

Document 4

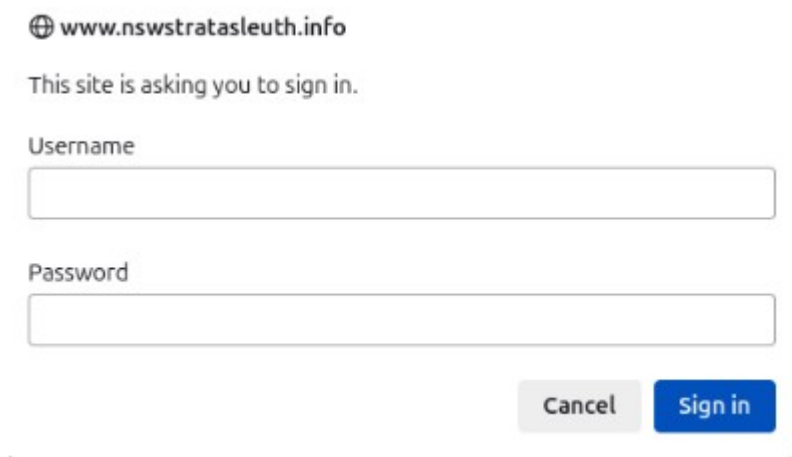
NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-2

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/>



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This site is asking you to sign in.

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

Order removing member of the executive committee Mr. Stan Pogorelsky, as per SSMA 2015 Section 238 (a)

Part 2 – General problems with Mr. Stan Pogorelsky membership of SP52948 executive committee

34) Mr. Pogorelsky, whilst unfinancial, had proxy votes from owners at almost all general meetings since 1999. Just last 12 months are illustrative enough:

34.1) AGM 2023 on 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-minutes-AGM-26Oct2023.pdf>

Proxy for Lot 5

Proxy for Lot 15

Proxy for Lot 64

Proxy for Lot 147

Proxy for Lot 168

Proxy for Lot 175

Proxy for Lot 182

Proxy for Lot 186

Proxy for Lot 216

34.2) EGM on 30 November 2023:

<https://www.nswstratasleuth.info/SP52948-minutes-EGM-30Nov2023.pdf>

Proxy for Lot 5

Proxy for Lot 15

Proxy for Lot 64

Proxy for Lot 147

Proxy for Lot 168

Proxy for Lot 175

Proxy for Lot 176

Proxy for Lot 182

Proxy for Lot 186

Proxy for Lot 216

34.3) EGM on 22 February 2024 – only 16 owners attended and whilst Mr. Pogorelsky had no proxies, he voted at the meeting without disclosure of his financial status:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-EGM-22Feb2024.pdf>

34.4) AGM 2024 on 28 November 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

Proxy for Lot 64

Proxy for lot 73

Proxy for Lot 75

Proxy for Lot 147

Proxy for Lot 168

Proxy for Lot 175

Proxy for Lot 176

Proxy for Lot 182

Proxy for Lot 186

Proxy for Lot 216

35) Mr. Pogorelsky, whilst unfinancial, directly supported discrimination and provided different benefits to different owners. Examples:

- <https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-waived-Lot-167-debt-recovery-and-late-levy-payment-interest-charges-without-approval-of-owners-corporation-22Jun2017.webp>
- Mr. Pogorelsky knowingly hid discriminatory benefits to selective townhouse owners for their private usage of water and gas since 1999 (without special resolution at any meeting and special by-law until May 2013), which is best shown by townhouse 217 complaining about not having knowledge of such scheme for seven years as of 28 February 2008. This scheme was applied without Special Resolution and Special By-Law for 13 years, and since the Special-By-Law registration in 2013 it has been applied discriminately:
<https://www.nswstratasleuth.info/SP52948-Lot-217-complaint-to-BCS-Strata-Management-about-seven-years-of-no-knowledge-of-private-water-and-gas-usage-financial-reimbursements-to-selective-townhouse-owners-28Feb2008.png>
<https://www.nswstratasleuth.info/SP52948-Peter-Bone-BCS-Strata-Management-admission-of-extremely-high-courier-costs-for-Solicitor-Adrian-Mueller-without-disclosure-to-owners-and-ignored-repeated-issues-with-inequitable-reimbursements-to-selective-townhouse-owners-10Jul2013.html>
<https://www.nswstratasleuth.info/SP52948-repeatedly-ignored-evidence-of-discrimination-of-owners-by-providing-inequitable-water-and-gas-reimbursements-for-private-use-to-selective-townhouse-owners-25Aug2017.html>
- <https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-declined-to-notify-owners-corporation-about-continuous-discrimination-of-owners-incurring-high-costs-without-approval-and-lack-of-proper-care-of-the-complex-26Aug2018.html>
- <https://www.nswstratasleuth.info/SP52948-discrimination-and-special-privileges-for-selective-owners-18Feb2024.html>
- On many occasions, Lot 158 did not receive notices or minutes of meetings. Lot 158 was even forced to open four cases with Australia Post to investigate the missing letters that strata manager allegedly sent. Australia Post found no reason to believe the problem was on their side:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20200317-Australia%20Post%20-%20Case%2030903851.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20180628-Australia%20Post%20-%20Case%2018901640.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20180928-Australia%20Post%20-%20Case%2020472440.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20190320-Australia%20Post%20-%20Case%2024171104.pdf>

This problem is still unresolved for meetings, whilst Lot 158 levy notices regularly come through Australia Post.

- Lot 158 external door was not fire-safety compliant for more than 12 years, as these emails, evidence from 2013, and final resolution in 2019 confirmed:

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-Admits-Not-Actioning-on-Any-Fire-Inspection-Issue-for-Six-Months-31Jul2013.png>

<https://www.nswstratasleuth.info/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-REQUEST-FOR-OFFICIAL-RESPONSE-FIRE-DOOR-Lot-158-NON-COMPLIANCE-WITH-1905.1-and-AS1530.4.html>

<https://www.nswstratasleuth.info/SP52948-Garry-Mills-BCS-Strata-Management-ignored-request-for-official-response-fire-door-Lot-158-non-compliance-with-1905.1-and-AS1530.4-11Apr2016.html>

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-ignored-second-request-for-official-response-fire-door-Lot-158-non-compliance-with-1905.1-and-AS1530.4-25Apr2016.html>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Some-of-continuous-issues-for-Building-Manager-Save-Carbone-18Feb2018.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-to-respond-about-delayed-action-for-missing-fire-door-tag-for-Lot-158-in-non-compliance-with-AS1905.1-18Feb2019.html>

- Still outstanding repairs of common property in Lot 158 and the complex, causing further health issues and discomfort to tenants.

<https://www.nswstratasleuth.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

36) Waratah Strata Management deliberately shamed selective owners for overdue levies. As of January 2025, out of 205 strata documents on Waratah Strata Management website, only five owners were singled out and their late levy payments exposed to all owners, which is very unsettling that Mr. Pogorelsky supports:

- Lot 40. Email on 1 July 2022:

<https://www.nswstratasleuth.info/SP52948-Lot-40-forced-to-pay-all-fees-for-overdue-levies-1Jul2022.png>

- Lot 104. On 29 January 2024, Lot 104 sent email to Waratah Strata Management at 11:45 hours, asking for overdue levies to be waived. On 29 January 2024, at 12:33 hours, Waratah Strata Management declined and forced Lot 104 to pay all fees:

<https://www.nswstratasleuth.info/SP52948-Lot-104-forced-to-pay-all-fees-for-overdue-levies-30Jan2024.png>

- Lot 169. Email on 6 February 2023:

<https://www.nswstratasleuth.info/SP52948-Lot-169-forced-to-pay-all-fees-for-overdue-levies-6Feb2023.png>

- Lot 178. Email on 15 June 2023:

<https://www.nswstratasleuth.info/SP52948-Lot-178-forced-to-pay-all-fees-for-overdue-levies-15Jun2023.png>

- Lot 183. Emails on 23 February 2024 and 22 March 2024:

<https://www.nswstratasleuth.info/SP52948-Lot-183-forced-to-pay-all-fees-for-overdue-levies-22Mar2024.png>

37) Mr. Pogorelsky, whilst unfinancial, allowed illegal major renovations to proceed without approval at general meeting and without registered Special By-Law prior to renovations, directly lying to Registrar-General's Office about Lots 27, 79, 87, and 103:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html>

38) Mr. Pogorelsky, whilst unfinancial, allowed his friend from Lot 3 (Mrs. Lorna Zelenzuk) to change common property and acquire it without decision at any legally-valid general meetings in 2003, and then did not allow owners to see Special By-Law until 2017.

38.1) Special By-Law was approved through falsified proxy vote count. Without the involvement of the majority of the executive committee, on 12 December 2002 (very close to Christmas) the Managing Agent from Raine & Horne Strata Sydney BCS circulated the agenda for the Extraordinary General Meeting to be held on 2nd January 2003 at 10.00am. The date of the meeting: straight in the middle of the school holidays and on the first day after Christmas and New Year celebrations. It was Thursday and in prime business hours, when most of owners could not attend. Due to lack of quorum the EGM failed. Member of the committee at the time (Dr. John Edye), wrote a very honest and disturbing message to the Managing Agent on 12 January 2003, voicing his concerns about the EGM process because the work in Lot 3 was completed even before the By-Law was approved and registered.

<https://www.nswstratasleuth.info/SP52948-Dr-John-Edye-complaining-about-illegal-process-for-Lot-3-exclusive-access-to-common-property-12Jan2003.png>

38.2) The adjourned EGM was held on 24 January 2003, just two days before another public holiday – Australia Day (Sunday, 26 January 2003). The total number of votes (ALL PROXIES) was 74. Nobody but one owner was allegedly present in person. No details about how many votes were in favour or against the motion. The quorum in this large strata scheme is satisfied if around 55-60 owners are present, so since the first general meeting failed, it was impossible to count 74 owners at the adjourned meeting as valid. That was AN INVALID VOTING as it breached the NSW Strata Management Act 1996. The proxy votes can only be counted at the first GM. The rest of the votes at the adjourned GMs must be delivered in person, or, if not-expired, counted from the previous AGM. The quorum for a general meeting of a Strata Scheme (with more than 2 lots) in NSW is detailed in Clause 12 of Schedule 2 to the Act where it states that the quorum is at least 1/4 of the number of persons entitled to vote either being present in person or by way of proxy or at least 1/4 of the aggregate unit entitlement of those entitled to vote either being present in person or by way of proxy. In the event that a quorum is not achieved, or at some point a meeting lapses for want of a quorum – after a period of a half-hour – the meeting stands adjourned for a period of at least 7 days with notice of the rescheduled time and place being served by the secretary on the OC members at least 1 day prior to the rescheduled meeting. In this latter case, at the adjourned meeting if a quorum is not achieved within a period of half-hour of the time that was fixed for the commencement of the meeting, it can go ahead with those in attendance who are eligible to vote.

<https://www.nswstratasleuth.info/SP52948-Minutes-EGM-2003-24Jan2003.pdf>

38.3) Special By-Law was registered at owners corporation expense in spite of benefiting a single owner only.

<https://www.nswstratasleuth.info/Macquarie-Gardens-Special-By-Laws-as-of-Jan2012-img-1240728-0001.pdf>

38.4) Lot 3 did not pay the costs of organising two EGMs.

38.5) Special By-Law (registered in 2003) was hidden in official listing of by-laws from all owners and from any search as per SSMA 1996 S108 until 2017. All new owners, and potential buyers were not given details of this by-law. Consumers were prevented from getting full by-laws as required.

<https://www.nswstratasleuth.info/SP52948-Registered-By-Laws-Missing-By-Law-for-Lot-3-DocID-2541110-BCS2541110-29Jan2014.pdf>

<https://www.nswstratasleuth.info/SP52948-Alleged-By-Laws-sent-by-Waratah-Strata-Management-8Dec2017.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-Registered-Special-By-Law-for-Ex-Chairperson-Illegally-and-Hiding-it-from-Owners-and-Investors-for-12-Years.pdf>

<https://www.nswstratasleuth.info/ANNOTATED-SUMMARY-for-Waratah-Strata-Management-on-SP52948-Open-Issues-and-still-undisclosed-Special-By-Law-for-Lot-3-and-photos-of-the-complex-17Mar2017.html>

<https://www.nswstratasleuth.info/SP52948-Lot-158-response-to-Lot-3-in-regards-to-secret-Special-By-Law-4-17May2017.html>

38.6) Owners corporation earned \$24,919.31 through premeditated falsified insurance claims for non-existent CTTT case SCS 12/32675 allegedly defending the owner from Lot 3 for whom the Special By-Law applied.

38.7) Unfinancial owner of the lot who obtained exclusive rights to common property (Mrs. Lorna Zelenzuk, Lot 3) has been non-compliant with Special By-Law clause since its registration (insurance for public liability).

39) Mr. Pogorelsky, whilst unfinancial, allowed his friend from Lot 151 (Mrs. Maureen McDonald) to change common property and acquire it without decision at any meeting, and then lied to owners at AGM 2022.

39.1) On 10 January 2022, ex-committee member Lot 151 (Ms. Maureen McDonald) installed gate with lock on colorbond fence towards external gardens. Since this is a fence dividing the owner's Lot and common property, the responsibility for this fence is shared equally between that particular Lot 151 and the owners corporation – gates located in this area are treated in the same way.

<https://www.nswstratasleuth.info/SP52948-Lot-151-new-colorbond-door-installed-on-common-property-without-approval-10Jan2022.png>

39.2) The new colorbond door was prepared on 21 December 2021.

<https://www.nswstratasleuth.info/SP52948-Lot-151-colorbond-panel-for-new-door-on-common-property-without-approval-4Jan2022.png>

39.3) The common property attached to Lot 151 was changed with the installation of a new colorbond door on 10 January 2022.

39.4) Mrs. Maureen McDonald changed common property and installed gate on colorbond fence without special resolution at any general meeting, and without registration of the Special By-Law.

39.5) She is the only owner of such gate which allows her to enter/exit her property without using main entrances in the complex.

39.6) Agenda and minutes of such meeting were never provided to any owner.

39.7) Minutes of such meeting are not published on Waratah Strata Management website:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-waratahstrata.com.au-website-Documents-folder-page-6-22Jan2024.png>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-waratahstrata.com.au-website-Documents-folder-page-7-22Jan2024.png>

39.8) On Waratah Strata Management website there are only three entries for Minutes of meetings in December 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-waratahstrata-Document-folder-page-8-9Dec2024.pdf>

MINUTE BOOK, 06/12/2021, Minutes of committee meeting held on 01/12/2021

MINUTE BOOK, 25/11/2021, Agenda for committee meeting scheduled for 01/12/2021

MINUTE BOOK, 04/11/2021, Minutes of Annual General Meeting held on on 28/10/2021

39.9) Without a Special By-Law and its registration with NSW Land Registry Service, the fence costs and maintenance would be shared equally between Lot 151 and the owners corporation (gates located in this area are treated in the same way), which would put unfair and unnecessary burden to other owners who do not benefit from this private change.

39.10) When change or damage has been caused by work undertaken by an owner who did not receive proper consent from the owner's corporation, it is the owner's own responsibility. Courts have held that when considering maintenance and reparation to be the owners corporation's responsibility, it must be in relation to the ORIGINAL common property, not in relation to alterations or additions that have been made by an owner without permission. This was concluded in *The Owners Strata Plan 50276 v Thoo* [2013] NSWCA 270 and the case of *Krimbogiannis*.

39.11) If an owner wants to keep the unauthorised alterations, a by-law needs to be made to permit this (full costs of organising Extraordinary General Meeting and by-law registration must be borne by Mrs. Maureen McDonald). This new by-law should impose on the owner the obligation to maintain and repair the works. If the owners corporation does not want the work to remain, an order by NCAT should be made to require the owner to remove the work, or for the owner to allow the owners corporation to remove the work. Section 132 of the SSMA allows for NCAT to make an order that the owner that performed the work takes steps to repair the damage, or an order that the owner pays the owners corporation the cost of repairs of the damage.

39.12) Extract from Motion 16 at AGM on 27 October 2022:

<https://www.nswstratasleuth.info/SP52948-minutes-AGM-27Oct2022.pdf>

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald.

40) Mr. Pogorelsky, whilst unfinancial, was one of ringleaders to prevent and vote against Lot 158 Motions at general meetings. Examples from 2017 onwards (Lot 158 also has Motions for previous years):

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019.pdf>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses.pdf>

<https://www.nswstratasleuth.info/NCAT-case-20-33352-SP52948-Solicitor-Adrian-Mueller-provided-advice-how-to-ensure-Motions-by-Lot-158-be-ignored-effectively-coercing-owners-to-vote-against-ratification-of-past-events-AGM-2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2022.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-EGM-public-30Oct2023.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Motions-by-Lot-158-AGM-1Oct2024.pdf>

40.1) Since 2018, whilst still being unfinancial, Mr. Pogorelsky has been a ringleader in preventing Police, NSW Fair Trading, and Office of Legal Services Commissioner conducting their investigations, where two Lot 158 Motions have been persistently removed from the agenda of the general meetings or allegedly voted against through falsified count of financial owners and the proxy votes.

40.2) Motions 18 and 19, as listed in Minutes of AGM 2018 and Lot 158 warning to strata manager and committee members on 25 March 2017 about false statements:

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20170325-Re_CHU%20Insurance%20claim%20and%20defamation%20of%20Lot%20158-2746.pdf

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2018-18Oct2018.pdf>

40.3) Extracts from original Lot 158 Motions at AGM 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.

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.

41) Mr. Pogorelsky, whilst unfinancial, was direct accessory to multiple hidden financial transactions when SP52948 Admin Fund had no money to operate. Few examples:

41.1) 4 July 2012, secret borrowing of \$50,000.00 because owners corporation was unable to pay \$14,056.90 to creditor code 69633:

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-information-that-SP52948-had-no-readily-available-funds-to-pay-bills-4Jul2012.htm>

41.2) Secret cash advance from Pica Group (parent company of BCS Strata Management) in amount of \$18,859.55 on 21 August 2014 (still in FY 2013), not disclosed to owners even at AGM 2014 on 26 November 2014, and repaid seven months later on 16 March March 2015:

<https://www.nswstratasleuth.info/SP52948-secret-cash-advance-from-Pica-Group-paid-seven-months-later-cheque-date-25Mar2015.pdf>

<https://www.nswstratasleuth.info/SP52948-PICA-Creditor-Code-90906-undisclosed-cash-advance-repayment-25Mar2015.png>

41.3) Mr. Pogorelsky, strata manager, and the rest of committee, persistently failed to explain the cash flow in Admin Fund (who has negative balance) for the last three years.

42) Mr. Pogorelsky, whilst unfinancial, tried to prevent Lot 158 from reporting fraud to CHU Insurance lawyer on 3 April 2017 (CHU Insurance forced SP52948 to replay \$8,800.00 for claims made in 2012 and 2013):

The Executive Committee will discuss and alter or confirm the minutes of the previous committee meeting at the next available committee meeting. Your request for alteration of the minutes will be discussed at that meeting.
 You are not permitted to speak directly with CHU Insurance. You have no authority to speak to them and must direct your concerns to the strata manager who will pass your concerns on to CHU if appropriate.
 In future, please do not write directly to the Strata Committee. We ask you to direct your correspondence to the strata manager who will forward correspondence on to the committee when appropriate.
 Yours Sincerely,
 Stan Pogorelsky.

43) Mr. Pogorelsky, whilst unfinancial, at committee meeting on 20 July 2017 approved non-existent meeting on 30 June 2017 (agenda not sent to owners, minutes not sent to owners, notice board not having any information about it) which allegedly approved elevator contract for Liftrionics at annual cost of \$24,400.00 (plus GST) without having the contract details, on Friday (non-standard day for SP52948 meetings):

[https:// www.nswstratasleuth.info/SP52948-levy-arrears-for-committee-members-at-meeting-that-decided-to-grant-elevator-contract-to-Liftrionics-without-general-meeting-or-details-of-contract-20Jul2017.png](https://www.nswstratasleuth.info/SP52948-levy-arrears-for-committee-members-at-meeting-that-decided-to-grant-elevator-contract-to-Liftrionics-without-general-meeting-or-details-of-contract-20Jul2017.png)

Waratah Strata Management undisclosed levy arrears for committee members at EC meeting on 20th of July 2017

WARATAH
Strata Management

Waratah Strata Management
Suite 75 161 003 745
PO Box 125, Eastwood, NSW 2122
Ph (02) 9114 9599
Fax (02) 9114 9598
www.waratahstrata.com.au

Strata Committees Meeting Attendance

Meeting date: 20/07/17

Arrears cut-off date: 20/07/17

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Lot	Unit	UE Contact name	Position	Vote	Name on title Nominated by	Lot Nominated arrears (-)prepaid	Nominated arrears (-)prepaid
218	218	54.00 Jeffrey Wang	Member	Yes	Jeffery Ching-Hao Wang & Rebecca Grace Ein Hoi Wang Nominated by N/A	0.00	N/A
200	200	54.00 John Gore	Member	Yes	John Lewis Gore & Elizabeth Gore Nominated by N/A	-218.55	N/A
181	181	52.00 Stan Pogorelsky	Chairman	Yes	Stan Pogorelsky & T L Pogorelsky Nominated by N/A	0.00	N/A
151	151	47.00 Maureen McDonald	Member	Yes	Maureen McDonald Nominated by N/A	-1,344.25	N/A
147	147	36.00 Moses Levitt	Member	Yes	Moses Levitt & Simcha Zelda Levitt Nominated by N/A	0.00	N/A
142	142	47.00 Genelle Godbee	Member	Yes	Genelle Godbee Nominated by N/A	0.00	N/A
112	112	38.00 Carlos Fomies Montoya	Treasurer	Apology	Carlos Fomies Montoya & Chiharu Fomies Nominated by N/A	0.00	N/A
88	88	47.00 Marianna Paltikian	Member	Yes	Marianna Hagop Jin Ibrahim Paltikian & Awidis Makasian Nominated by N/A	-1,344.25	N/A
3	3	44.00 Lorna Zelunzuk	Secretary	Apology	Lorna Zelunzuk & Yigal Zelunzuk Nominated by N/A	-1,258.40	N/A
9		Total				-4,165.45	0.00

20/07/2017 10:41 Robert Crosbie

Waratah Strata Management Pty Ltd

Page 1)

Levies were due on 1 May 2017, which means that four committee members, including Mr. Pogorelsky, were in arrears for two and half months. There is no evidence that Waratah Strata Management enforced late payment fees in amount of 10% simple interest per year.

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 20/07/17 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Apology	Lorna Zelunzuk
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE: Upali Arawela (62)
Zelda Levitt (147)
Simon Wicks - Waratah Strata Management
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

Minutes of the meeting:

1 MINUTES

Resolved that the minutes of the previous strata committee meeting were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30 June 2017. The formal approval of the new lift contract is dealt with later in this meeting.

43.1) Email reply from Waratah Strata Management to Thomson Elevator Consultancy Services on 10 July 2017 confirming that they were not able to open the Liftronic contract sent to Thomson Elevator Consultancy Services on 30 July 2017 which Thomson Elevator Consultancy Services only forwarded to Waratah Strata Management on 10 July 2017:

From: Robert Crosbie
Sent: Monday, 10 July 2017 2:59 PM
To: 'Stephen Williams'
Subject: RE: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Stephen,

I keep receiving a message saying "Outlook blocked access to potentially unsafe attachments", so I haven't been able to access the pdf. It would normally go through to my spam filter which should allow me to release it, but even that hasn't happened. It just doesn't like it.

Regards,

Robert Crosbie
Waratah Strata Management
P.O. Box 125, Eastwood NSW 2122
Ph (02) 9114 9599
Fx (02) 9114 9598
www.waratahstrata.com.au

From: Stephen Williams [<mailto:stephen@thomsonlevator.com.au>]
Sent: Monday, 10 July 2017 2:54 PM
To: Robert Crosbie; Alvinc@liftronic.com.au
Subject: RE: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Robert,

I was away last week and could not access these documents.

Please find attached Liftronic's maintenance agreement which was sent on 30 June.

Please let me know if you have problems with the attachment as we've been having a few email issues recently.

Regards,

Stephen Williams
Thomson Elevator Consultancy Services

43.2) Waratah Strata Management discovered Liftronic contract was not signed as of 15 September 2017 and asked for revised contract which they signed without owners corporation approval at any meeting:

From: Simon Wicks
Sent: Friday, 15 September 2017 3:03 PM
To: Stephen Williams
Subject: SP 52948 - 1-15 Fontenoy Road, North Ryde
Attachments: LPL - Macquarie Gardens SP82948- Ongoing Lift Maintenance proposal 29-06....pdf

Hi Stephen

It would appear that this has slipped through a crack. It's come to my attention that the contract with Liftronic has not yet been signed.

As there was a recommended deletion and addition, could you please have Liftronic provide a revised contract, as per your recommendations, which we will duly sign and return.

"If three (3) months prior to the end of the initial period, notice of termination is not given from either party, then this agreement shall continue under the same terms and conditions for a successive term equal to the initial period given notice provided by the Company to the Owners of the intention to roll over."

And insert:

"thereafter this agreement shall continue under the same terms and conditions contained herein excluding 4(d) as a quarterly agreement terminable by either party hereto three months' notice in writing to the other party."

Many thanks and kind regards,

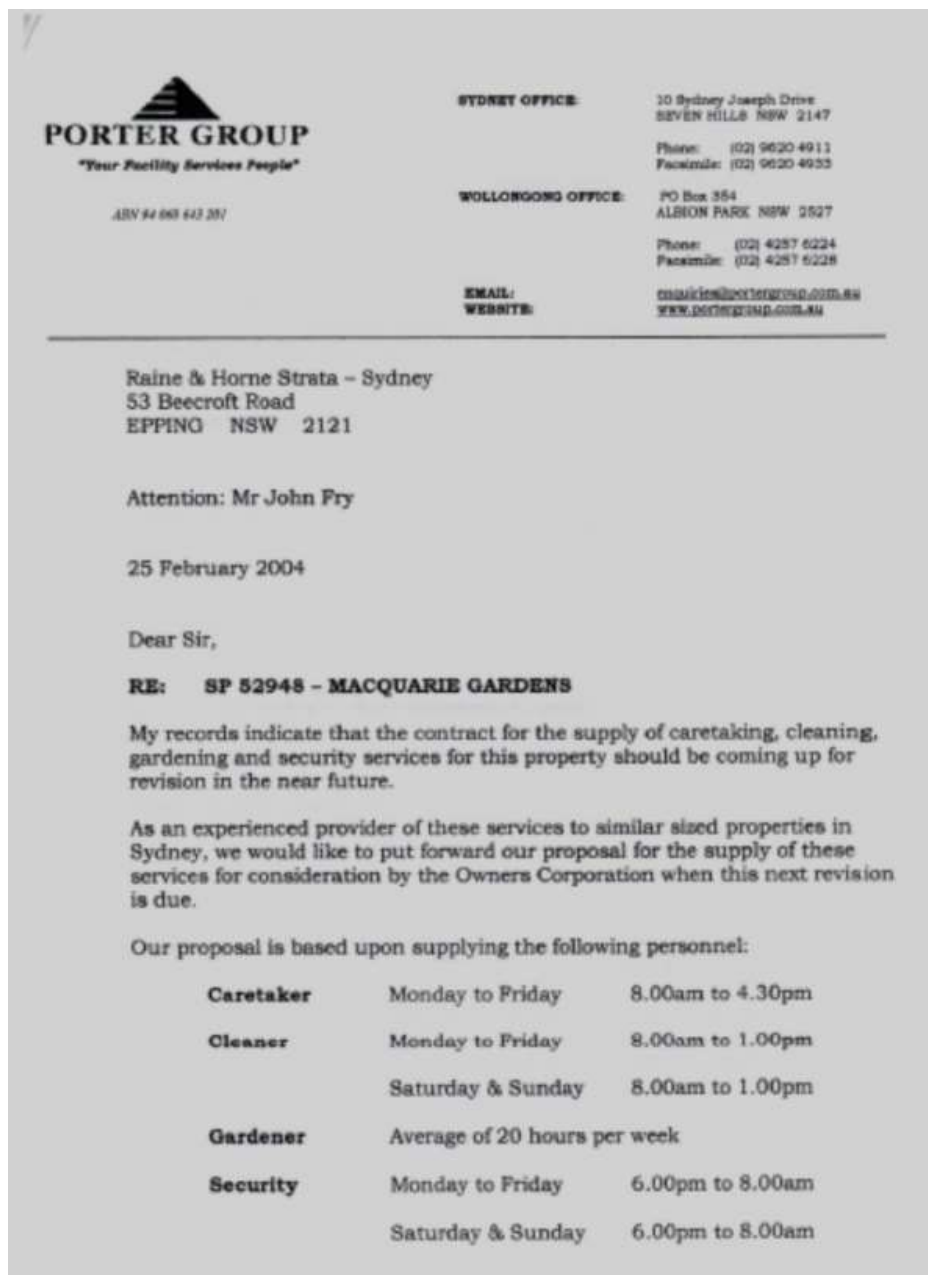
44) Mr. Pogorelsky, whilst unfinancial, prevented number of competitive tenders, or was accessory in organising fictive tenders for strata and building management contracts, or simply not even allowing tenders at other times and approved renewals without any tenders:

44.1) AGM 2004. Strata Manager Mr. John Fry was approached by two companies in effort to bid for the renewal of the caretaker's contract. They were:

Resident Manager Pty Ltd

Porter Group

In a belated document, obtained by me in 2013, Porter Group quoted their proposal on 25 February 2004 at \$238,500.00 (GST exclusive) per year but that included night security duties in hours between 5:00pm and 5:00am next morning, seven days a week, and average gardener's hours of 20 per week. The total difference between their quote and Universal Strata Services in 2005 was \$10,505.00 (around 5% of the full contract only), with the emphasis that Porter Group offered more services:



Resident Manager (in a secret document, obtained belatedly eight years later, a company tendered their proposal) would have charged the following for the maintenance contract (exclude security guards - services for the security guards would have been charged in accordance with the State Awards):

1 Caretaker

1 Gardener

1 Cleaner

Total (with GST) \$144,740.00

For the same services, excluding the security guards, Universal Strata Services charged the following in FY 2005/2006:

Caretaking/Cleaning (exclusive GST) \$105,796.01

Gardening (exclusive GST) \$42,053.01

Total (with GST) \$162,631.22

The approximate savings, in favour of engaging the Resident Manager in 2005 would have been \$17,891.00 per year, 12.36% savings for the owners corporation in just one year.

BCS Strata Management then submitted false statements about missing tender by Resident Manager and did not even mention Porter Group:

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-18Feb2004-lie-to-owners-that-Resident-Manager-did-not-send-quote.pdf>

BCS Strata Management and committee members ignored Lot 158 concerns and evidence on 28 October 2014:

<https://www.nswstratasleuth.info/SP52948-Lot-158-submission-forAGM-2014-lack-of-duty-of-care-28Oct2014.pdf>

44.2) AGM 2016:

Ryan Strata

<https://www.nswstratasleuth.info/Ryan-Strata-Bid-27Jun2016.pdf>

<https://www.nswstratasleuth.info/Ryan-STRATA-MANAGEMENT-PROPOSAL-SP52948-fixed-price.pdf>

44.3) AGM 2017:

Complete Building Management

<https://www.nswstratasleuth.info/Complete-Building-Management-bid-proposal-kept-secret-from-owners.pdf>

44.4) AGM 2020:

Curtis Strata Cleaning

Forte Asset Services

Clean and Secure Building Management

Jim's Mowing

Strata Excellence

Strata Title Management

Netstrata

<https://www.nswstratasleuth.info/SP52948-submitted-tenders-for-strata-and-building-management-28Sep2020.pdf>

<https://www.nswstratasleuth.info/SP52948-submitted-tenders-for-strata-and-building-management-29Sep2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-AGM-2020-sent-on-30Sep2020.pdf>

44.5) EGM 2023:

Building Management Australia

<https://www.nswstratasleuth.info/SP52948-committee-members-failed-to-respond-to-Lot-158-complaints-about-EGM-2023-29Nov2023.html>

<https://www.nswstratasleuth.info/SP52948-extract-from-minutes-EGM-30Nov2023.pdf>

45) Mr. Pogorelsky, whilst unfinancial, prevented owners, CTTT, NCAT, and NSW Fair Trading from accessing number of professional reports that highlighted serious issues with complex management where even passengers in elevators were trapped multiple times.

45.1) To this day, no owner has also received copies of six-monthly fire safety assessments and they are not listed on Waratah Strata website.

45.2) Some examples, including multiple incidents with trapped passengers in elevators:

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-hid-professional-building-report-from-owners-Murdocca-Associates-Block-D-L2-Internal-Wall-Cracking-28Apr2010.pdf>

<https://www.nswstratasleuth.info/SP52948-EagleFire-Protection-Assessment-Mar2013-BCS5212970.pdf>

<https://www.nswstratasleuth.info/SP52948-EagleFire-Protection-Inspection-Report-and-Quote-to-Rectify-Problems-15Aug2014.pdf>

<https://www.nswstratasleuth.info/SP52948-hid-professional-report-Eagle-Fire-Protection-5Jul2016.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-professional-building-report-from-owners-and-CTTT-Napier-and-Blakeley-Jul2012.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-ThyssenKrupp-Elevator-HR-Assesment-11Dec2013.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-ThyssenKrupp-Elevator-HR-Issues-and-Pricing-11Dec2013.pdf>

<https://www.nswstratasleuth.info/SP52948-ThyssenKrupp-Service-report-trapped-passenger-30Jul2014-BCS9794624.pdf>

<https://www.nswstratasleuth.info/SP52948-ThyssenKrupp-Service-report-trapped-passenger-22Nov2014-BCS9794655.pdf>

<https://www.nswstratasleuth.info/SP52948-ThyssenKrupp-Service-report-passenger-trapped-15Dec2014-BCS9794642.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-professional-building-report-from-owners-Vertical-Transport-management-Services-Report-Feb2014.doc>

46) Mr. Pogorelsky, whilst unfinancial, deliberately mismanaged 10-Year Capital Works Fund:

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf>

Some examples of serious problems with Capital Works Fund:

- In BIV's plan in March 2017, it was recommended to complete the roof upgrades in August 2023 at estimated cost of \$571,275.00.

In BIV's plan in October 2021, it was recommended to delay the roof upgrades to September 2031 at estimated cost of \$900,722.00.
- In BIV's plan in March 2017, elevator upgrades were scheduled in August 2026 at estimated cost of \$339,831.00.

Due to multiple incidents, expired equipment, OH&S risks, and poor maintenance, elevator upgrades were completed in 2019 at cost of above \$880,000.00 (plus GST).

In BIV's plan in October 2021, it was recommended to run further upgrades in September 2030 at estimated cost of \$680,632.00.
- In BIV's plan in March 2017, external painting was scheduled for August 2027, at estimated cost of \$1,640,783.00.

Just a year later, agenda for the AGM 2018 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totalling \$710,820.000).

That did not include professional consultancy fees and failed to provide evidence and invoices for all work related to painting and major works on townhouses allegedly costing \$92,950.00.
- In BIV's plan in March 2017, it was recommended to complete the work for central HWS in August 2019 at estimated cost of \$70,560.00. This work was not done.

In BIV's plan in October 2021, it was recommended to delay the work to August 2026 at estimated cost of \$103,329.00.
- In BIV's plan in March 2017, it was recommended to complete the work for internal painting in four buildings in August 2021 at estimated cost of \$243,101.00. This work was not done.

In BIV's plan in October 2021, it was recommended to delay the work to September 2028 at estimated cost of \$244,955.00.

There are many large cracks and problems with internal walls in buildings.
- In BIV's plan in March 2017, it was recommended to complete the work for gym area and facilities in August 2022 at estimated cost of \$82,958.00.

In BIV's plan in March 2017, it was recommended to complete the work for pool and sauna area and facilities in August 2026 at estimated cost of \$231,885.00.

In BIV's plan in October 2021, it was recommended to delay the work for BOTH pool area and gym to September 2024 at estimated cost of measly \$21,509.00 (massively under estimated).

Due to long-term neglect, in May 2023, committee had to make urgent (unapproved at general meeting) decision to repair pool and spa area in amount of \$55,000.00.
- In BIV's plan in October 2021, it scheduled the work for common property lighting to September 2023 at estimated cost of \$26,781.00. Almost no work was done on this item.

- In BIV's plan in October 2021, it was recommended to delay the work for fire safety services to September 2028 at estimated cost of \$29,939.00. Waratah Strata Management is deliberately delaying serious fire and OH&S work, in spite of City of Ryde council orders since 2019.

Due to high risks and City of Ryde warnings, SP52948 allegedly approved urgent fire safety upgrades in amount of \$907,124.00 at AGM on 28 November 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

Motion 6 Alternatives	
Alternatives for Quotation Acceptance - Fire Safety Works	Motion Alternatives Submitted by Strata Manager
<p>(Option A) Flame Safe - \$ 783,713 (Option B) Fire Protect Services - \$ 997,240 (Option C) Superior Fire Services - \$907,124</p> <p>'OPTION C' has been selected with the highest votes.</p>	

46.1) Mr. Pogorelsky, whilst unfinancial, failed to address these concerns before, at, and after AGM 2024:

<https://www.nswstratasleuth.info/SP52948-Lot-158-submissions-for-problems-at-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Waratah-Strata-Management-failed-to-answer-serious-questions-AGM-2024.pdf>

46.2) At committee meeting on 23 September 2021, it was admitted that owners corporation had shortage of \$1.5 millions in Capital Works Fund and as of December 2024, the alleged plan to update Fund assessments never happened:

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-23Sep2021.pdf>

It was noted that the Capital Works Forecast Report prepared in 2017 suggests that the current balance of the Capital Works Fund should be \$2,550,035 and that the actual balance of the Capital Works Fund is \$1,034,494. It was resolved that an updated Capital Works Forecast report be obtained as soon as possible. If the report is received prior to the AGM agenda being issued, the proposed Capital Works levy in the budget will be adjusted in accordance with the report. If the report is not received prior to the AGM agenda being issued, then the budget will be issued as tabled and the recommendation discussed at the AGM. Resolved that subject to the above comment the proposed budget tabled at the meeting is to be presented at the 2021 AGM.

46.3) In spite of high fire safety and insurance risks, Mr. Pogorelsky, whilst unfinancial, supported strata manager who sent orders for insurance valuations and risks to Biv Reports only on 8 January 2025, significantly delaying that assessment yet again.

Biv Reports has been confirmed as company with poor quality of services, and they were contacted multiple times to explain their assessments in 10-Year Capital Works Fund:

- 15 April 23017
- 16 April 2017
- 15 October 2021

They never replied.

SP52948 ignored request by insurance company dated 24 September 2024:

We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

47) Mr. Pogorelsky, whilst unfinancial, was direct accessory to forging and manipulating financial documents. Few examples:

47.1) Solicitor Adrian Mueller's legal costs falsified statements in accounting in 2013.

<https://www.nswstratasleuth.info/SP52948-Peter-Bone-BCS-Strata-Management-ignored-official-request-Secretary-of-the-EC-to-explain-six-monthly-balance-sheet-for-FY-2013-and-another-discrepancy-in-insurance-costs-14Apr2013.html>

<https://www.nswstratasleuth.info/SP52948-dubious-utility-expenses-and-financial-accounting-data-generated-by-Waratah-Strata-Management-for-FY2018-29May2019.pdf>

<https://www.nswstratasleuth.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

<https://www.nswstratasleuth.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-1.png>

47.2) Evidence that BCS Strata Management manipulated the financial figures:

From: Steven Zouroudis [<mailto:Steven.Zouroudis@communitye.com.au>]

Sent: Tuesday, 23 April 2013 2:35 PM

Cc: Paul Banoob; Peter Bone; Krisna Sophia

Subject: SP 52948 - six monthly accounts

The income received from the insurance company in regards to legals is now showing in the accounts. The previous six monthly accounts you received had the insurance claim for legal fees taken up as a asset and offset once the money was received.

I have attached the paperwork from the insurance company of the claims received. The amounts are:-

\$948.55 for burst pipe U190

\$12714.65 for CTTT Defence for Lot 3

\$367.64 for CTTT Defence for Lot 3

There may be more claims that are pending from the insurance company, you will need to discuss this with your strata manager.

Please advise if you need any more clarification of the six monthly accounts provided.

Steven Zouroudis
Assistant Accountant

47.3) Disappearing legal costs for Solicitor Adrian Mueller in accounting for 2022.

<https://www.nswstratasleuth.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-2.png>

<https://www.nswstratasleuth.info/SP52948-disappearing-insurance-payments-between-4Aug2022-and-31Aug2022-page-3.png>

<https://www.nswstratasleuth.info/SP52948-request-by-Lot-158-to-Waratah-Strata-management-on-25Feb2024-to-update-all-financial-reports-since-November-2023.html>

<https://www.nswstratasleuth.info/SP52948-AGM-2023-dubious-invoices.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-for-late-Feb2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

48) Mr. Pogorelsky, whilst unfinancial, was accessory in organising 32 committee meetings that did not comply with SSMA 2015 and Interpretation Act 1987 (NSW) since 1 February 2017 when Waratah Strata Management took office:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

49) Mr. Pogorelsky, whilst unfinancial, organised falsified committee meeting in his unit on 9 July 2012 and then assisted Solicitor Adrian Mueller who created false statements in Statutory Declaration for strata manager Peter Bone to CTTT in case SCS 12/32675 on 19 April 2013 (CTTT dismissed this meeting as invalid). Solicitor Adrian Mueller in that CTTT case failed to comply with Tribunal orders three times:

<https://www.nswstratasleuth.info/SP52948-Bruce-Copland-alleged-agenda-without-any-details-for-committee-meeting-not-sent-to-any-owner-6Jul2012.webp>

<https://www.nswstratasleuth.info/SP52948-Minutes-of-EC-meeting-without-agenda-or-minutes-sent-to-any-owner-and-not-listed-in-Minutes-Book-9Jul2012.webp>

<https://www.nswstratasleuth.info/SP52948-strata-manager-Peter-Bone-Statutory-Declaration-for-CTTT-case-12-32675-fully-prepared-by-Solicitor-Adrian-Mueller-and-signed-on-19Apr2013.pdf>

https://www.nswstratasleuth.info/20200723-Re_REQUEST_%20Waratah%20Strata%20Management%20website%20missing%20notice%20and%20minutes%20of%20EC%20meeting%20dated%209Jul2012-32900.html

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-request-on-22Jul2020-to-prove-committee-meeting-dated-9Jul2012-existed.html>

49.1) Unscheduled Executive Committee meeting was not convened in accordance with the SSMA 1996 Schedule 3 Part 2 Section 7 Clause 1 and 2.

49.2) The notice did not contain the exact specification where the meeting was to be held and detailed agenda. Non-compliance with the SSMA 1996 Schedule 3 Part 2 Section 6 Clause 3.

49.3) The agenda was not sent to any owner on the strata roll who were not on the committee in the prescribed timeframe (at least 72 hours (clear-day notice – working days) before the meeting). Even one member of the EC did not get it, which was confirmed in alleged “minutes” on 9 July 2012. Non-compliance with the SSMA 1996 Schedule 3 Part 2 Section 6 Clause 1 and 4.

49.4) Since the agenda was not sent to owners on the strata roll, it denied the right and natural justice to owners due to non-compliance with SSMA 1996 Schedule 3 Part 2 Section 11 Clause 2.

49.5) The alleged Executive Committee meeting held on 9 July 2012 did not contain motion to confirm the minutes of the previous Executive Committee meeting. Non-compliance with the SSMA 1996 Part 3 Section 22 Clause a and b.

49.6) The alleged Executive Committee meeting held on 9 July 2012 was not attended by the Secretary of the committee (Strata Manager) and he was not even invited to attend. Non-compliance with the SSMA 1996 Part 3 Section 22 Clause f and g.

49.7) The alleged minutes of the Executive Committee meeting held on 9 July 2012 were not distributed to owners on the strata roll within 7 days after the meeting or at any time afterwards in following years. Non-compliance with the SSMA 1996 Schedule 3 Part 2 Section 16.

49.8) The Minutes of this meeting have never not been recorded in the official Minutes Book of strata plan SP52948. Non-compliance with the SSMA 1996 Section 102.

49.9) The Minutes of this meeting clearly confirmed intention to submit Motion for special resolution for legal fees at general meeting after CTTT Directions hearing was completed (AGM 2012 proved that such special resolution and discussion never occurred).

49.10) Meeting was held in Mr. Stan Pogorelsky's unit (Lot 181), who was unfinancial to vote and be a member of the committee due to unpaid levies in 2012 and 2013 and incorrectly paid gas levies since 1999.

49.11) Even the committee members did not get the copy of the meeting on 9 July 2012, as published exclusively for committee members in agenda for committee meeting sent on 13 August 2012 (found on Waratah Strata website in 2018).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Notice-EC-meeting-13Aug2012-organised-by-BCS-Strata-Management-Paul-Banoob-and-not-containing-minutes-of-EC-meeting-9Jul2012.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-committee-meeting-sent-to-owners-14Aug2012.pdf>

Strata manager was warned about falsified events many times, including:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20190618-WITHOUT%20PREJUDICE %20Request %20to%20stop%20wasting%20strata%20-455.pdf>

50) Mr. Pogorelsky, whilst unfinancial, allowed significant mismanagement of common property, which allowed third incident with blown window to happen on 29 November 2020 that almost killed tenants in Unit 190.

<https://www.nswstratasleuth.info/SP52948-third-major-incident-in-complex-blown-window-frame-in-sunroom-29Nov2020.html>

<https://www.nswstratasleuth.info/SP52948-update-on-third-major-incident-in-complex-blown-window-frame-in-sunroom-30Nov2020.html>

<https://www.nswstratasleuth.info/SP52948-Lot-158-complaint-to-Waratah-Strata-Management-about-broken-glass-not-cleaned-from-garden-beds-three-months-after-major-incident-with-blown-frame-window-9Feb2021.html>

<https://www.nswstratasleuth.info/SP52948-insurance-declined-claim-for-Lot-190-window-frame-due-to-long-term-fatigue-which-was-neglected-for-maintenance-7Jul2021.webp>

50.1) This was a third incident with blown windows in the complex.

50.2) Tenants of Lot 190 were visibly shaken by the experience, especially the old lady who tried to hang onto the massive frame in sunroom before it was blown by the strong wind.

50.3) Pure luck had it that nobody was hurt and that children and people in BBQ area were not affected.



50.3) Insurance declined claim in amount of \$13,497.00 for repair of window frame in Lot 190 due to long-term neglect.

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Details of Policies held			
Renewal Date	Policy Number	Insurer	
Insurance Type	Date Paid	Policy Status	Premium Paid
21/09/2020	QUSS042715	QUS Pty Ltd	
Building	16/09/2019	Inactive	87,162.33
Details of Claims processed			
Claim Date	Amount Claimed	Claim Status	Amount Received
Insurance Type		Excess Details	
09/02/2021	13,497.00	Refused	0.00
Building			

51) Mr. Pogorelsky, whilst unfinancial, supported Waratah Strata Management to prevent registration of Special By-Law as approved at AGM on 4 November 2016, directly affecting safety and well-being of tenants and visitors in SP52948:

25. MOTION REQUESTED BY LOT 158-OCCUPATIONAL HEALTH AND SAFETY RISK ASSESSMENT::

25.1 That the Owners Corporation SP 52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms:

SPECIAL BY-LAWS: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWHSR), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting

APPROVED

49 voted Yes, 11 voted No

52) Mr. Pogorelsky, whilst unfinancial, to protect own interests and defraud owners corporation, was direct accessory and determined supporter of multiple attempts to threaten Lot 158 with alleged defamation:

52.1) Solicitor Adrian Mueller letter on 10 September 2012, trying to prevent CTTT case SCS 12/32675.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor-J-Mueller-Defamation-Threat-6Sep2012-arrived-10Sep2012.pdf>

Outcome: Entirely failed attempt by Solicitor Adrian Mueller.

52.2) BCS Strata Management attempted to stop Lot 158 website since 19 January 2016, when Pica Group (Strata Manager, Body Corporate, Facilities Management, & Property Service Provider with over 700 staff and 30 branches, parent company of BCS Strata Management) engaged highly experienced group of corporate lawyers to threaten Lot 158 and failed to achieve any results.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Pica-Group-Greg-Freeman-defamation-letter-to-Lot-158-in-SP52948-19Jan2016.pdf>

To this day, CEO and managing Director of Pica Group (Mr. Greg Nash) did not refute any claims of Lot 158 as per Lot 158 public challenge to Mr. Nash dated 18 December 2015. Each year, Mr. Nash is asked to present "his findings to public worldwide" and so far he failed to respond:

<https://www.productreview.com.au/reviews/1eda081f-3bd8-35d9-98af-a913c22b5e70>

52.3) Ex-Chairperson of SP52948 committee Mr. Bruce Copland attempted to prevent Lot 158 website through Tresscox Lawyers on 27 June 2016.

Outcome: Entirely failed attempt by Tresscox Lawyers (confirmed by the Supreme Court in 2022).

52.4) Deed of Agreement by Solicitor Adrian Mueller who allegedly represented Waratah Strata Management, committee members, and Uniqueco Property Services on 17 October 2019 (paid to the Solicitor on 8 October 2019 before owners even had an opportunity to formally consider it). In this attempt, they tried to include Lot 158 wife as part of legal enforcement, in spite of fact that she was not a party. Owners corporation allegedly approved \$150,000.00 for the defamation expenses, but in FY 2020 they recorded only \$2,435.00 (GST excl) in accounting files for paid expenses of Solicitor Adrian Mueller, and in FY 2021 they recorded only \$413.00 (GST excl) in accounting files for paid expenses of Solicitor Adrian Mueller and \$1,218.75 (GST excl) for Solicitor Hussein Elachkar.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Lot-158-Deed-of-Agreement-17Oct2019.pdf>

Outcome: entirely failed attempt by Solicitor Adrian Mueller and Solicitor Hussein Elachkar.

52.5) Concerns notice ML:MM:20-0035 by Matulich Lawyers representing Uniqueco Property Services on 21 July 2020.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Carbone%20Concerns%20Notice%20to%20Lot158%2021%20July%202020.pdf>

Outcome: entirely failed attempt by Matulich Lawyers.

52.6) Solicitor Adrian Mueller tried to use Uniqueco Property Services as useful vehicle in his Concerns Notice AM:DL:34813, representing Waratah Strata Management and SP52948 committee members on 21 October 2020, whilst trying to prevent NCAT case SC 20/33352. Solicitor again tried to include Lot 158 wife as part of legal enforcement, in spite of fact that she was not party.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Letter%20and%20Annexure%20A-21Oct2020.pdf>

Outcome: entirely failed defamation attempt by Solicitor Adrian Mueller.

52.7) Since April 2020, Uniqueco Property Services was threatening Lot 158 for website contents that allegedly defamed them. Email correspondence "Re: Lot 158 legal member of SP52948 EC" on 3 April 2020 confirms it. Uniqueco Property Services failed to achieve any result or offer direct imputations of alleged defamation. In that document it was very clear what Uniqueco Property Services wanted (spelling errors are as per original):

You would like to mediate - why? When we receive nothing but accusations from Lot 158.

Mediation with Lot 158 would be effective, please ask yourself how? Have you mediated previously with the EC, Strata or other residents? You would know better than us how that worked out.

Uniqueco Pty Ltd doesn't need to answer to Lot 158 but to the EC Committee and Strata Management.

(part of email content cut for the sake of brevity...)

Do not contact us unless you have an issue with your unit eg repairs etc.

They tried to do it again through D'Agostino Solicitors on 14 November 2024.

Outcome: entirely failed defamation attempt by D'Agostino Solicitors.

52.8) At non-compliant committee meeting on 13 February 2020, the following was published:

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-13Feb2020.pdf>

Legal Advice regarding Lot 158 – Lot 158 have refused to sign a Deed of Agreement agreeing to cease publishing alleged defamatory statements against members of the strata committee, Steve & Sandra Carbone from Uniqueco and Waratah Strata Management. Adrian Mueller has provided fee proposals from 4 barristers with defamation proceedings experience. The fee proposal provided by Roger Rasmussen has been accepted. Mo Levitt is to review the information being published by Lot 158 on their website and prepare a summary of the most relevant information that should be provided to the barrister. Janelle Godbee is to review the motions requisitioned by Lot 158 to be included on the 2019 AGM agenda to provide a summary of the most relevant information that should be provided to the barrister.

52.9) At non-compliant committee meeting on 7 May 2020, the following was published in regards to requirement to respond to O'Brien Criminal & Civil Solicitors' letter dated 30 October 2019:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-letter-to-Lot-158-Solicitor-rejecting-access-to-strata-files-on-14Nov2019.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/O'Brien-Criminal-and-Civil-Solicitors-letter-to-Solicitor-Adrian-Mueller-30Oct2019.pdf>

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-7May2020.pdf>

Legal advice regarding Lot 158, including acceptance of barrister fee proposal - Subject to amendments required to the content of the costs agreement, the strata manager is instructed to sign the costs agreement under common seal for and on behalf of the Owners Corporation. The barrister is also to be requested to respond to the letter received from O'Brien Criminal & Civil Solicitors on behalf of Lot 158.

The alleged Barrister (Mr. Hussein Elachkar), Solicitor Adrian Mueller, strata managers, and committee members never complied with this decision at the committee meeting.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/IMMEDIATE%20RESPONSE%20REQUESTED%20for%20Lot%20158%20demands-21Oct2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Request%20ignored%20by%20Hussein%20Elachkar%20for%20details%20of%20his%20Standard%20Costs%20Agreement%2028Jun2022.pdf>

52.10) At non-compliant committee meeting on 1 December 2021, in General Business, which was not part of Motions in agenda for the meeting sent on 25 November 2021, the following was published:

<https://www.nswstratasleuth.info/SP52948-notice-EC-meeting-25Nov2021.pdf>

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-1Dec2021.pdf>

LOT 158 INTERNET POST - Lot 158 has posted information in regards to dealings with the owners corporation and Waratah Strata Management via website:

<https://www.nswstratasleuth.id.au/SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html>

It was resolved that strata managing agent engage Adrian Mueller (JS Mueller & Co) to provide legal advice and investigate if lot 158 website post has breached NCAT orders and report this website to NCAT. Further request for an update regarding recovery of costs previously awarded.

52.11) Lot 158 acted (and still does) as legally-valid committee member and investigative journalist, with duty of care and responsibilities attached to that role:

- It is Lot 158 Qualified Privilege to act in that role since the recipients (primarily SP52948 owners) have an interest in receiving the information, the matter is published in furtherance of that interest, and the publications are reasonable.
- The publications are highly linked to proven facts that were offered for discussions to committee members, strata managers, and Uniqueco Property Services at all times.
- Publications relate to the performance of strata and building management's public functions and activities.
- The publisher was never anonymous and deliberately never used well-known forums for it (Facebook, X, Twitter, Reddit, Rumble, YouTube, and so on). The priority was (and still is) the communication with other owners, tenants, and investors in SP52948.
- The rest of the audience is anyone who might be interested in problems with strata schemes in NSW and Australia globally. The website is designed to investigate, educate, and help others avoid well-known problems with strata complexes that are just now starting to get wide public exposure and interest.

- Every possible effort was made to engage the allegedly defamed persons' side of the story.
- Careful steps were taken to verify the information in the publications and publisher's honest opinion is that contents are factual.
- There is an importance of freedom of expression in the discussion of matters that are of public interest.

53) In last 15 months alone, Mr. Pogorelsky has been repeatedly engaged to respond, refute, complain, or take any other reasonable action as per these 45 emails sent to him or through strata managers. Mr. Pogorelsky has never replied or demonstrated willingness to address the serious issues, or even acknowledged that he was unfinancial to represent owners corporation:

- "REQUEST - Provide evidence and justify questionable payments from SP52948 Admin Fund for AGM 2023" (email sent on 20 October 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231020-REQUEST%20-%20Provide%20evidence%20and%20justify%20questionabl-66.pdf>
- "DEADLINE EXPIRED - UPDATED EVIDENCE PART 4 - NSW Fair Trading - Reference Number 11138875" email sent on 24 October 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231024-DEADLINE%20EXPIRED%20-%20UPDATED%20EVIDENCE%20PART%204%20-%20NSW%20F-69.pdf>
- "HIGH LEGAL AND INSURANCE RISK - UPDATED EVIDENCE PART 5 - NSW Fair Trading - Reference Number 11138875" (email sent on 26 October 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231026-HIGH%20LEGAL%20AND%20INSURANCE%20RISK%20-%20UPDATED%20EVIDENCE%20P-73.pdf>
- "REQUEST to BUILDING MANAGER - Overdue repairs and actions for SP52948 Lot 158 common property in Oct2023" (email sent on 27 October 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231027-REQUEST%20to%20BUILDING%20MANAGER%20-%20Overdue%20repairs%20and%20-76.pdf>
- "Fwd: AGM 2023 failures and Chairperson John Gore increased SP52948 levies by 7.91% with secret plan to leave complex immediately" (sent on 28 October 2023)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231028-Fwd_%20AGM%202023%20failures%20and%20Chairperson%20John%20Gore%20i-79.pdf
- "OFFICIAL SUBMISSION - Lot 158 Motions for EGM or AGM whichever comes first on 30Oct2023" (sent on 30 October 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231030-OFFICIAL%20SUBMISSION%20-%20Lot%20158%20Motions%20for%20EGM%20or%20A-80.pdf>
- "SUMMARY Incomplete agenda for EGM 2023 on 30Nov2023 with extreme risk of bankruptcy" (sent on 10 November 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231110-SUMMARY%20Incomplete%20agenda%20for%20EGM%202023%20on%2030Nov202-86.pdf>
- "OFFICIAL REQUEST Documents as per SSMA 2015 (NSW) Sch1 Part 10(1) for EGM on 30 November 2023" (email sent on 13 November 2023)
[https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231113-OFFICIAL%20REQUEST%20Documents%20as%20per%20SSMA%202015%20\(NSW\)%20-90.pdf](https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231113-OFFICIAL%20REQUEST%20Documents%20as%20per%20SSMA%202015%20(NSW)%20-90.pdf)

- “SUMMARY - EGM on 30Nov2023 and case to terminate building management contract” (email sent on 1 December 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231201-SUMMARY%20-%20EGM%20on%2030Nov2023%20and%20case%20to%20terminate%20b-93-1.pdf>
- “Updated Ticket 540684 - Incomplete process to replace gas meter serial number UA022414 on 11Dec2023” (email sent on 11 December 2023)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20231211-Updated%20Ticket%20540684%20-%20Incomplete%20process%20to%20repl-95.pdf>
- “OFFICIAL SUBMISSION: Lot 158 request for inspection of SP52948 strata records on 8Jan2024” (email sent on 8 January 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240108-OFFICIAL%20SUBMISSION%20Lot%20158%20request%20for%20inspectio-100.pdf>
- “SUMMARY NSW Fair Trading case 11204124 opened against Waratah Strata Management and other issues on 25Jan2025” (email sent on 25 January 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240125-SUMMARY%20NSW%20Fair%20Trading%20case%2011204124%20opened%20agai-105.pdf>
- “REQUEST SP52948 loss of common property - given to Lot 151 without legal grounds” (email sent on 25 January 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240125-REQUEST%20SP52948%20loss%20of%20common%20property%20-%20given%20to-107.pdf>
- “SUMMARY NSW Fair Trading case 11204124 opened against Waratah Strata Management and other issues on 25Jan2024” (email sent on 26 January 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240126-Re_SUMMARY%20NSW%20Fair%20Trading%20case%2011204124%20opened%20a-108.pdf
- “Re: NSW Fair Trading ref No Reference Number 11204124 and SP52948 document search on 12Feb2024” (email sent on 12 February 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240212-Re_NSW%20Fair%20Trading%20ref%20No%20Reference%20Number%20112041-113.pdf
- “SUMMARY NSW Fair Trading ref No Reference Number 11204124 and outcome of SP52948 document search on 13Feb2024” (email sent on 13 February 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240213-SUMMARY%20NSW%20Fair%20Trading%20ref%20No%20Reference%20Number%201-115.pdf>
- “Re: SUMMARY SP52948 validity of nominations for committee with example from AGM 2017 and 2023” (email sent on 13 February 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240213-Re_SUMMARY%20SP52948%20validity%20of%20nominations%20for%20com-116.pdf
- “REQUEST - Immediate updates for Admin and Income & Expenditure Report and Balance Sheet for period Nov2023 to Feb2024 inclusive” (email sent on 25 February 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240225-REQUEST%20-%20Immediate%20updates%20for%20Admin%20and%20Income%20&-122.pdf>

- “REQUEST Confirm recent mulch brought into SP52948 does not contain asbestos” (email sent on 27 February 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240227-REQUEST%20Confirm%20recent%20mulch%20brought%20into%20SP52948%20-123.pdf>
- “Fwd: FOLLOW-UP ADDITIONS for NSW Fair Trading Reference Number 11204124 on 29Feb2024” (email sent on 29 February 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240229-Fwd_%20FOLLOW-UP%20ADDITIONS%20for%20NSW%20Fair%20Trading%20Refe-125.pdf
- “Fwd: CONFIDENTIAL UPDATE Strata Plan SP52948 risks and Insurance Policy 06S3320703 on 8Mar2024” (email sent on 8 March 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240308-Fwd_%20CONFIDENTIAL%20UPDATE%20Strata%20Plan%20SP52948%20risks-127.pdf
- “Fwd: UPDATED PROBLEM REPORT: SP52948 persistent fire and OH&S safety issues on 27Mar2024” (email sent on 27 March 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240327-Fwd_%20UPDATED%20PROBLEM%20REPORT_%20SP52948%20persistent%20fi-130.pdf
- “UPDATED PROBLEM REPORT WITH CITY OF RYDE WARNINGS - SP52948 persistent fire and OH&S safety issues on 27Mar2024” (email sent on 27 March 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240327-UPDATED%20PROBLEM%20REPORT%20WITH%20CITY%20OF%20RYDE%20WARNINGS%20-132.pdf>
- “SUMMARY Mathematics for votes at EGM on 30Nov2023 does not match reality” (email sent on 31 March 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240331-SUMMARY%20Mathematics%20for%20votes%20at%20EGM%20on%2030Nov2023%20-133.pdf>
- “REQUEST Who and with what authority waived recovery of funds for damaged entrance gate panel on 9May2023?” (email sent on 31 March 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240331-REQUEST%20Who%20and%20with%20what%20authority%20waived%20recover-134.pdf>
- “PROBLEM REPORT: SP52948 reoccurring fallen tree damages and ors on 7Apr2024” (email sent on 7 April 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240407-PROBLEM%20REPORT%20SP52948%20reoccurring%20fallen%20tree%20da-136.pdf>
- “Re: CCTV DATA RETENTION REQUEST SP52948 Lot 182 non-compliance with By-Law 3 - attempt to forcefully enter elevator and unnecessary harassment of Lot 158 in Block A on 23Jun2024” (email sent on 23 June 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240623-Re_CCTV%20DATA%20RETENTION%20REQUEST%20SP52948%20Lot%20182%20non-143.pdf
- “SUMMARY SP52948 NSW Fair Trading mediation case, Police Event for criminal activities, and Solicitor Adrian Mueller on 23Jun2024” (email sent on 23 June 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240623-SUMMARY%20SP52948%20NSW%20Fair%20Trading%20mediation%20case,%20P-144.pdf>

- “Fwd: UPDATED PROBLEM REPORT: SP52948 persistent fire and OH&S safety issues in case FSS2014/7 on 2Aug2024” (email sent on 2 August 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240802-Fwd_%20UPDATED%20PROBLEM%20REPORT_%20SP52948%20persistent%20fi-150.pdf
- “Fwd: UPDATE Strata Plan SP52948 risks and Insurance Policy 06S3320703 on 2 August 2024” (email sent on 2 August 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240802-Fwd_%20UPDATE%20Strata%20Plan%20SP52948%20risks%20and%20Insuranc-151.pdf
- “Fwd: UPDATE PART 2 Strata Plan SP52948 risks and Insurance Policy 06S3320703 on 2 August 2024” (email sent on 2 August 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240802-Fwd_%20UPDATE%20PART%202%20Strata%20Plan%20SP52948%20risks%20and%20I-152.pdf
- “REQUEST SP52948 documents for Lot 158 in NSW Fair Trading case 00994497” (email sent on 3 September 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240903-REQUEST%20SP52948%20documents%20for%20Lot%20158%20in%20NSW%20Fair%20-159.pdf>
- “REQUEST - Any risks to SP52948 for Lot 5 major renovations and portable spa” (email sent on 10 September 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240910-REQUEST%20-%20Any%20risks%20to%20SP52948%20for%20Lot%205%20major%20ren-173.pdf>
- “SUMMARY Eden Gardens appeal refused by the Land and Environment Court” (email sent on 13 September 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240913-SUMMARY%20Eden%20Gardens%20appeal%20refused%20by%20the%20Land%20an-162.pdf>
- “Fwd: SUMMARY Mediation Case 00994497 and NSW Fair Trading Case 11317277 (escalation to NSW Fair Trading Commissioner Natasha Mann)” (email sent on 25 September 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20240925-Fwd_%20SUMMARY%20Mediation%20Case%2000994497%20and%20NSW%20Fair%20-167.pdf
- “OFFICIAL SUBMISSION - Lot 158 Motions for AGM 2024 on 1Oct2024” (email sent on 1 October 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241001-OFFICIAL%20SUBMISSION%20-%20Lot%20158%20Motions%20for%20AGM%202024-170.pdf>
- “REQUEST - Prepare responses to Lot 158 at AGM 2024” (email sent on 5 November 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241105-REQUEST%20-%20Prepare%20responses%20to%20Lot%20158%20at%20AGM%202024-181.pdf>
- “SUMMARY SP52948 Lot 158 comments and amendments for AGM 2024 on 15Nov2024” (email sent on 15 November 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241115-SUMMARY%20SP52948%20Lot%20158%20comments%20and%20amendments%20fo-184.pdf>

- “SUMMARY Owners prevented from having notice-board information since 18 November 2024” (email sent on 23 November 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241123-SUMMARY%20Owners%20prevented%20from%20having%20notice-board%20-188.pdf>
- “Re: Fire and safety audits for SP52948 – 29Nov2024” (email sent on 29 November 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241129-Re_Fire%20and%20safety%20audits%20for%20SP52948%20-%2029Nov2024-2193.pdf
- “SPOILER ALERT Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER as of 1 December 2024” (email sent on 1 December 2024)
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241201-SPOILER%20ALERT%20Stan%20Pogorelsky%20still%20UNFINANCIAL%20an-2198.pdf>
- “UPDATES - NCAT case 2024/00454780-001 Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER as of 22 December 2024” (email sent on 22 December 2024)
https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241222-UPDATES%20-%20NCAT%20case%202024_00454780-001%20Stan%20Pogorel-5362.pdf
- “SUMMARY NCAT case 2024/00454780-001 request for summons to Stan Pogorelsky on 12Jan2025” (email sent on 12 January 2025)
- “SUBMISSION NCAT case 2024/00454780-001 files on 14Jan2025” (email sent on 14 January 2025)
- “Re: SUBMISSION NCAT case 2024/00454780-001 - Bannermans Lawyers conflict of interest on 15Jan2025” (email sent on 15 January 2025 and uploaded to NCAT website)

54) Strata Plan SP52948 committee meeting dated 2 April 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-agenda-EC-meeting-26Mar2024.pdf>

54.1) Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.

54.2) No owner received information about financial status, where Admin Fund had deficit (negative balance) of - \$200,148.73 on the day of the alleged meeting.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-2Apr2024.pdf>

54.3) Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.

54.4) Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wishes so, and with 25% of voting rights to make decision any way they wanted without committee members.

54.5) None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected).

54.6) Meeting did not satisfy quorum (out of four allegedly valid votes, two were not legal committee members: Mr. Ramesh Desai and Mr. Stan Pogorelsky).

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-paper-EC-meeting-2Apr2024.pdf>

Waratah Strata Management was repeatedly warned about allowing self-nominations for committee (this problem reoccurred at AGM 2023 too).

<https://www.nswstratasleuth.info/SP52948-problems-with-validity-of-nominations-for-committee-with-example-from-AGM-2017-sent-to-Waratah-Strata-Management-on-14Nov2021.html>

On 13 February 2024, Waratah Strata Management and committee members were warned about strata managers lies in agenda for AGM 2023, and they did not respond.

Waratah Strata Management failed to offer any evidence that nominations for committee members were done in accordance with SSMA 2015 Schedule 1 Section 5 at previous general meetings.

54.7) Waratah Strata Management abused this requirement in the past and allowed "standard" committee members to self-nominate whilst preventing Lot 158 from the same (Mr. Robert Crosbie's reference to Sec 31 (1) (c) of the SSMA).

Lot 87, email from Mr. Heath Crosbie telling owner he was able to self-nominate on 12 October 2023

Lot 200, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 218, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 181, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023

Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023 (and then allegedly removed her candidacy at AGM on 26 October 2023, where there were 10 candidates on two polling pages and Lot 158 name was missing initially in spite of advance notice)

Lot 122, mail to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023

Lot 142, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

Lot 170, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

54.8) None of six notice boards published agenda of the alleged meeting at any time after the meeting (photo evidence was collected).

54.9) Waratah Strata Management website on two main pages did not list any meeting for this date (photo and video evidence was collected).

54.10) Waratah Strata Management attempted to use services of Solicitor Adrian Mueller in spite of knowledge that he was being investigated for serious professional misconduct and crime (lying to NCAT and Supreme Court, withholding evidence, involvement in insurance fraud, overcharging for non-existent services, and much more) by Office of Legal Services Commissioner and Law Society of New South Wales.

54.11) On 23 May 2024, significant legal expenses were paid, without disclosure to owners.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-significant-legal-expenses-23May2024.png>

54.12) Outcome of alleged Solicitor Adrian Mueller's engagement did not publish any information for owners or present Motion for a new By-Law:

(i) provide advice in relation to recent communication from Lot 158; and

(ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.

55) Examples of events to prevent access to strata files and hamper investigations by Office of Legal Services Commissioner, NSW Fair Trading, CTTT/NCAT, District Court, and Supreme Court.

55.1) At CTTT Hearing 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.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-BCS-Strata-Management-false-promise-to-deliver-strata-documents-13Nov2012.pdf>

55.2) Whilst legally valid committee member, strata manager, upon advice from Solicitor Adrian Mueller, prevented Lot 158 access to strata files on 4 February 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-6Mar2013-BCS5064461.pdf>

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130204-Re_ACCESS%20TO%20INSPECT%20RECORDS%20REQUESTED_%20SP52948%20co-1443.pdf

Evidence that Solicitor Mr. Adrian Mueller applied double-standards for own protection – published on his website on 2 April 2013:

Are You Entitled to Inspect Legal Advice

Tuesday, 02nd April 2013



The answer appears to be "yes" according to a recent decision of the NSW Supreme Court. But the jury is still out on whether a lot owner who is directly involved in the litigation with an owners corporation is entitled to inspect legal advice given to the owners corporation concerning the litigation.

Supreme Court Case

In *Eastmark Holding Pty Ltd - v - Kabraji (No 3)* 2012 NSWSC 1463, the Supreme Court held that the developer of a large residential building in Berry Street, North Sydney was entitled to inspect legal advice given to the owners corporation of the building concerning litigation in which the developer is involved.

55.3) On 4 January 2013, Chairperson Mr. Bruce Copland gave clear instructions to strata manager and Solicitor Adrian Mueller to force Lot 158 to provide all folders in NSW Fair Trading mediation case SM12/1537JR, in spite of fact that there was no fee charged by NSW Fair Trading for mediation services and everyone was responsible for their own costs.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Bruce-Copland-trying-to-exhaust-Lot-158-and-confirmation-EC-not-responsible-to-defend-Strata-Manager-4Jan2013.pdf>

55.4) On 24 January 2024, Mr. Copland repeated the same demand.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Fair-Trading-NSW-case-12-1537-Solicitor-Adrian-Mueller-involvement-on-24Jan2013.pdf>

Subject: Re: SP 52948 - Mediation
From: Bruce Copland <bcopland@toga.com.au>
Date: 24/1/13, 12:24 pm
To: "PeterB@bcms.com.au" <PeterB@bcms.com.au>
CC: "AdrianMueller@lowes.com.au" <AdrianMueller@lowes.com.au>,
"Paul.Banoob@picaust.com.au" <Paul.Banoob@picaust.com.au>

We must be give the so called 2000 pages to read. This is vital. Looking through half a dozen emails is not our problem. He has to be ordered to provide a copy of the file.

I am not in Sydney and cannot call a meeting or review files remotely.

This is intolerable abuse of the process.

55.5) On 18 February 2013, Chairperson Mr. Bruce Copland used defence of alleged legal privilege that all correspondence so that it was made unavailable to Lot 158, who was legally valid committee member.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Bruce-Copland-using-defence-of-privileged-documents-18Feb2013.pdf>

Subject: SP 52948 committee meeting
From: Bruce Copland <bcopland@toga.com.au>
Date: 18/2/13, 18:12
To: John Ward <JWARD@doh.health.nsw.gov.au>
CC: 'Peter Bone' <PeterB@bcms.com.au>

John,

I have just been told ten minutes ago that the chairman of my major overseas client is coming into Sydney on Wednesday and Thursday only and I am required to meet with him and various bankers well into Wednesday night.

So far I have avoided missing meetings over the last ten years but it looks like I have no choice for Wednesday. The committee can appoint a chair for the night and as I understand it proxies do not apply although anything contentious you can always vote to have a circular paper resolution to get a full committee input. Maureen will of course be absent otherwise you should have a full committee.

Not much I can do in this case but make a very late apology.

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 have 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.

55.6) When Lot 158 declined to provide folders free of charge, and because most files were already given to SP52948 in electronic format, SP52948 declined to attend on 20 February 2013:

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/DFT-File-SM12_1537JR-Refused-Mediation-20Feb2013.pdf

55.7) On 21 February 2013, Chairperson Mr. Bruce Copland, quite angrily, forced strata manager to reopen the mediation case, still insisting to incur costs to Lot 158.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Adrian-Mueller-engaged-in-reopening-mediation-case-12-1537-to-incur-costs-without-legal-reasons-on-22Feb2013.pdf>

From: Bruce Copland [<mailto:bcopland@toga.com.au>]
Sent: Thursday, 21 February 2013 9:46 AM
To: Peter Bone; esaulits@alwaysonline.net.au; jeffrey@adifferentcorner.com; jward@doh.health.nsw.gov.au; mcdonald151@bigpond.com; zellew@iprimus.com.au; hirsch25@gmail.com; pogo@ozemail.com.au
Cc: 'Adrian Mueller'; Paul Banoob
Subject: RE: SP 52948 - Request for Mediation

Peter,

I am afraid you have let the applicant off the hook. He should have been given an order to provide the material. This is a gross abuse of process and an intolerable imposition on the Owners Corporation.

How do you know what is in the material?

While it is unlikely that mediation would serve any purpose it is important that you have understood that you will now require to obtain all 2000 pages from CTTT.

This is not a desirable outcome.

Bruce

55.8) SP52948 refused to attend again, added extra expenses paid to Solicitor Adrian Mueller unnecessarily, and closed the mediation case for the second time on 27 March 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-committee-members-information-about-reopened-Fair-Trading-NSW-case-12-1537-5Mar2013.pdf>

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130305-Re_Mediation%20file%20re-opened%20-%20letter%20attached%20Stra-2830.pdf

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor-letter-to-NSW-Fair-Trading-mediation-case-SM12_1537JR-6Mar2013.pdf

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NSW-Fair-Trading-mediation-case-SM12_1537JR-13Mar2013.pdf

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/DFT-File-SM12_1537JR-Refused-Mediation-second-time-27Mar2013.pdf

55.9) In March 2013, Chairperson Mr. Bruce Copland made serious efforts to prevent Lot 158 (who was legally valid committee member at the time) from accessing strata files.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mediation-and-Bruce-Copland-efforts-to-use-privacy-as-defence-Mar2013.pdf>

55.10) Chairperson Mr. Bruce Copland ordered strata manager to make Lot 158 document inspection as inconvenient as possible on 5 September 2013, whilst also declaring that his own correspondence with BCS Strata Management was privileged and private (although they are part of SP52948 records).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Chairperson-Bruce-Copland-instructing-BCS-Strata-Management-to-make-document-search-for-CTTT-difficult-5Sep2013.JPG>

Extract from Mr. Copland's email:

I consider that correspondence between myself and Raine & Horne Strata is personal and not part of the records of the SP52948.

I am of the firm view that all correspondence and material related to any CTTT claim lodged by Lot 158 automatically becomes privileged and that by taking the action he has locked himself out of access to any material.

...

I trust you can make his inspection as inconvenient as possible!.

55.11) Whilst legally valid committee member, strata manager, upon advice from Solicitor Adrian Mueller, prevented Lot 158 access to strata files on 13 September 2013.

55.12) Secret email to Police on 13 April 2018, urging them not to investigate.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Waratah-Strata-Management-urging-Police-not-to-investigate-while-refusing-access-to-files-with-evidence-of-fraud-that-Lot-owner-alleges-13Apr2018.pdf>

It is clear from both of these documents that DB has been making these allegations for many years and that they have been dealt with many times by the CTTT and the District Court and dismissed. The strata committee are extremely concerned that DB is continuing to waste Police time on these false allegations.

55.13) Extract from an email from Waratah Strata Management to NSW Fair Trading on 20 May 2019, asking them not to waste time to investigate the complaints, which was sent just 11 days before Lot 158 had a scheduled document search in Waratah Strata office on 31 May 2019.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-official-notice-Waratah-Strata-Management-intention-to-prevent-Strata-Roll-Access-to-Lot-158-11-days-before-document-search-20May2019.pdf>

55.14) Extract from an email from Solicitor Adrian Mueller to O'Brien Criminal & Civil Solicitors on 14 November 2019, in response to O'Brien Criminal & Civil Solicitors letter dated 30 October 2019.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-letter-to-Lot-158-Solicitor-rejecting-access-to-strata-files-on-14Nov2019.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/O'Brien-Criminal-and-Civil-Solicitors-letter-to-Solicitor-Adrian-Mueller-30Oct2019.pdf>

55.15) Extract from secret emails between Waratah Strata Management, committee members, and Solicitor Adrian Mueller on 9 June 2022, documenting that they hid documents from Lot 158:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor-Adrian-Mueller-trying-to-hide-his-criminal-activities-in-advice-to-Waratah-Strata-Management-and-SP52948-committee-members-9Jun2022.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Waratah-Strata-Management-admission-to-committee-members-and-Solicitor-Adrian-Mueller-about-hiding-strata-files-from-Lot-158-9Jun2022.pdf>

55.16) Extract from letter from Solicitor Adrian Mueller to Lot 158 on 27 June 2022, trying to prevent Lot 158 to assist Office of Legal Services Commissioner, NCAT, Supreme Court Costs Assessor, and the Police:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-letter-27Jun2022.pdf>

The Secretary
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully



JS MUELLER & CO
Adrian Mueller | Partner
E: adrianmueller@muellers.com.au

56) Mr. Pogorelsky, whilst unfinancial, was one of the ringleaders in organising Extraordinary General Meeting on 4 December 2013, where he and his friend (unfinancial committee member Mr. Moses Levitt, Lot 147) made drastic changes of Motion 5 and 6, causing significant losses to owners corporation without disclosure of facts. In that process, Mr. Pogorelsky allowed these unfinancial owners to vote.

56.1) Of 43 proxies, 41 were given to Chairperson Mr. Bruce Copland, who, along with a selective group of 19 (out of 26) townhouse owners (including one other Ex-member of the Executive Committee) received reimbursements for personal water and gas usage without Special Resolution or registered Special By-Law in period before 6 May 2013, and applied in non-compliance with new Special By-Law since 6 May 2013, hence directly decreasing their voting entitlements and being unfinancial. These secret and undeclared reimbursements were never provided in accounting books even in 2017.

56.2) 13 owners, including several committee members did not pay levies for gas heating connection in FY 2012 and 2013 (confirmed in secret invoice by BCS on 1 August 2016). During document inspection on 13 June 2017, it was finally uncovered that group of 19 (possibly even more) owners in SP52948 failed to declare or pay full levies for gas heating connection. Among them are units that still belong, or used to belong, to members of the Executive Committee. For some of them, the details of the installation of the gas heating connection are unknown, so it is difficult to ascertain if the specific committee member was involved in avoiding levies and for how long. 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 24 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings.

<https://www.nswstratasleuth.info/SP52948-EGM-4Dec2013-quorum-calculation.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-EGM-4Dec2013.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-EGM-4Dec2013.pdf>

57) Mr. Pogorelsky, whilst unfinancial, actively supported Solicitor Adrian Mueller and strata manager to coerce CTTT to reject Lot 158 requests to issue summonses two times.

57.1) 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>

57.2) 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>

57.3) 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>

57.4) 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

58) Mr. Pogorelsky, whilst unfinancial, requested that Waratah Strata Management ignores Lot 158 complaints and warnings on 3 April 2017:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-EC-member-Stan-Pogorelsky-instructions-to-ignore-Lot-158-complaints-3Apr3017.pdf>

our request not to speak to CHU Insurance (and other undisclosed organisations) is rejected because your actions are designed to blame me for YOUR actions and I have every right to correct false statements. *Ignore*

You have absolutely no power or rights to prevent me from speaking to CHU Insurance. I do not need authority to contact them. I speak in my name and with my evidence. Please refrain from such threats and never again repeat such comments in public statement.

I have duty of care to report any suspected activity. I gave you opportunity to speak up with evidence.

Secretary of the EC is solely responsible for all communications to owners, minutes, agendas, and other similar tasks. Refer to SSMA 2015 in detail.

I cannot rely on ambiguous message that "strata manager will forward correspondence on to the committee when appropriate". I already showed you evidence that Mr. Crosbie failed to do it last week and address questions I sent.

What is the definition of "appropriate" and who makes such decision (Mr. Simon Wicks, or Mr. Robert Crosbie, or somebody else?). Do owners and me have to rely on "mercy" of a Manager of a small strata agency?

I need formal proof that duties of the Secretary of the EC are delegated to Waratah Strata Management, which still does not release Lot 3 from ultimate personal responsibility of being compliant with SSMA 2015.

Since EC is not willing to co-operate, I expect email from you to be sent to all owners with new By-Laws and corrections of EC meeting (including what the CHU Insurance claim is all about) by tomorrow afternoon (the By-Laws are enclosed herewith). *Ignore*

Regards.