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Police Event for fraud and criminal activities of Solicitor Adrian Mueller

- (1) Solicitor Adrian Mueller listed as prime suspect/person of interest in six areas of fraud and criminal activities.
- (2) In one of the six examples of fraud, Solicitor Adrian Mueller:
 - On 10 December 2012 Solicitor Adrian Mueller initiated CTTT case for alleged legal losses to SP52948 for his legal work without approval or knowledge of owners corporation. He then coerced insurance company to pay for four insurance claims for non-existent event "Defense of Lot 3" in CTTT case SCS 12/32675 in amount of \$24,919.31 (GST excl), whilst forcing me to pay \$26,500.00 for his same legal costs, whilst hiding from District Court and CTTT that his expenses were already mostly covered by insurance claims and that he had orchestrated falsified Statutory Declaration on behalf of strata manager Peter Bone. In total, insurance company and myself paid \$51,419.31 (GST excl) for the same Solicitor's claim of his alleged legal costs of \$15,580.00 (GST excl).

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

 - Around 7 February 2022, Solicitor Adrian Mueller initiated Supreme Court case for alleged legal losses to SP52948 for his legal work without approval or knowledge of owners corporation. He then coerced insurance company and forced myself to, in total, pay \$43,502.56 (GST excl) for the same Solicitor's claim of his alleged legal costs of \$25,158.14 (GST excl) in NCAT case SC 20/33352. He withheld information from Supreme Court Costs Assessor and OLSC that his expenses were already mostly covered by insurance claims and that he had orchestrated an Affidavit without evidence on behalf of his assistant.
- (3) Detective Sergeant assigned to the case.
- (4) Prime witness is Mr. Stan Pogorelsky.

Office of Legal Services Commissioner's case for professional misconduct of Solicitor Adrian Mueller

- (5) Premeditated actions by Solicitor Adrian Mueller since 2012.
- (6) Evidence provided.

Law Society of New South Wales' case for professional misconduct of Solicitor Adrian Mueller

- (7) Investigations Solicitor assigned to the case.
- (8) Evidence provided.

NSW Fair Trading case 11204124

- (9) Additional evidence provided in June and July 2024.

Application for Mediation SP52948 Case – 00994497 - Enforce legal requirements in accordance with SSMA 2015, Sections 132, 150, 188, 232, and 238

(10) Provide strata documents as per paid searches (they are required for active Police Event for fraud and other criminal activities, investigations by OLSC for professional misconduct by Solicitor Adrian Mueller, and investigations by NSW Fair Trading), as per SSMA Section 188.

(11) Rescind Special By-Law 11 "Unreasonable Communications", as per SSMA Section 150.

(12) Order removing members of the executive committee, as per SSMA 2015 Section 238 (a).

Mr. Stan Pogorelsky
Mr. Jeffery Wang
Mr. Ramesh Kamini
Mr. Carlos Fornieles Montoya
Ms. Kathryn Cutler
Mrs. Marianna Paltikian
Ms. Genelle Godbee

(13) Order Lot 151 to repair unauthorized changes to common property, as per SSMA 2015 Section 132.

(14) Resolve long-term disputes and complaints about mismanagement of the complex as per as per SSMA 2015 Section 232, including:

- Hold meetings in accordance with SSMA 2015 (detailed agenda sent on time, published on notice boards and on strata manager website), and minutes sent to owners and published on notice boards and strata manager website within prescribed schedules,
- Assist Police, OLSC, NCAT, and NSW Fair Trading in their current and pending investigations,
- Publish up-to-date detailed expenses and detailed revenue for Admin and Capital Works Fund in agenda for every general meeting (Annual and Extraordinary),
- Publish all fire safety orders and yearly fire audits on strata manager website and notice boards, and send to all owners,
- Promptly terminate strata management agency and building manager due to non-compliance with their contracts and poor performance, and re-tender,
- Promptly resolve long-term common property issues in Lot 158, as per repeated emails sent to Waratah Strata Management and Uniqueco Property Services,
- Proactively maintain common property, with special emphasis on aging roof membranes on the four buildings, roofs on 28 townhouses, painting of interiors in four buildings, and hot water upgrades,
- Promptly comply with fire safety orders issued several times by City of Ryde Council,
- Promptly review requirements for Admin and 10-Year Capital Works plans, based on real needs to protect value of the complex,
- Provide equal services to all owners and tenants for repairs of common property,
- Enforce compliance with by-laws for smoking, parking on common-property.
- Enforce repayments for overdue levies (including gas heating levies) and overcharges by Uniqueco Property Services.

(15) SSMA 2015 Section 238 (b) - Orders prohibiting strata manager and committee to make certain decisions without general meetings:

- Revoke authority for strata manager to renew insurance on behalf of owners corporation without owners corporation decision at legally-convened meetings,

- Revoke authority for strata manager to renew or sign any major contract on behalf of owners corporation (utilities, elevators, painting, major maintenance and upgrades).

27 March 2024 Proposed Fire Safety Order EPA2024/19 / FSS2014/7

- (16) Waratah Strata Management and Uniqueco Property Services continued to act in non-compliance with fire safety regulations since 2020, in spite of repeated warnings by City of Ryde Council.
- (17) City of Ryde Council sent another notice to Waratah Strata Management on 27 March 2024, who allegedly forwarded it to some owners with delay of almost two months on 15 May 2024 (Lot 158 did not get it via Australia Post).
- (18) Strata Plan SP52948 committee meeting dated 17 May 2024, as organized 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).

Agenda was created on 17 May 2024 and scheduled for 23 May 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only three 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.

- (19) Access to current Strata Roll was disabled by deliberate actions of strata manager.
- (20) No owner received full information about financial status, where Admin Fund had deficit (negative balance) of \$100,522.75 on the day of the meeting.
- (21) Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement and the fact that Police Event was opened for his alleged criminal activities, whilst Office of Legal Services Commissioner and New South Wales Bar Association continued to investigate his misconduct in relation to Supreme Court case and insurance fraud.
- (22) Another main motion for this meeting contained incomplete details about massive expenses awaiting owners - Core Consulting Engineers was engaged to assess tenders by the following fire contractors in a response to the tender documentation by CORE (forced by City of Ryde Council). Even worse, these tenders were still incomplete, in spite of fire safety non-compliance for four-years:

Flamesafe [quoted their work at \$783,713.00]

Fire Protect Services [quoted their work at \$997,240.00]

Superior Fire Services [quoted their work at \$907,124.00]

Remedial [quoted their work at \$3,450,172.00]

- (23) Lot 158 did not receive agenda for the meeting.
- (24) None of six notice boards published agenda of the alleged meeting until one day before the meeting on 22 May 2024 (photo evidence was collected).
- (25) Waratah Strata Management was repeatedly warned about allowing self-nominations for committee (this problem reoccurred at AGM 2023 too).
- (26) 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. 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).

- (27) Waratah Strata Management website on two main pages did not list any meeting for this date (photo and video evidence was collected) even two months later, as of early August 2024.
- (28) None of six notice boards published minutes of the meeting (photo and video evidence was collected).
- (29) During 2023 and 2024 alone, Waratah Strata Management rushed to organize four Extraordinary General Meetings that specifically benefited few individual owners but "accidentally" forgot to deal with major concerns like OH&S and fire safety:

SP52948-minutes-EGM-27Apr2023

SP52948-minutes-EGM-17Aug2023

SP52948-minutes-EGM-30Nov2023

SP52948-minutes-EGM-22Feb2024

- (30) As of 1 August 2024, Waratah Strata Management website listed six fire safety related problems , of which one goes back to 25 June 2020 (four year old!).
- (31) It will be important also to analyze the effect of Fair Work Legislation Amendment (Closing Loopholes) Act 2023 in July 2024: "New offence - Industrial manslaughter". Does it apply to large strata plans (which allow short-term accommodation in style of classical hotels) and if it does, how much?

The Fair Work Legislation Amendment (Closing Loopholes) Act 2023, which passed parliament in December 2023, introduces a new offence of industrial manslaughter for the Commonwealth Work Health and Safety Act 2011.

Taking effect on 1 July 2024, the offence carries maximum penalties of \$18 million for bodies corporate or the Commonwealth and 25 years' jail for individuals, reflecting manslaughter penalties in the Criminal Code.

Creating a specific industrial manslaughter offence was a key recommendation of the 2018 review of the model work health and safety laws and responds to community concern that the WHS framework requires stronger penalties for the most serious breaches that result in workplace fatalities.

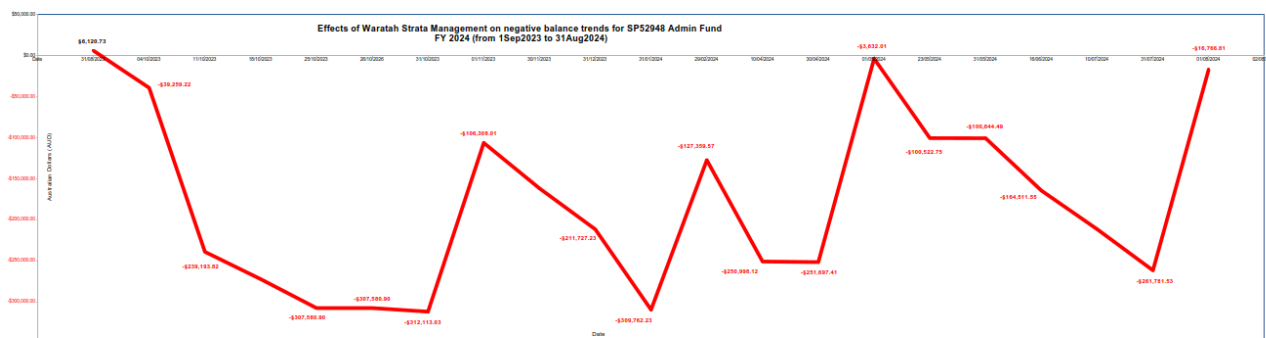
- (32) High fire and safety risks still present:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

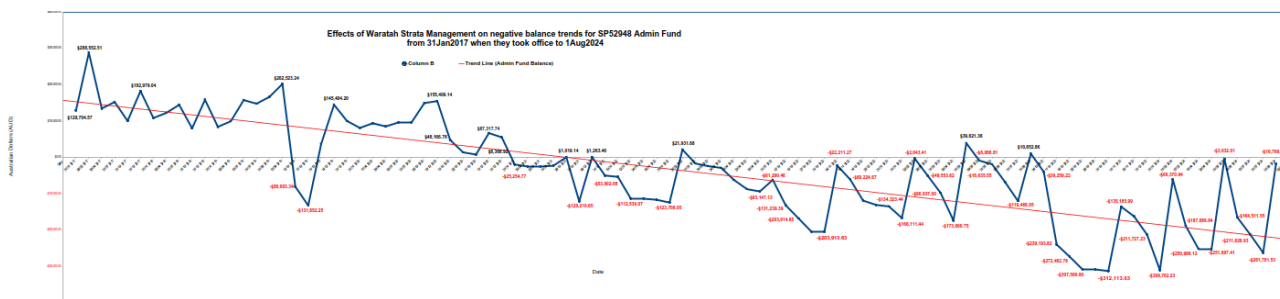
SP52948 Risks of bankruptcy and financial mismanagement

(33) On the last day of financial quarter (31 July 2024), SP52948 Admin Fund had negative balance (deficit) of \$261,781.53.

(34) On first day of new financial quarter, straight after collection of new levies, Admin Fund already had negative balance of \$16,766.81, and no new income will happen until 1 November 2024 (three months later). Status of Admin Fund balances during FY 2024 (1 September 2023 to 31 August 2024):



(35) Status of Admin Fund balances since 1 February 2017 when Waratah Strata Management took office:



(36) More details:

<https://www.nswstratasleuth.info/SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html>

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

<https://www.nswstratasleuth.info/Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html>

SP52948 Ongoing abuse of parking on common and private property by staff of Uniqueco Property Services and occasionally by other tenants

(37) Over the last two years, the excessive abuse of parking by building manager staff, especially by their Director Robert Crosbie became frequent and persistent.

(38) Director Robert Crosbie, with full photo and video evidence, was recorded abusing parking his private mini-van, 4WD, and ride-on mower in six private garages in the complex whilst public spot, fully paid by owners corporation, was left empty in designated location near tennis courts.



(39) By abusing private garages, Uniqueco Property Services staff:

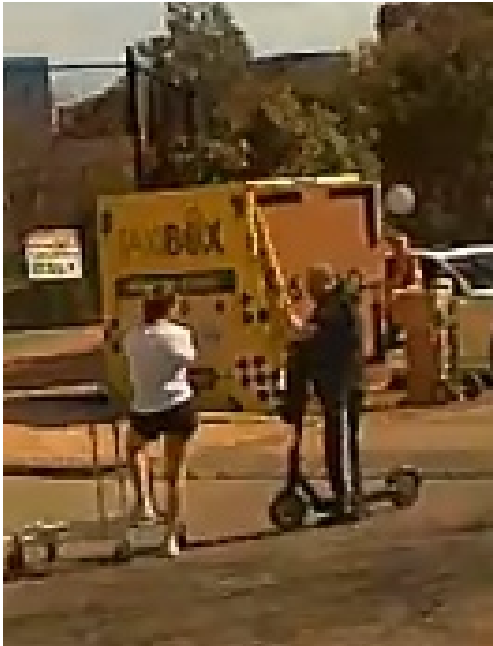
- Increase risks to private property,
- Increase risks to common property,
- Waste owners' funds for designated parking outside the complex,
- Act against their contractual obligations,
- Increase insurance risks,
- Fail to enforce SP52948 by-laws for other parking incidents.

(40) Video and photo evidence:

<https://www.nswstratasleuth.info/SP52948-persistent-problems-with-parking-on-common-property.html>

Uniquenco Property Services Director Steve Carbone riding e-scooter on SP52948 common property and road-related areas without approval of owners corporation, without evidence of motorcycle license, and without wearing compulsory helmet

- (41) Over the last several years, the excessive use of e-scooter by Uniquenco Property Services Director Robert Crosbie became frequent and persistent. Occasionally, the speed of travel is well above 10 km/h.
- (42) Director Robert Crosbie, with full photo and video evidence, was recorded using e-scooter on common property withing SP52948 and sidewalk on Fontenoy Road and Lane Cove Road, and leaving it unattended on common property. Some examples:



- (43) In New South Wales the Road Transport Act defines a "vehicle" as being any description of vehicle on wheels. "Motor vehicle" is "a vehicle that is built to be propelled by a motor that forms part of the vehicle" and a motorcycle as being a "motor vehicle with two wheels". While there are exceptions for some power assisted / motorized bicycles these exceptions do not apply to scooters. This is because a motorized bicycle uses a motor to assist the rider. Electric scooters do not have pedals and are therefore legally defined as a motorcycle.
- (44) In New South Wales it is illegal to ride an electric scooter on any road or any road-related area. A road related area includes areas such as foot paths, cycle paths, and even public car parks. Until these laws are changed the only place one can legally ride in NSW is on private property.
- (45) Because electric scooters are legally classified as a motorcycle, riders must wear an approved motorcycle helmet, hold a valid motorcycle license, and obey the same road rules as motorcycle riders. The main issue is that an electric scooter is a registrable motor vehicle however as they do not meet the Australian Design Standards they are ineligible for registration.
- (46) This means that riders can be fined or charged with riding an unregistered vehicle, an uninsured vehicle, and a vehicle on which registration tax has not been paid. Police can even seize electric scooter and apply for it to be forfeited to the Crown. One can also be fined for not having the correct type of license or charged with an offense of driving while suspended.
- (47) Mr. Carbone rides the scooter on SP52948 common property and public places (he was witnessed many times on walk paths along the Fontenoy Road and Lane Cove Road), without evidence of motorbike license and without wearing a compulsory helmet. There is no evidence that he was approved by owners corporation to use common property for such activity and that SP52948 is protected in case of traffic accidents and incidents caused by Mr. Carbone.
- (48) Uniquenco Property Services fails to comply with SP52948 By-Laws and House Rules.

SP52948 Lot 158 Unrepaired common property

(49) Poor ventilation in one bathroom and laundry, unresolved since June 2018.

Since then, there is a significant lack of fresh air in Lot 158 two bathrooms and laundry, which culminated with strong cigarette smoke at around 2:30 hours in the morning on Saturday 22 June 2024 - it was unbearable amount of smoke which came through vent in en-suite bathroom. Further checks of vents in two bathrooms provided the evidence of almost non-existent air suction in en-suite bathroom. Even as late as 17:30 hours, when Lot 158 owners returned home, the smell of cigarettes was present in the whole unit, so much that there was a need to isolate vent in en-suite bathroom.

Under pressure from few owners, Uniqueco Property Services allegedly organised replacement for one of the roof-top fans on 25 June 2024, forgetting that there was already an incident with the same fan(s) on 3 June 2024. There is no evidence that this was done, even as of late July 2024.

(50) Sunroom ceiling water leaks, with high risk of fire and electrical hazard deliberately unmaintained by Waratah Strata Management and Uniqueco Property Services since late 2020:

Fri Jul 26 17:06

Welcome to Waratah Maintenance

www.lookatmystrata.com.au/187035/maintenance

WARATAH

STRATA MANAGEMENT

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders Quotes

▼ Open Work Orders

Date	Status	Job Summary	No
14/06/2024	Sent	4 replacement back up batteries	17507
27/02/2024	Sent	Fire safety equipment repairs	16578
13/02/2024	Sent	Fire safety - fire sprinkler repairs	16467
14/03/2023	Sent	Abloy Keys	14381
28/05/2021	Sent	Replace FIP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detector for Unit 148 - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834
04/08/2017	Sent	Replace conduit brackets	4026

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(51) Photos and videos:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jun2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-14Jun2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jun2024.mp4>

(52) Sunroom ceiling water leak in Lot 158 photo:



(53) Other long-term issues in Lot 158 and their building:

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

SP52948 Risks and Insurance Policy 06S3320703

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

<https://www.nswstratasleuth.info/SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary.pdf>

<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>

<https://www.nswstratasleuth.info/SP52948-ongoing-problems-in-gardens.html>

<https://www.nswstratasleuth.info/SP52948-risks-with-fallen-trees.and-lack-of-their-proactive-maintenance.html>

<https://www.nswstratasleuth.info/SP52948-risks-with-shopping-centre-trolleys.html>

<https://www.nswstratasleuth.info/SP52948-continuous-problems-with-smoking-and-health-hazards.html>