

Document 7

NCAT-2024-00454780-001-summons-committee-member-Stan-Pogorelsky

Tribunal or a Registrar are asked to issue a summons, requiring Mr. Stan Pogorelsky to attend at the Tribunal and give evidence, and hand over to the Tribunal and Lot 158 all SP52948 documents since Lot 158 has been a legally-valid committee member since 2011.

Most of submissions in NCAT case are provided on publicly-available secure website for all owners and investors in SP52948 since 2015, as what one would expect in open-minded democratic process, especially since Waratah Strata management (and their predecessor BCS Strata Management) did not allow owners free, or any access, access to most of strata files:

<https://www.nswstratasleuth.info/>

For selected group of protected documents, where applicable, login prompt will force NCAT and SP52948 to authenticate at this web link:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/>

Ⓜ www.nswstratasleuth.info

This site is asking you to sign in.

Username

Password

Cancel Sign in

For security reasons, and as per best practices, login details are provided in a separate email.

1) Formally, latest Lot 158 request for access to documents (repeated many times in the past) was ignored since 2 September 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-request-access-to-strata-documents-2Sep2024.pdf>

Updated version for NCAT Hearing:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-request-access-to-strata-documents-Jan2025.pdf>

2) Mr. Pogorelsky has not been financial since 1999 and illegally occupied the committee member's position, preventing Lot 158 from that role without disclosure to owners, CTTT/NCAT, and NSW Fair Trading.

Evidence in document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1, Section 1 to 1.14.**

3) Mr. Pogorelsky, whilst unfinancial, not only caused direct losses to Lot 158 for document searches whilst Lot 158 was legally valid committee member, and was a direct accessory to preventing access to many strata documents, directly hampering investigations by NSW Fair Trading, CTTT and NCAT, Office of Legal Services Commissioner, New South Wales Law Society, Police, District Court, and Supreme Court.

Evidence in document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1, Section 14 to 14.19.**

3.1) At CTTT Hearing in case SCS 12/32675 on 17 October 2012, Solicitor Adrian Mueller, who showed up without approval at any committee or general meeting, and without evidence of Standard Costs Agreement, signed document to provide strata files to Lot 158, as ordered by the Tribunal:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-Solicitor-agreement-about-access-to-files-17Oct2012-received-on-22102012.pdf>

Solicitor Adrian Mueller lied to the Tribunal. Most of the requested files were not provided.

3.2) Mr. Pogorelsky, whilst unfinancial, to protect own greed and interest of group of his friends, prevented access to CCTV recordings 10 times (even Police did not get access to them). Few examples:

<https://www.nswstratasleuth.info/SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-allowed-CCTV-evidence-to-be-overwritten-23Jul2020.html>

<https://www.nswstratasleuth.info/SP52948-reminder-to-Waratah-Strata-Management-about-failures-to-provide-CCTV-recordings-6Apr2023.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-request-for-CCTV-retention-in-Police-Event-E95762188-on-13Apr2023.html>

4) Mr. Pogorelsky is not a valid member of the committee and has never been since late 1999. By forging his alleged privileges and financial status, he directly prevented Lot 158 from acting as valid committee member and conducting duties that the role provides (refer to **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3**).

Lot 158 had (and still has) legal duty and moral obligation to report all activities that are illegal or crime-related. The Australian Government has passed the National Anti-Corruption Commission Act 2022 and legislation amending the Public Interest Disclosure Act 2013. Fraud is dishonestly obtaining a benefit, or causing a loss, by deception or other means. Corrupt conduct includes:

Section 8(a):

Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:

(i) The honest or impartial exercise of any public official's powers, as a public official; or

(ii) The honest or impartial performance of any public official's functions or duties as a public official.

- Most of notices of SP52948 meetings failed to disclose the following legal requirement as per SSMA 2015, Section 18 Disclosure of pecuniary interests. Free form of the requirement:

ADDRESSING CONFLICT OF INTEREST - If a strata committee member has a monetary or other interest that could raise a conflict of interest in relation to matter to be considered by the committee, this interest must be disclosed at a meeting of the committee. After a member has made this disclosure they must not be present when the particular matter is discussed and they cannot vote on the matter unless the committee resolves otherwise. Details about the potential conflict of interest need to be recorded.

- Mr. Pogorelsky, by not paying prescribed gas heating levies, and allowing the same for selective group of other owners, deliberately prevented owners corporation from collecting their rightful income.
- Mr. Pogorelsky, whilst unfinancial, not only prevented Lot 158 from acting as committee member, but also prevented co-owner of Lot 158 from access to strata documents as she paid 50% of fees for document searches and various penalties that were enforced through fraudulent activities by strata managers, committee members, and Solicitor Adrian Mueller.
- Mr. Pogorelsky, whilst unfinancial, prevented proxies given to Lot 158 to act on their behalf in various years.

4) Mr. Pogorelsky, and other committee members and strata managers, was informed and fully notified about summonses on 1 and 22 December 2024. No reply was received from him, strata managers, or any other committee member.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-Stan-Pogorelsky-notified-about-summons-22Dec2024.pdf>

Mr. Pogorelsky did not object to complying with the summons or any other person affected by the summons objected to the summons being complied with, and they did not try to resolve the objection with Lot 158 who applied for the summons.

5.1) On 23 January 2025, NCAT rejected the application as the summons applicant had not lodged a summons form in conjunction with the application for summons to be issued form. Lot 158 was unaware of this simple procedural error, as the process he had followed on the Tribunal web form did not provide any details of further requirement and did not prompt for the payment. That would be corrected when Lot 158 brings all documents to NCAT in person on 28 January 2025.

As per Tribunal's own processes in Section 8 and 11 of NCAT Procedural Direction 2 SUMMONSES:

8. *In addition, the Tribunal itself can direct a registrar to issue a summons but this is likely to be mainly in cases where the parties cannot apply themselves.*

11. *If a registrar decides not to issue the summons, the party applying for the summons can ask have a Tribunal Member decide whether or not the summons should be issued.*

5.2) This was the repeated request Mr. Pogorelsky was being issued with summonses.

- Mr. Pogorelsky, whilst unfinancial, actively supported Solicitor Adrian Mueller and strata manager to coerce CTTT to reject Lot 158 requests to issue summonses in case SCS 12/32675 two times in 2013.
- Summonses for strata manager Mr. Peter Bone, and committee members Mr. Bruce Copland, Mr. John Ward, Mrs. Maureen McDonald were rejected by CTTT on 5 March 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-file-CSC-12-32675-Peter-Bone-ignored-Lot-158-summons-to-produce-documents-including-signed-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-27Feb2013.pdf>

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130224-ADVANCED%20NOTICE_%20Peter%20Bone%20will%20be%20issued%20with%20CT-30260.pdf

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Peter%20Bone%20t-30306.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Bruce%20Coplan-30247.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20John%20Ward%20to-30320.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Maureen%20McDo-30261.pdf>

Tribunal rejected Lot 158 requests, without any reasonable explanations on 5 March 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-SCS-12-32675-Lot-158-submission-extended-to-15Mar2013-summons-rejected-5Mar2013.pdf>

- Summonses for strata manager and committee members (this time Mr. Pogorelsky was included too) was rejected by CTTT on 29 April 2013:

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130426-ADVANCE%20NOTICE_%20SP52948%20CTTT%20case%20SCS%2012_32675%20You-30294.pdf

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-32675-summons-26Apr2013-rejected-29Apr2013.pdf>

- On 8 May 2022, Lot 158 reminded NCAT that the Tribunal never reimbursed him for rejected summonses and even after evidence of payments was provided in additional emails, the Tribunal failed to return the money to Lot 158 on 29 September 2022:

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20220508-NCAT%20REGISTRY%20for%20Deputy%20Divisional%20Registrar_%20Upd-41409.pdf

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20220929-Re_RECEIPTS%20FOUND%20-%20NCAT%20REGISTRY%20for%20Deputy%20Divis-43054.pdf

5.3) In his belated single document (4-pages) submission to NCAT in case SC 20/33352 on 18 January 2021, Solicitor Adrian Mueller provided false statement that committee members and Waratah Strata Management did not receive access to Lot 158 secure website document. That statement is easy to refute – these are emails sent by Lot 158 to each committee member (Mr. Robert Crosbie from Waratah Strata Management refused to provide email address of Mrs. Marianna Paltikian):

SUMMARY: NCAT SC 20/33352 and files for John Gore	25/9/20, 15:52
SUMMARY: NCAT SC 20/33352 and files for Stan Pogorelsky	25/9/20, 15:53
SUMMARY: NCAT SC 20/33352 and files for Moses Levitt	25/9/20, 15:55
SUMMARY: NCAT SC 20/33352 and files for Thomas Karolewsky	25/9/20, 15:57
SUMMARY: NCAT SC 20/33352 and files for Jeffery Wang	25/9/20, 15:59
Fwd: SUMMARY: NCAT SC 20/33352 and files for EC members	25/9/20, 16:09

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-NCAT-20-33352-Solicitor-Adrian-Mueller-Submission-18Jan2021.pdf>

Mr. Pogorelsky deliberately undermined and hampered the Tribunal’s work by not attending the Hearing in NCAT case SC 20/33352.

6) In the past, CTTT and NCAT were unfriendly towards Lot 158 in regards to obtaining access to strata files, which was recognised by Ms. Janet Wagstaff, Registrar & Director, NSW Civil & Administrative Tribunal on 14 February 2023:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/C2332%20-%20letter%20-%202014%20February%202023.pdf>

I refer to your 30 January 2023 complaint about the Registry’s management of your requests to view case file SC20/33352 and for copies of documents you say are missing from the case file. I am responding to you in my capacity as NCAT’s Registrar and Director.

You say the Registry took eight months to give you requested access to the case file, finally obtaining access to the file on 8 March 2022. A review of email records shows you first requested to view the case file in March 2022. No record was found of the requests you say you sent between 19 July 2021 and 30 August 2021.

After you confirmed you wanted to view the file and paid the fee to recall it from the Government Records Repository, Registry arranged for a file viewing, advising you the file would be available from 7 March 2022. Accordingly, I am satisfied the Registry responded to your request appropriately and within a reasonable time.

You also say on 8 March 2022 you identified documents were missing from the case file and ask for access to a list of unredacted emails that were not available on the case file. A review of email records has located the documents you identified as 6.1, 6.2, 6.3, 6.6, 6.7, and 6.8. You may contact the Divisional Deputy Registrar, Ms Belinda George, by email ccdsydney@ncat.nsw.gov.au to arrange for copies. You may be required to pay the copy fee of \$2 per page. No record was found of the email you identified as 6.4. Registry does not record telephone calls so there is nothing available for the record you identified as 6.5.

It is acknowledged the Registry did not respond to your enquiry about the missing documents after the file viewing. I apologise for this lapse in Registry service and for the frustration caused. I will ask the Registrar to remind her staff of the importance of responding to enquiries in a timely fashion with appropriate procedural information.

6.1) Lot 158 actually has proof of six attempts to obtain access to files for nine months, as screenshot of emails sent to NCAT document:

Subject	Date	Recipient	Size
FIRST RESPONSE FOR COSTS TO SOLICITOR ADRIAN MUELLER NCAT File No. SC 20/33352 (JSM 37289)	19/7/21, 08:27	Adrian Mueller	1.8 MB
REQUEST FOR COPIES OF Respondent files and Audio recording of Hearings in File No. SC 20/33352	25/7/21, 14:39	NCATCCDSydney	2.2 MB
ESCALATION OF REQUEST - PART 1 - COPIES OF Respondent files and Audio recording of Hearings in File No. S...	30/8/21, 10:09	NCATCCDSydney	30.6 MB
ESCALATION OF REQUEST - PART 2 - COPIES OF Respondent files and Audio recording of Hearings in File No. S...	30/8/21, 11:29	NCATCCDSydney	5.9 MB
ESCALATION OF REQUEST - PART 4 - COPIES OF Respondent files and Audio recording of Hearings in File No. S...	30/8/21, 11:50	NCATCCDSydney	18.6 MB
ESCALATION OF REQUEST - PART 5 - COPIES OF Respondent files and Audio recording of Hearings in File No. S...	30/8/21, 11:53	NCATCCDSydney	20.7 MB
ESCALATION OF REQUEST - PART 6 - COPIES OF Respondent files and Audio recording of Hearings in File No. S...	30/8/21, 13:23	NCATCCDSydney	1.7 MB

7) Examples of events to prevent Lot 158 access to strata files and hamper investigations by Office of Legal Services Commissioner, NSW Fair Trading, CTTT/NCAT, District Court, and Supreme Court – fully supported by Mr. Pogorelsky are provided in document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-2, Section 55 to 55.16.**