-3-4Jun2013.pdf

23 March 2017

CHU Insurance forced Respondent to replay \$8,800.00

22 August 2018 and many times since then

Solicitor Adrian Mueller and Respondent failed to assist OLSC and Police with fraud investigations in Event E65804633, including evidence that these emails existed as per Statutory Declaration by Peter Bone (solely prepared by Solicitor Adrian Mueller) and Solicitor's own letter to CTTT on 19 April 2013:

- Unredacted Email from Solicitor Adrian Mueller to Branch Manager Paul Banoob dated 5 July 2012 at 04:41 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email from Branch Manager Paul Banoob to Strata Manager Gary Webb dated 5 July 2012 at 04:57 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email to EC members from BCS Strata Management Gary Webb dated 6 July 2012 at 08:32 am (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 6 July 2012 at 12:48 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 9 July 2012 at 10:18 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email from Solicitor Adrian Mueller to BCS Strata Management Peter Bone dated 16 July 2012 at 6:52 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email from BCS Strata Management Peter Bone to Solicitor Adrian Mueller dated 25 July 2012 at 2:13 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)
- Unredacted Email from BCS Strata Management Debbie Downes to EC members dated 16 April 2013 at 1:52 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Police confirmed that Solicitor Adrian Mueller "could not locate files", in spite of legal obligation to keep all evidence for seven years after the closure of CTTT case.

Evidence

SP52948-repayment-of-8800-dollars-to-CHU-Insurance-in-2017-for-invalid-claim-for-alleged-CTTT-defence-of-Lot-3-in-2012-and-2013.pdf

20180822-Re_E65804633 for Detective Sergeant Benson on 21Aug2018 [DLM=For-Official-Use-Only]-20128.pdf

14 November 2019

Solicitor Adrian Mueller response to O'Brien Criminal & Civil Solicitors, preventing Applicant's access to strata files:

_____ has undertaken repeated inspections of the records of the owners corporation. The representatives of the owners corporation consider that all available records of the owners corporation were made available to _____ during those inspections as a result of which if _____ does not have any records that he desires that is because those records are likely not available.

Equally importantly, if _____ is truly prepared to confine his communications to matters relating to the maintenance and repair of lot 158 only, and to cease and desist from disseminating what the representatives of the owners corporation consider to be defamatory material about them, then what is the purpose of _____ pressing for the records to be produced to him?

In the circumstances, the representatives of the owners corporation do not consider that there is any merit in _____ request for those records to be provided to him and they are not prepared to agree to the request.

Evidence

Letter to O'Brien Criminal & Civil Solicitors.pdf

24 April 2020

O'Brien Criminal & Civil Solicitors sent demands to Respondent including request to access strata files, no reply was ever received

Evidence

Lot158Letter24April.pdf

Four versions of Standard Costs Agreement

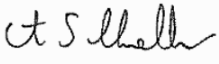
a) Standard Costs Agreement had no signature on behalf of Respondent when BCS Strata Management initiated official insurance claims for legal costs in spite of CHU Insurance warnings about high risks on 28 August 2012 document deliberately undisclosed to CTTT and Applicant by Solicitor Adrian Mueller)

Initialisation of insurance claim on 28 August 2012

BCS Strata Management initiating insurance claim process for legal expenses on 28 August 2012, backdated to 8 August 2012 when Executive Committee and BCS Strata Management engaged Solicitor Mr. Adrian Mueller without approval of owners corporation. Document title in strata files is "legal defence costs claim_20170131144949". This document does not have signature in Standard Costs Agreement:

I. **Authorisation to Transfer Money from Trust Account**

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the *Legal Profession Regulation 2005*.

Signed:	
Client	Date
	16 July 2012
Solicitor	Date

b) Solicitor Adrian Mueller provided his Standard Costs Agreement which had no signature on behalf of Respondent to CTTT on 29 January 2013

Solicitor's submission to CTTT on 29 January 2013

The following screenshot was part of submission sent by Solicitor Mr. Adrian Mueller, allegedly representing strata plan SP52948 to CTTT on 29 January 2013. Of special importance is the fact that the Solicitor's Standard Costs Agreement on page 19 did not contain signature on behalf of strata plan SP52948, hence no legal approval to engage him:

I. **Authorisation to Transfer Money from Trust Account**

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the *Legal Profession Regulation 2005*.

Signed:	
Client	Date
	16 July 2012
Solicitor	Date

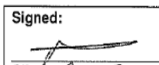
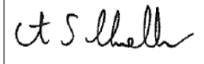
c) BCS Strata Management strata manager Paul Banoob signature on behalf of Respondent on Solicitor Adrian Mueller's Standard Costs Agreement backdated to 17 July 2012 but actually created on 16 April 2013 after CTTT hearing request for proof that Solicitor Adrian Mueller had been legally engaged since 2012 (document deliberately undisclosed to CTTT and Applicant by Solicitor Adrian Mueller)

Branch Manager Mr. Paul Banoob secret signed document dated 17 July 2012 that was created on 16 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot was found as part of document in strata files on 13 June 2017, four years after the events. This allegedly signed Standard Costs Agreement titled "JS Mueller Costs Agreement", was never presented to owners, CTTT, Department of Fair Trading, and District Court. It was allegedly signed by Branch Manager Mr. Paul Banoob on 17 July 2012:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the *Legal Profession Regulation 2005*.

Signed: 	as per Emergency meeting of 17/7/12
Client Paul Banoob	EC on 9 July 2012
	16 July 2012
Solicitor	Date



d) Standard Costs Agreement with signature backdated to 25 July 2012 on behalf of Respondent in Statutory Declaration prepared by Solicitor Adrian Mueller for BCS Strata Management Peter Bone to CTTT on 19 April 2013

Strata Manager Mr. Peter Bone signed document dated 19 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot is part of Statutory Declaration by Strata Manager Mr. Peter Bone to CTTT on 19 April 2013. This Standard Costs Agreement was allegedly signed by another Strata Manager Mr. Gary Webb and sent via email by Mr. Peter Bone to the Solicitor. The name of the contract file in BCS Strata Management documents with alleged signature is not what Mr. Peter Bone stated in his Statutory Declaration to CTTT "JS Mueller Standard Cost Agreement 25072012" but actually "JS Mueller Standard Costs Agreement_20170131144914", as found in strata document search on 13 June 2017:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the *Legal Profession Regulation 2005*.

Signed: 	25. 7. 2012
Client	Date
	16 July 2012
Solicitor	Date

