

Table of Contents

Solicitor Adrian Mueller charging SP52948 for alleged full review of Lot 158 folder in NCAT case SC 20/33352, which includes his direct involvement in preventing Lot 158 Motions and Police investigations at AGM 2017.....	2
Advice by Solicitor Adrian Mueller in secret email to Waratah Strata Management on 23 August 2017 how to prevent Lot 158 Motions for Annual General Meeting in October 2017.....	3
Template of letter Solicitor Adrian Mueller prepared on 23 August 2017 for Waratah Strata Management with instructions to send it to Lot 158 as close to Annual General Meeting 2017 so that there would be no time to update agenda for the meeting.....	4
Extract from Waratah Strata Management minutes of committee meeting on 18 September 2017, with false statement to owners that Lot 158 Motions were being considered for agenda for Annual General Meeting.....	5
Letter sent by Waratah Strata Management to Lot 158 on 10 October 2017 (only 16 days before the Annual General Meeting), rejecting to put any Motions for owners to consider and vote.....	6
Some of the Lot 158 Motions excluded from agenda for Annual General Meeting 2017.....	7

Solicitor Adrian Mueller charging SP52948 for alleged full review of Lot 158 folder in NCAT case SC 20/33352, which includes his direct involvement in preventing Lot 158 Motions and Police investigations at AGM 2017

Date	Description
23 Oct 20	Perusing email from strata manager providing instructions to act for owners corporation in NCAT case
26 Oct 20	Perusing NCAT application lodged by Mr & Mrs [redacted]
27 Oct 20	Exchanging emails with strata manager regarding date of NCAT hearing
12 Nov 20	Perusing email from strata manager regarding potential cross application against [redacted] concerning enforcement of unreasonable communications by-law
13 Nov 20	Perusing communications passing between Mr [redacted] and NCAT concerning extensions of time to deliver evidence and perusing NCAT notices of procedural directions, extensions of time to comply with procedural directions and hearing details
23 Nov 20	Exchanging emails with strata manager regarding NCAT timetable and service of evidence by owners corporation
09 Dec 20	Perusing statutory declaration and folder of documents served by [redacted] (500 pages)
10 Dec 20	Perusing further documents in folder of documents served by Mr [redacted] (204 pages) in NCAT case
10 Dec 20	Drafting schedule of observations regarding statutory declaration of [redacted]
10 Dec 20	Drafting schedule of observations regarding evidence of Mr & Mrs [redacted]
11 Dec 20	Letter to you providing advice on prospects for success in NCAT case
11 Dec 20	Email to NCAT providing contact details for telephone hearing

Lot 158 Folder contained the following documents, among the others:

- SP52948-Solicitor-Adrian-Mueller-advice-on-23Aug2017-how-to-remove-Motions-by-Lot-158-and-prevent-them-for-AGM2017-by-simply-sending-letter-to-Lot-158-on-the-day-of-agenda-being-sent-in-October-2017-which-would-not-give-enough-time-for-amended-agenda.png, pages 535-536
- SP52948-Waratah-Strata-Management-secret-letter-to-exclude-Lot-158-Motions-23Aug2017, pages 537-538
- SP52948-Waratah-Strata-Management-followed-Solicitor-Adrian-Mueller-advice-on-23Aug2017-to-exclude-Lot-158-Motions-without-grounds-for-AGM2017-sent-on-10Oct2017.pdf, pages 539-540

Advice by Solicitor Adrian Mueller in secret email to Waratah Strata Management on 23 August 2017 how to prevent Lot 158 Motions for Annual General Meeting in October 2017

23 August 2017

necessary for any such letter to be sent by us to Mr [redacted]. We have, therefore, drafted a letter for the strata managing agent of the owners corporation to send Mr [redacted]. That letter merely states that the requests Mr [redacted] has made for motions to be included in the agenda of the next general meeting generally do not comply with the strata legislation as a result of which the overwhelming majority of those motions will not be included in the agenda of the next general meeting. The owners corporation does not fall under any obligation to give Mr [redacted] reasons for rejecting his motions as a result of which the letter we have drafted does not do so.

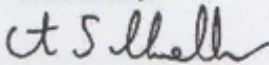
3.6. Next Steps for Inclusion of Motions in Agenda of General Meeting

Once the owners corporation informs Mr [redacted] that most of his motions will not be included in the agenda of the next general meeting, you should anticipate that Mr [redacted] will object to that decision and, possibly, submit a revised request for the inclusion of motions in the meeting agenda. We therefore recommend that you inform Mr [redacted] that his motions will not be included in the agenda of the next general meeting at the same time as the meeting agenda is served on owners.

Further, after the meeting is held, you should anticipate that Mr [redacted] may take legal action against the owners corporation for refusing to include his motions in the agenda of the general meeting, and, therefore, the owners corporation will need to be able to justify its decision not to include those motions in the agenda, if necessary, before the NSW Civil and Administrative Tribunal.

We trust that our advice will prove helpful and we **attach** our memorandum of fees. Thank you for your instructions.

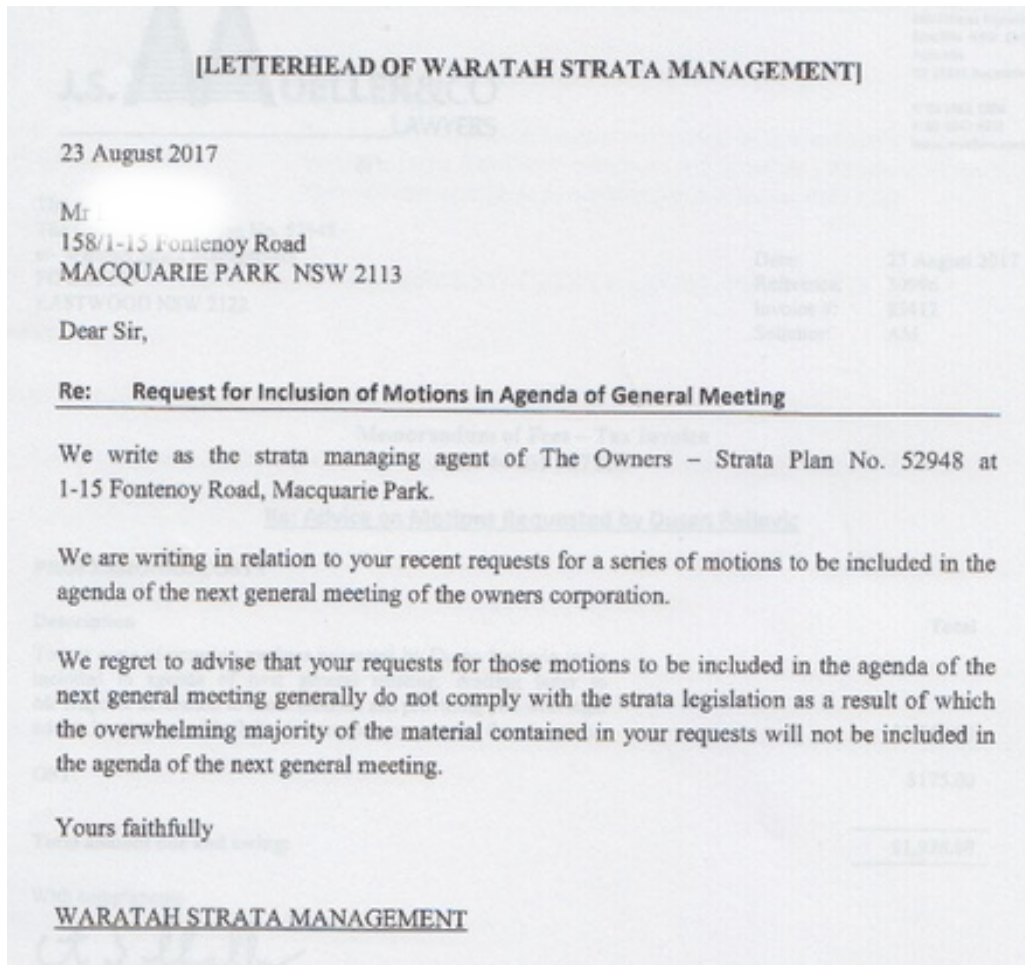
Yours faithfully



J.S. MUELLER & CO
Encl.

Per: Adrian Mueller

Template of letter Solicitor Adrian Mueller prepared on 23 August 2017 for Waratah Strata Management with instructions to send it to Lot 158 as close to Annual General Meeting 2017 so that there would be no time to update agenda for the meeting



Extract from Waratah Strata Management minutes of committee meeting on 18 September 2017, with false statement to owners that Lot 158 Motions were being considered for agenda for Annual General Meeting

Correspondence

has recently provided an updated 83 page document listing motions he requires to be placed on the agenda of the forthcoming AGM. These motions are currently being considered.

By-Law Review

The draft by-laws prepared by Jane Crittenden and Adrian Mueller are to be amended as discussed at the meeting by John Gore, redistributed to the committee and then provided to the solicitors to update as required. The amended by-laws will then be added to the AGM agenda.

AGM MOTIONS

Resolved that the following motions that are to be included on the AGM agenda:

Window Cleaning (as discussed above).

Proposed By-Laws (as discussed above).

Caretaker Contract: That the Owners Corporation enter into a new 3 year contract with Uniqueco Pty Ltd to provide caretaking services to the property.

Letter sent by Waratah Strata Management to Lot 158 on 10 October 2017 (only 16 days before the Annual General Meeting), rejecting to put any Motions for owners to consider and vote

Strata  **Management**

Address: P.O. Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598
Email: enquiry@waratahstrata.com.au Web: www.waratahstrata.com.au

10 October 2017

Mr L
158/1-15 Fontenoy Road,
MACQUARIE PARK NSW 2113

Dear Sir,

RE: STRATA PLAN 52948, 1-15 FONTENOY ROAD, MACQUARIE PARK

We write as the strata managing agent of The Owners – Strata Plan 52948 at 1-15 Fontenoy Road, Macquarie Park.

We are writing in relation to your recent requests for a series of motions to be included in the agenda of the next general meeting of the Owners Corporation.

We regret to advise that many of your requests for those motions to be included in the agenda of the next general meeting generally do not comply with the strata legislation, as a result of which the overwhelming majority of the material contained in your requests will not be included in the agenda of the next general meeting.

Yours faithfully,
WARATAH STRATA MANAGEMENT PTY LTD

Robert Crosbie

Strata Manager

Some of Lot 158 Motions excluded from agenda for Annual General Meeting 2017

Note: Mr. [redacted] submitted 76 additional motions which were reviewed by strata lawyers on behalf of the Owners Corporation. The solicitors advice was that the additional motions provided were not compliant with the requirements of strata legislation and were therefore not required to be included in this agenda.

Full Motions for all applicable years are on secure website: [SP52948-Lot-158-Motions](https://www.securestrata.com.au/SP52948-Lot-158-Motions)

Examples of excluded Motions:

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.

Explanatory Notes:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Secretly-Engaging-Solicitor-Illegally-and-Making-Fraudulent-Insurance-Claims-2012-2013.pdf>

Motion: Confirm Payments to Solicitor Mr. Adrian Mueller

The Owners Corporation SP52948 by ORDINARY RESOLUTION, 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, confirming some actions by the Solicitor in non-compliance with legal acts, 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 ORDINARY RESOLUTION, 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.

Motion: Financial Losses to Lot 158 due to actions by BCS Strata Management and EC members

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

Partial listing of direct losses to Lot 158 due to reported mismanagement of SP52948 with evidence, and undisclosed benefits to selective owners and EC members without Special By-Laws and Special Resolutions:

- \$26,500.00 for payments to SP52948 for dismissed CTTT cases and decision in District Court in 2014, plus costs for postage and handling, and strata document searches without being provided access to files, amounting to additional around \$2,700.00:

Lot 158 payment to SP52948 in amount of \$10,000.00 on 13th of February 2014.

Lot 158 payment to SP52948 in amount of \$16,500.00 on 7th of March 2014.

- \$2,737.90 for payments to Chambers Russell Lawyers for forced defense at District Court.
- 218th part of loss in SP52948 funds in amount of \$72,650.99 (complex has 218 properties) due to secret gas and water reimbursements without owners corporation approval (no Special By-Law and Special Resolution) in period 1999 to 2013 (details for financial years 1999, 2000, 2001, 2002, 2005, and 2006 are undisclosed by BCS Strata Management, Waratah Strata Management, and Executive Committee).
- 218th part of \$851.56 for secret courier expenses that were incurred by SP52948 for urgent document delivery to Solicitor Mr. Adrian Mueller on 19th of April 2013.
- 218th part of loss in SP52948 funds in amount \$17,990.00 due to overpaid contract for BCS Strata Management in 2012, 2013, 2014, 2015, and 2016, as per secret negotiation between single EC member and BCS Strata Management NSW Manager Mr. Greg Freeman dated 24th of October 2011. Loss per year to owners and myself: "loyalty discount" was supposed to decrease contract value from \$33,498.00 to \$29,900.00. BCS Strata Management "won" contracts without tender in all years between 1999 and 2016.
- 218th part of loss in SP52948 funds in amount of \$63,318.77 (GST included) for payments to Solicitor Mr. Adrian Mueller for CTTT events and four reviews of Lot 158 Motions at general meetings without full disclosure to owners corporation.
- 218th part of loss in SP52948 funds in amount of \$8,800.00 for repayment to CHU Insurance in March 2017, who, four years after the event, declared that owners corporation did not have right to make such claim.
- 218th part of loss in SP52948 funds: Based on all available documents and minutes of meetings, so far the conclusion that can be reached with reasonable level of confidence is that the four EC members alone (Mrs. Lorna Zelenzuk Lot 3, Mr. Upali Aranwela Lot 62, Mr. Moses Levitt Lot 147, and Mr. Stan Pogorelsky Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings. The evidence shows that gas levies were set to \$200.00 as early as 21st of July 1999 but never paid by EC members and owners with second gas connection until 2015.
- 218th part of loss in SP52948 funds in amount of around \$14,000.00 for overpaid payments to Building Manager Universal Property Services for decreased security guard working hours during whole 2014, which BCS Strata Management and EC members ignored in spite of advance notice on 1st of December 2013 and was orally reported at AGM 2014 but not disclosed to owners in Minutes of the meeting.

Motion: Retrospective payments into common funds as per Special By-Law 12 "Control of common gas supply"

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

- BCS Strata Management and EC members failed to provide evidence of compliance with Special By-Law 12 "Control of common gas supply" in regards to properly applied retrospective charges to ALL owners who failed to declare second gas supply connections,
- In period from 21st of July 1999 (EC meeting) till 6th of May 2013 when the Special By-Law 12 was registered, the levies were struck at \$200.00 per year (plus GST since 2000),
- In period since 6th of May 2013, the applicable gas levies were \$50.00 per year, set up by BCS Strata Management and EC members with direct intention to defraud owners corporation of its rightful income since 1999 and without consultation with owners corporation,
- At EC meeting held on 16th of March 2017, the gas levies were increased to \$220.00 per year.
- EC members with second gas connection who failed to disclose for how many years they did not pay the levies in accordance with EC decisions in 1999:

Mrs. Lorna Zelenzuk, Lot 3
Mr. Upali Aranwela, Lot 62 (ex-EC member)
Mr. Stephen Luxmoore, Lot 144
Mr. Moses Levitt, Lot 147
Mr. Stan Pogorelsky, Lot 181

- Townhouses that have second gas connections but were receiving reimbursements for private gas usage for many years:

Lots 194, 199, 206, and 209.

- EC meeting 17 May 1998: Application by owner of townhouse 213 and the EC approval that all future gas costs were to be met by the owner, so this owners should have never received reimbursements for personal gas usage that they claimed for 19 years.
- Current EC members Mrs. Lorna Zelenzuk (Secretary of the EC), Mr. Moses Levitt, and Mr. Stan Pogorelsky (Chairperson of the EC) failed to declare the special conflict of interest in this issue.

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).

- Addendum to notice for AGM 2016 contained unexplained accounting details for gas charges that differ in their amounts, did not provide details for period they applied, and confirmation if these owners were allowed to vote at previous general meetings,
- BCS Strata Management and EC members failed to provide evidence of those owners who did not pay for second gas connection but declared financial at general meetings,
- Waratah Strata Management, on behalf of owners corporation, shall invoice all owners (in buildings and townhouses) retrospectively, including EC members, including 10% yearly fee for late payment, through one of the three applicable options:
 - From date of provided evidence of approval for the installation of the gas heating connection, or
 - From date of provided evidence of installation of gas heating connection by certified plumber, or
 - For period of last seven years if two above options do not apply.
- Lot 158 has electronic evidence of strata audited accounts for 12 years and EC members can easily verify and produce details for all other years.
- The invoices shall be sent within four weeks after the general meeting.

Motion: Eliminate racial profiling of Asian community

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

- BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members submitted specific Asian community to unnecessary racial profiling by displaying messages on notice boards exclusively in their language three times in period 2015/2016,
- Strata Managing Agent, Building Manager, and EC members shall not approve or publish any communication on behalf of SP52948 in other languages unless the same note is displayed in English for the duration of the display,
- Owners and/or tenants of non-English speaking background shall be approached privately by Strata Managing Agent, Building Manager, and EC members, and appropriate communication established if required,
- Owners corporation condemns every attempt to racially discriminate or profile any community, nationality, or religion.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

Motion: Ignored request for EGM by Waratah Strata Management and EC members in June 2017

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

- On 25th of June 2017 Lot 158 submitted a request for Extraordinary General Meeting (EGM) to EC members and Waratah Strata Management. Secretary of the EC, Mrs. Lorna Zelenzuk, had legal obligation to respond, which she did not comply with. The reasons for the meeting were strong and involve the fact that SP52948 had number of EC members with lack of duty of care over years, were unfinancial, and non-compliant AGM 2016, including deliberately removed Motions to recover lost revenues in common funds.
- More than half of all owners in the complex were approached by Lot 158 if they had ANY concern or objections to the EGM, including members of the EC during June 2017. None of them sent any complaints or objections.
- Lot 158 uncovered a document that, with full confidence, confirmed that engagement of Solicitor Mr. Adrian Mueller in 2012/2013 was based on signed contract that does not stand any grounds and was started through illegal EC meeting held in Unit 181 (Mr. Stan Pogorelsky) on 9th of July 2012 when he was unfinancial member of the committee). Only one item CTTT took as "evidence" of validity of Solicitor's engagement: allegedly signed contract on 25th of July 2012. Lot 158 got in his possession BCS Strata Management document disputing their own Statutory Declaration at CTTT (as approved and supported by EC members). EC members and Waratah Strata Management did not respond to deny or question the allegations.
- Through years, Lot 158 was warning EC members and BCS Strata Management (and now Waratah Strata Management), to watch out what they write without evidence. One of such warnings is from dated 10th of March 2012.
- Instead of actions, Waratah Strata Management and EC members continued to bully Lot 158 and his wife without any evidence, spread rumours, engage in multiple actions of defamation without cause, and expose Lot 158 to ridicule and prosecution.

Motion: Lack of Proper 10-Year Sinking Fund – Now Called Capital Works Fund

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

- BCS Strata Management and EC members failed to maintain and update 10-Year Sinking Fund that matches real capital works in the complex since 1999,
- BCS Strata Management and EC members provided a copy of alleged 10-Year Sinking Fund, dated 31st of August 2010 in agenda for AGM 2016 for the first time to owners,
- BCS Strata Management and EC members had obligation to plan how they would repair and maintain common property and raise sufficient funds to cover the costs, and submit the 10-year Sinking Fund Plan for approval by owners at an annual general meeting (AGM) and be reviewed and adjusted, if required, in the first five years, which did not happen in SP52948,
- BCS Strata Management staff admitted they did not have copy of 10-Year Sinking Fund Plan in email to EC member on 11th of April 2014,
- Agenda for AGM 2014 contained misconstrued and misleading statement that 10-Year Sinking Fund was reviewed in 2014 and every five-years beforehand,
- BCS Strata Management and EC members failed to provide even relatively accurate predictions for major repairs and failed to attend to most of the alleged planned activities,
- BCS Strata Management and EC members failed to disclose major professional building reports that highlighted needs for repairs since year 2000,
- Number of undisclosed elevator failures continued to plague complex in 2016/2017,
- Without evidence of tender, or its disclosure to owners, Biv Reports Pty Ltd was commissioned to prepare new 10-Year Capital Works Fund assessment in late March 2017. It failed to address major works in proper manner:

Comprehensive risk and hazard assessment in line with Australian Elevator Association guidelines.

Comprehensive lifecycle report, so its findings can be factored in to the fund forecast.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

Motion: Roof membranes on Block A and C overdue for repairs

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

- BCS Strata Management and EC members incorrectly stated that roofing issues in the complex were completed in FY 2016, as Block A and C did not have roof membranes fully redone, unlike Blocks B (half roof) and D that were completed at cost of 171,006.00 without tender (GST inclusive),
- BCS Strata Management and EC members failed to notify owners corporation of audit in 1999 that stated membranes would last around 10 years,
- BCS Strata Management and EC members failed to provide Napier & Blakely building report commissioned in 2012 which listed roof membranes as one of the items with serious priority: "The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5 years)".
- Roof membranes on Blocks A and C are overdue for full repairs and need to be planned and approved through multiple quotes at the next general meeting.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

Motion: Financial Losses to Lot 158 due to actions by BCS Strata Management and EC members

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

Partial listing of direct losses to Lot 158 due to reported mismanagement of SP52948 with evidence, and undisclosed benefits to selective owners and EC members without Special By-Laws and Special Resolutions:

- \$26,500.00 for payments to SP52948 for dismissed CTTT cases and decision in District Court in 2014, plus costs for postage and handling, and strata document searches without being provided access to files, amounting to additional around \$2,700.00:
 - Lot 158 payment to SP52948 in amount of \$10,000.00 on 13th of February 2014.
 - Lot 158 payment to SP52948 in amount of \$16,500.00 on 7th of March 2014.
- \$2,737.90 for payments to Chambers Russell Lawyers for forced defense at District Court.
- 218th part of loss in SP52948 funds in amount of \$72,650.99 (complex has 218 properties) due to secret gas and water reimbursements without owners corporation approval (no Special By-Law and Special Resolution) in period 1999 to 2013 (details for financial years 1999, 2000, 2001, 2002, 2005, and 2006 are undisclosed by BCS Strata Management, Waratah Strata Management, and Executive Committee).
- 218th part of \$851.56 for secret courier expenses that were incurred by SP52948 for urgent document delivery to Solicitor Mr. Adrian Mueller on 19th of April 2013.
- 218th part of loss in SP52948 funds in amount \$17,990.00 due to overpaid contract for BCS Strata Management in 2012, 2013, 2014, 2015, and 2016, as per secret negotiation between single EC member and BCS Strata Management NSW Manager Mr. Greg Freeman dated 24th of October 2011. Loss per year to owners and myself: "loyalty discount" was supposed to decrease contract value from \$33,498.00 to \$29,900.00. BCS Strata Management "won" contracts without tender in all years between 1999 and 2016.
- 218th part of loss in SP52948 funds in amount of \$63,318.77 (GST included) for payments to Solicitor Mr. Adrian Mueller for CTTT events and four reviews of Lot 158 Motions at general meetings without full disclosure to owners corporation.
- 218th part of loss in SP52948 funds in amount of \$8,800.00 for repayment to CHU Insurance in March 2017, who, four years after the event, declared that owners corporation did not have right to make such claim.
- 218th part of loss in SP52948 funds: Based on all available documents and minutes of meetings, so far the conclusion that can be reached with reasonable level of confidence is that the four EC members alone (Mrs. Lorna Zelenzuk Lot 3, Mr. Upali Aranwela Lot 62, Mr. Moses Levitt Lot 147, and Mr. Stan Pogorelsky Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings. The evidence shows that gas levies were set to \$200.00 as early as 21st of July 1999 but never paid by EC members and owners with second gas connection until 2015.
- 218th part of loss in SP52948 funds in amount of around \$14,000.00 for overpaid payments to Building Manager Universal Property Services for decreased security guard working hours during whole 2014, which BCS Strata Management and EC members ignored in spite of advance notice on 1st of December 2013 and was orally reported at AGM 2014 but not disclosed to owners in Minutes of the meeting.

Motion: Undisclosed Contact Details for Waratah Strata Management

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

- In Motion 28.1 at AGM 2016 on 19th of October 2016, owners corporation approved appointment of Waratah Strata Management at base value of \$21,800.00 + disbursements \$13,300.00 inclusive of GST,
- EC members Mr. Stan Pogorelsky and Mr. Moses Levitt signed the Contract with Waratah Strata Management on 14th of December 2016, changing the base value to \$23,110.00 + fixed disbursements \$11,990.00 inclusive of GST without owners corporation approval or knowledge,
- EC members Mr. Stan Pogorelsky and Mr. Moses Levitt signed the Contract with Waratah Strata Management on 14th of December 2016, whilst undeclared to owners corporation that they were unfinancial due to unpaid full levies for their second gas connection at all general meetings since 1999 (levy set to \$200.00 at EC meetings on 21st of July 1999 and 17th of November 1999),
- Default yearly increase of contract with Waratah Strata Management is 5% (more than three times the official CPI), or as agreed at each AGM,
- Waratah Strata Management reserves the right to earn all rebates, discounts and commissions in Disclosure Schedule from the following providers:

CHU Underwriting Agencies Pty Ltd	20% of base premium
Strata Unit Underwriters Pty Ltd	20% of base premium
Strata Community Insurance	20% of base premium
Finn Foster & Associates	15% of base premium or as agreed
Whitbread Insurance Brokers	20% of base premium
Driessen Insurance Brokers	15% of base premium
Austbrokers Sydney	20% of base premium
CRM Insurance Brokers	50% of all commissions
Honan Insurance Brokers	20% of base premium
BCB Insurance Brokers	75% of policy commission

- Section 7 of the contract with Waratah Strata Management provides avenue for strata agency to transfer the agreement to another agency or related persons upon approval by owners corporation which must provide a response to Waratah Strata Management within 28 days after receiving such notice from the agent, and owners corporation must notify new agent of its decision within 28 days after receiving a request from new agent to enter into a new agency agreement.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

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.**

Explanatory Notes:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Secretly-Engaging-Solicitor-Illegally-and-Making-Fraudulent-Insurance-Claims-2012-2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-Undisclosed-Details-of-CHU-Insurance-Reimbursements-Waratah-Strata-Management-Contract-details-and-Defamation-of-Lot-158-through-false-statements-at-EC-meeting-16Mar2017.pdf>