

Subject: Cordial invitation to attend NCAT 2024/00454780

From: SP52948 Lot 158 owner

Date: 16/3/25, 09:53

To: CustomerCare@picagroup.com.au

Good morning,

It is noted that you refused to respond to our repeated email dated 13 January 2021.

You are now given an opportunity to defend your actions at pending NCAT case 2024/00454780. It would be unfair not to give you a chance to show how well you represented SP52948 owners corporation and how you acted in compliance with the laws of the land. But this time, you would have to sign a statutory declaration or affidavit, provide evidence to support your statements, and attend the Hearing in person.

Three recent Orders are attached:

- Directions Hearing Order dated 20 February 2025.
- Hearing Notice dated 3 March 2025, scheduled for 22 April 2025.
- Issue of Summonses for Mr. Stan Pogorelsky, Lot 181, dated 7 March 2025.

Mr. Stan Pogoreslky is now ordered to surrender some evidence and attend the NCAT Hearing in person, making cross-examination possible.

It took us 12 years to issue the summonses successfully.

1) Civil case has a relation to Solicitor Adrian Mueller as well (on top of two Police Events which await further actions). This is what the NCAT case is about:

Document 0: NCAT-2024-00454780-001-Points-of-Claim

Document 1: NCAT-2024-00454780-001-explanation-why-Lot-158-uses-phrase-lie

Document 2: NCAT-2024-00454780-001-strata-documents-SSMA-2015-Sec188

Document 3: NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1

Document 4: NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-2

Document 5: NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3

Document 6: NCAT-2024-00454780-001-Rescind-Special-By-Law-11-Unreasonable-Communications-SSMA-2015-Sec150

Document 7: NCAT-2024-00454780-001-summons-committee-member-Stan-Pogorelsky

Document 8: NCAT-2024-00454780-001-electronic-delivery-of-documents-and-website-evidence

Document 9: NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure

Separately, Section 237 of SSMA 2015 empowers the NCAT the make an order that either all, or part, of the functions of the owners corporation are delegated to a compulsory strata manager. On 15 January 2025, at Directions Hearing, none of five strata managers and none of the nine committee members appeared. Tribunal member repeated several times that, based on brief readings of Lot 158 submissions, and numerous problems in the complex, there should be a Motion for removing (compulsory) strata manager. Lot 158 does not need to do it themselves, because NCAT has powers to appoint a strata manager on its own motion, by its discretion. The evidence of dysfunctional owners corporation is

undeniable and irrefutable.

2) Solicitor Adrian Mueller and details of Police Events are listed as part of Mr. Stan Pogorelsky's case, where he was/is a witness and accessory to Solicitor Adrian Mueller's actions, as much as you are.

3) Mr. Pogorelsky relied on exposing Lot 158 to ridicule, discrimination, stalking, and intimidation, whilst using lies to protect own interests and interests of small group of his personal friends and owners. Similar behaviour is presented to NCAT and courts for other committee members too.

Their repetitive efforts to undermine Lot 158 evidence and investigative work cannot be excused or accepted as accidental.

In this NCAT case, evidence exists that Mr. Pogorelsky is unfinancial since 1999, when he was elected to be a committee member without disclosure of outstanding debt for gas heating levies (non-democratic process), and used his position to benefit himself as a lot owner and a small group of other owners (who were also unfinancial and allowed to vote, and some of them even be elected as committee members), contrary to the interests of majority of other owners.

To illustrate the point: it took 13 years for Mr. Pogorelsky to admit at an official committee or general meeting that he had enjoyed use of gas heating without Special By-Law and resolution at general meeting, and it took 17 years for Mr. Pogorelsky to admit at an official committee or general meeting that he had enjoyed use of gas heating without paying prescribed levies and 10% simple interest per year, and then continued to mislead the owners about his real debt, directly defrauding owners corporation.

4) NCAT Orders on 20 February 2025 make significant requirements for any party representing SP52948, making it obligatory to attend in person and be forced to respond to cross-examination:

4 On or before 20 March 2025 the respondent shall send, to the applicant and the Tribunal, a copy of all documents on which the applicant intends to rely at the hearing.

5 Any documents so provided are to be in HARD COPY form, with the PAGES NUMBERED, and an INDEX to facilitate reference to them during the hearing.

6 Any evidence from a witness is to be in the form of a signed witness statement, statutory declaration, or affidavit and each such witness is to be available for cross-examination at the hearing.

5) News from the Police last week was that Waratah Strata Management and Solicitor Adrian Mueller refused to properly co-operate with them. Police was already updated on latest events and plans of actions and what they can or should do now. The same was done with the Insurance company and broker over the weekend.

6) We trust you will help the Police and NCAT.

Would you please, then, prove it and offer assistance to Fair Trading NSW, Police, Office of Legal Services

Commissioner, and NCAT. These staff should have significant knowledge of events:

Mr. Greg Nash

Mr. Greg Freeman

Mr. Paul Banoob

Dr. Adrian Carr

Regards,

----- Forwarded Message -----

Subject:Re: EXT - Re: Letter of Demand – Lot 158 on 20Dec2020

Date:Wed, 13 Jan 2021 07:20:16 +1100

From: SP52948 Lot 158 owner _____

To: CustomerCare <CustomerCare@picagroup.com.au>

Dear Ms. Butler,

Correct, it is strata plan SP52948. The attachments contain public commitment by your CEO from 2015, with undelivered promises until today.

Attachment "SP52948-Police-and-Waratah-Strata-Management-secret-attempts-to-find-another-copy-of-lost-USB-key-with-strata-files-from-BCS-Strata-Management-April-to-October-2018-page-1.png" shows part of evidence that BCS Strata Management silently refused to co-operate with the Police in insurance fraud and false statements in Statutory Declaration/Affidavit to CTTT/District Court by BCS Strata Management staff (criminal indictable offense without expiration date).

The evidence of BCS Strata Management and Pica Group staff refusals to take actions is overwhelming and require your immediate action.

Your staff read the emails and pleas and then failed to action in the past.

Thank you in advance for co-operation.

Regards,

On 12/1/21 5:59 pm, CustomerCare wrote:

Dear Sir/Madam,

We acknowledge receipt of your feedback below.

Unfortunately it looks like the plan you are referencing is a plan that we no longer manage.

To assist me with following this up further, would you please confirm that your queries relate to SP52948?

I await your reply.

Kind regards,

Dianna Butler
General Manager Strata Support Services
PO Box 444, Broadbeach QLD 4218

From: [SP52948 Lot 158 owner](#)
Sent: Sunday, 20 December 2020 10:24 AM
To: CustomerCare <CustomerCare@picagroup.com.au>
Subject: EXT - Re: Letter of Demand – Lot 158 on 20Dec2020

Good morning,

Your website and public forums continuously talk about customer care and duty of care.

Would you please, then, prove it and offer assistance to Fair Trading NSW, Police, Office of Legal Services Commissioner, and NCAT. These staff should have significant knowledge of events:

Mr. Greg Nash

Mr. Greg Freeman

Mr. Paul Banoob

Dr. Adrian Carr

Thank you in advance for your kindness and respect of laws.

Regards,

On 2/11/20 7:36 pm, SP52948 Lot 158 owner wrote:

Good evening,

It is noted that no response has been received.

Follow-up is as follows - you are kindly asked to provide a response:

a) Do you have any objection to be called as witness in NCAT case SC 20/33352 with Hearing scheduled for Thursday, 11 February 2021 at 9:15 am. You are important to what is alleged to be false statements in Statutory Declaration to CTTT and District Court in 2013 and 2014, fraudulent insurance claims, and significant legal fees without owners corporation approval

at any legally-convened meeting with full disclosure to owners.

Note that the letter of demand sent to you is part of NCAT case as offered evidence.

b) Reason(s) why BCS Strata Management and Pica Group failed to provide assistance to Police in Event E65804633 in spite of their repeated requests so far.

c) Do you have any objection if unredacted letter of demand is published on Internet and in various forums related to strata laws and BCS Strata Management in the interest of public? If so, on what legal grounds do you object?

Regards and thank you.

On 2/10/20 10:21 am, SP52948 Lot 158 owner wrote:

Good morning,

Pica group website makes the following claims:

- Accredited and well-trained staff
- Compliance and regulation experts
- High ethical standards
- Living by our company values
- Committed to our service promise
- Award winning teams
- Local knowledge and expertise

Now is the time to prove it.

I trust common sense will prevail.

Regards,

On 20/9/20 8:31 pm, SP52948 Lot 158 owner wrote:

More items to harden the case (and there is so much that exposes BCS Strata Management).

32. After rushed decision to introduce Special By-Laws for water and gas rebates to selective townhouse owners, and levies for gas heating at AGM on 17 October 2012 which failed to satisfy quorum and had many other issues (evidence is in our hands), single member of the committee sent email to Mr. Peter Bone on 23 October 2012, effectively delaying the registration until 6 May 2013:

Given there is no rush it would be prudent to delay registration of the by laws until after the next EC meeting by which time any minor typos etc will have been picked up.

Special By-Laws 11, 12, and 13 were registered SEVEN MONTHS after the AGM.

33. Committee member email to Mr. Peter Bone on 18 February 2013:

I think as far as DB issue is concerned the less minuted the better other than to note that he has been advised that all correspondence concerning matters which he has taken to the CTT and on which we have received legal advice are privileged and therefore cannot be provided to anyone until the matters are resolved finally (and perhaps not even then). You can note that solicitors have been instructed to ask CTTT to seek a costs order against him for the frivolous and timewasting processes he has caused.

34. Lot 158 requested information from Mr. Peter Bone on 28 March 2013:

OFFICIAL REQUEST: SP52948 Provide details why the Admin Fund is close to \$11,000 in negative balance as at 20 Feb 2013

... Please forward my request to Secretary of the committee to provide the summary why the Admin Fund had negative balance of around \$11,000.00 as disclosed in the minutes of the EC meeting on 20 February 2013, in spite of around 14% rise in levies at AGM 2012.

No response was received.

35. Mr. Paul Banoob email to committee members on 10 September 2012:

I wish to confirm that most of you would of received a letter from the CTTT concerning a hearing date set for Wednesday 17 October please note that this is just for your information only the lawyer will be representing your scheme and I will also be in attendance.

36. Mr. Peter Bone email to Mr. Paul Banoob and a single member of the committee on 27 September 2012 directly confirming intention to sign Statutory Declaration stating document delivery to Solicitor Adrian Mueller:

In relation to the CTTT Hearing on 17th September, both Paul Banoob and I will be in attendance. My presence will be required as I will be signing a Statutory Declaration confirming that I, as the Strata Manager of the scheme, have provided Adrian Mueller with various records, documents, etc. belonging to the Owners Corporation.

37. Email between members of the committee and Mr. Peter Bone on 16 April 2013 organizing time-warped paper meeting (scheduled for 26 April 2013 but "completed" on 19 April 2013). Even worse for BCS Strata Management, they knew in advance that Solicitor Adrian Mueller was not legal representative of owners corporation in DFT Mediation case (and CTTT SCS 12/50460).

Subject: Paper Committee Meeting to be held on 26th April 2013

Please sign and date your voting paper as soon as possible. Despite the proposed date of the meeting we must have a clear majority as soon as possible to allow Adrian Mueller to rebut the allegations that he was never appointed to represent us at CTTT.

Please also not in whichever way that you wish that the decision in the minutes of the last paper meeting was defeating a motion to have someone represent us at a MEDIATION at DOFT and not a hearing at CTTT. This is a confusion caused by Peter mixing up the two issues in the notice.

I have attached a copy of my voting paper for your information and for Peter to record my vote.

38. BCS Strata Management paid more than \$851.00 for courier services using owners corporation funds on 19 April 2013.

Using owners corporation funds without approval can cause penalties, like in this case:

BCS Strata Management Pty Ltd v Owners Corporation Strata Plan 61759 [2016] NSWCATAP 257

39. Mr. Peter Bone email to Lot 98 on 22 May 2013, claiming that Solicitor Adrian Mueller was not engaged by BCS Strata Management, which directly conflicted with his own Statutory Declaration on 19 April 2013 that BCS Strata Management allegedly signed Standard Costs Agreement on 25 July 2012. The email also confirmed plans how to use insurance claims in case CTTT case failed:

The engagement of lawyers was a decision of the Owners Corporation, not our office.

Attendance at CTTT hearings is a responsibility of the Owners Corporation, not our office, though representatives of our office may attend such hearings for the purpose of providing information, if so requested by the Owners Corporation (personally we would prefer not to have to attend CTTT at any time).

In relation to the monies spent by the Owners Corporation on engaging a lawyer to defend the various CTTT applications lodged by Lot 158:

- The Strata Scheme's insurance policy provides up to \$50,000.00 of coverage for "legal defence" claims. Our office has already lodged a claim against this policy, and has been advised by the insurance company that they have accepted this claim.

- The Owners Corporation has itself lodged an application with the CTTT seeking the awarding of costs against Lot 158 to cover the expenses incurred by the Owners Corporation in engaging a lawyer to defend the Owners Corporation. Should this application not be successful, the Owners Corporation will still be covered by the insurance claim. If this application is successful, both the Owners Corporation and the scheme's insurance company will be able to recover (all or part) of these expenses, with the insurance company still meeting the claim and paying out the difference to the Owners Corporation.

40. Attachment "BCS-Strata-Management-Example-of-Manipulating-

Accounting-Figures-and-then-Destroying-Official-Document-2013.pdf" shows how BCS Strata Management manipulated accounting figures to hide legal costs.

On 20/9/20 1:21 pm, SP52948 Lot 158 owner wrote:

Good afternoon,

What do you think should happen now?

It took seven years to collect the evidence. Long time suffering injustice, harassment, intimidation, financial losses, and expose to ridicule...

BCS Strata Management refused to co-operate with the Police in Event E65804633 several times.

Since 9 December 2015, Pica Group Managing Director and CEO promised in public forum to investigate and respond. It is a perfect time to deliver the service.

There is now irrefutable evidence that BCS Strata Management allowed unfinancial owners to vote and be on the committee since 2000 (an example of belated and incorrect invoice is enclosed). That is especially crucial in FY 2012 and 2013 when Lot 158 was actually a legal member of the committee and was prevented to act on behalf of owners corporation. Lot 158 was illegally prevented to access strata files on several occasions and the documents prove it.

BCS Strata Management deliberately engaged in costly exercises by using services of Solicitor Adrian Mueller in spite of knowing:

Sadlo v Viceroy Gilead Pty Ltd [2013] NSWCTTT 559 (at [10]):
"[10] ... the [respondent] opted to be represented by a lawyer. It had no obligation to do so. The tasks involved in providing evidence, and making submissions at the hearing could have been undertaken by an employee or officer of the [respondent]. The [applicants] should not be obliged to pay an expense the [respondent] had no obligation to incur."

Major legal concern for YOU: BCS Strata Management orchestrated events and fraud related to Solicitor Adrian Mueller illegal representation in SP52948 Fair Trading SM12/1537, CTTT SCS 12/32675, and CTTT SCS 12/50460, causing massive costs to owners, four fraudulent insurance

claims, massive increase in insurance premiums in 2012,

Some of the evidence:

1. Solicitor Adrian Mueller suggested to the executive committee and BCS Strata Management to use insurance claims to pay for his invoices on 2 July 2012.

2. On 4 July 2012, strata manager Mr. Garry Webb wrote the following request:

We have one payment of \$14,056.90 which has been approved by Paul Banoob for creditor code 69633 can you please confirm payment as the creditor is looking for payment.

The same day, reply from the office was:

This invoice has not been paid, the plan has insufficient funds.

Mr. Paul Banoob issued secret order immediately:

Can you please inject funds into SP 52948 from the MBL account in the sum of \$50,000.

3. Secret EC meeting in Lot 181 (Mr. Stan Pogorelsky who was unfinancial to represent Strata Plan 52948 as executive committee member) without notifying owners corporation. Another member of the committee was unfinancial Mr. Moses Levitt.

Notice of the meeting and the minutes have never been recorded in Minute Book.

3. On 1 August 2012 BCS Strata Management secretly changed insurance policy for strata plan SP52948 to be able to make legal cost claims in spite of insurance company warning of high risks, without approval or disclosure to owners, and started making claims within several weeks.

4. CTTT SCS 12/50450 interim order to stop Annual General Meeting 2012 due to serious misconduct was dismissed until after Annual General Meeting and CTTT forced SCS 12/50460 to go to mediation on 10 September 2012.

5. Lot 158 sent email to Solicitor Adrian Mueller about facsimiles sent to CTTT SCS 12/32675, 12/50450, and 12/50460 on 19 October 2012.

On 4 January 2013, in secret email to BCS Strata Management, committee warned the agency to find its own legal advice as it was not job of owners corporation to defend strata manager.

Mr. Paul Banoob and Solicitor Adrian Mueller were part of the recipient group.

6. NSW Fair Trading forwarded files to BCS Strata Management Peter Bone in CTTT SCS 12/50460 mediation events on 17 January 2013.
7. On 6 March 2013, Solicitor Adrian Mueller sent letter to Fair Trading NSW claiming that he was legally representing SP52948 in mediation case SM12/1537 (precursor to CTTT file SCS 12/50460)
8. Solicitor Adrian Mueller was paid invoices which included work for mediation case SM12/1537 and CTTT SCS 12/50460.
9. In spite of all involvement, Solicitor Adrian Mueller claimed not knowing about CTTT SCS 12/50460 in email sent to BCS Strata Management on 6 May 2013.
10. Solicitor Adrian Mueller issued Standard Costs Agreement for CTTT SCS 12/50460 on 6 May 2013.
11. Letter from CTTT in file SCS 12/50460 sent to Solicitor Adrian Mueller about non-compliance order for SP52948 Secretary and Solicitor on 7 May 2013.
12. Solicitor Adrian Mueller invoice charging for involvement in CTTT SCS 12/50460 mediation events at NSW Fair Trading on 10 May 2013 without owners corporation approval or Standard Costs Agreement.
13. Lot 158 repeated complaints about false representation by Solicitor Adrian Mueller and expenses in CTTT SCS 12/50460 on 13 May 2013.
14. Lot 158 provided summary of owner's votes against any engagement of Solicitor Adrian Mueller to BCS Strata Management on 17 May 2013.

Paul Banoob confirmed receiving it but continued to act against owners' request.
15. BCS Strata Management provided false statement to a single owner about owners corporation engaging Solicitor Adrian Mueller not BCS Strata Management and planning how to recover Solicitors costs if CTTT case is rejected on 22 May 2013.
16. BCS Strata Management requested extension of time to respond in CTTT SCS 12/50460 and confirmed that Solicitor engagement had to be approved at Extraordinary General Meeting on 24 May 2013.
17. BCS Strata Management ignored Lot 158 request for EGM in June 2013, although he was legal member of the

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committee.

18. Lot 158 repeated requests to Solicitor Adrian Mueller to return files due to false representation by Solicitor Adrian Mueller in CTTT SCS 12/50460 on 1 June 2013.

19. Lot 158 Folder 12 submission in CTTT SCS 12/50460 with evidence of illegal engagement of Solicitor Adrian Mueller on 4 June 2013.

20. Lot 158 request to access strata files for CTTT file SCS 12/50460 on 5 June 2013.

21. Mr. Moses Levitt email confirming he was fully aware of Lot 158 rights to access strata files on 5 June 2013.

22. Lot 158 request to BCS Strata Management and committee about their refusal to organise general meeting and accept owners wishes for CTTT file SCS 12/50460 on 6 June 2013.

23. SP52948 CTTT SCS 12/50460 decision on 2 September 2013.

24. EC member confirming Solicitor Adrian Mueller not engaged for CTTT 12/50460 on 2 September 2013. Email recipients:

Mr. Peter Bone
Mr. Paul Banoob
Mr. John Ward
Mr. Moses Levitt
Mr. Stan Pogorelsky
Mrs. Maureen McDonald
Mr. Jeffery Wang
Mr. Rafael Hirschorn

25. The committee voted against Solicitor Adrian Mueller attending CTTT Hearing on 15 April 2013 at paper meeting on 28 March 2013.

26. At CTTT hearing on 15 April 2013, Solicitor Adrian Mueller said words to the effect of (I have the audio recording of the event):

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: First is a letter from me to the owners corporation dated the second of July 2012 in which I did an estimate of my costs to act in owners corporation's appeal. Second document is email from the Strata manager to me on 6

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th 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...

27. Solicitor Adrian Mueller sent secret note urging the committee and BCS Strata Management to produce "signed contract" after third CTTT hearing in file SCS 12/32675 on 15 April 2013:

Sent:Monday, April 15, 2013 6:12 PM
To:peterb@bcms.com.au; paul.banoob@picaust.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 Lot 158 had lodged an appeal against the adjudicator's decision.
2. Provide me with complete copies of the notice and minutes of the executive committee meeting 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).

28. Statutory Declaration by Mr. Peter Bone (written by Solicitor Adrian Mueller) on 19 April 2013:

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 tile management of the owners corporation. I have seen Mr Webb sign document and I recognise the signature on the costs agreement as his signature.

On 25 July 2012 I emailed to Adrian Mueller a copy of the Standard Costs Agreement signed by Gary Webb.

29. Solicitor Adrian Mueller letter to CTTT on 19 April 2013:

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.

(EC meeting on 22 August 2012 introduced Mr. Peter Bone as new strata manager)

30. Strata Manager Peter Bone refused to respond to Lot 158 summonses to provide evidence of signed Standard Costs Agreement with Solicitor Adrian Mueller on 25 February 2013

31. Four versions of the Standard Costs Agreement and only one contained the alleged signature by Mr. Gary Webb nine months after the engagement:

- 17 July 2012: Signed Standard Costs Agreement by BCS Strata Management Epping Branch Manager Mr. Paul Banoob in document generated on 16 April 2013 and undisclosed to owners, CTTT, and District Court in 2012, 2013, and 2014. Found in strata documents in sixth paid document search on 13 June 2017.
- 25 July 2012: Allegedly signed Standard Costs Agreement by BCS Strata Management Mr. Gary Webb as provided in Statutory Declaration by Mr. Peter Bone to CTTT on 19 April 2013 (nine months after the event).
- 28 August 2012: Undisclosed to owners, CTTT, and District Court in 2012, 2013, and 2014. BCS Strata Management insurance claim form and files without signed Standard Costs Agreement.
- 29 January 2013: Solicitor Mr. Adrian Mueller's submission to CTTT without signed Standard Costs Agreement.

On 4/7/19 7:10 pm, SP52948 Lot 158 owner wrote:

Hi,

Passage of time is a very good way to make things come to the surface.

- Waratah Strata Management received a USB with files from BCS Strata Management on 1 February 2017, during transfer of duties.
- During 2018, Waratah Strata Management gave USB with SP52948 strata files (apparently the only copy they had) to the Police to investigate alleged insurance frauds and alleged false statements by BCS Strata Management to CTTT in the Statutory Declaration dated 19 April 2013.
- The USB was subsequently lost by the Police.
- The Police and Waratah Strata Management attempted to obtain a copy of the USB from BCS Strata Management, which was declined (documented in Minutes of EC meetings in March and May 2019).
- On 1 February 2019 Waratah Strata Management allegedly had major hacker break-in and lost almost all of SP52948 files, including backups. They reported it to owners as late as 13 March 2019.
- By the same token, Waratah Strata Management informed owners about the lost USB with strata files for any period before 1 February 2017 on 13 March 2019, 11 months after the Police misplaced it.
- Fair Trading NSW has opened an investigation about Waratah Strata Management, as per referral by the Minister in May 2019.

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Some updates to share:

I have now collected information with full evidence that none of the general meetings conducted by BCS Strata Management could satisfy quorum due to unfinancial owners and that BCS Strata Management failed to collect correct GST for Australian Taxation Office.

"Unfinancial owners" was not part of the CTTT hearings. It was confirmed through a Solicitor.

Office of Legal Services Ombudsman confirmed on 1 March 2019 and 29 June 2019 that they would help the Police and/or SP52948 owners corporation obtain copies of the eight emails upon request. Solicitor Adrian Mueller has legal obligation to keep them for sever years (after the end of legal proceedings), which ends in February 2021.

I welcome any comments.

Regards,

On 23/7/18 9:01 pm, SP52948 Lot 158 owner wrote:

As Licensee-In-Charge of BCS, I reply to your email seeking information and requesting we undertake research for certain documents and make further comments in relation to a series of attachments to your email.

Your plan is now managed by Waratah Strata at Eastwood and I suggest you seek to do a search of their books and records in relation to the documents that you seek. We no longer manage your strata scheme and thus have no authority to give you any access to any documents of the owners corporation or those held by BCS.

It would appear that you are seeking documents that I understand were both subject to legal privilege and the matters to which you refer were the subject of a deed of agreement to which you were a party.

As far as our company is concerned the matters you refer to, that arose more than 5 years ago, are now closed.



BCS Strata Management Official

Thank you for your feedback.

We have escalated this within our team to our Managing Director and Group CEO of the PICA Group of Companies, Greg Nash. He will be taking over this matter personally and has begun an internal investigation into these allegations. We are working on the assumption that they are genuine and this is not an unfortunate misunderstanding. This investigation will determine next steps and our response.

In order to resolve the matter as quickly as possible, could you please contact us on (02) 8216-0387. This will ensure Greg is involved in future dialogue on this matter.

The PICA Group is committed to excellent customer service with integrity and honesty at all times. It is the PICA Group's intention to resolve this matter quickly and fairly for all concerned.

Thank you.

BCS Strata Management posted on Dec 09, 2015



Attachments:

Greg-Nash-promise-to-investigate-BCS-Strata-Management-9Dec2915.PNG	27.1 KB
SP52948-Directions-Hearing-Order-20Feb2025.pdf	139 KB
Summons issued to Stan Pogorelsky-7Mar2025.pdf	4.7 MB
Hearing-Notice-of-Listing-22Apr2025.pdf	62.2 KB
NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-extract-from-part-1.pdf	299 KB