

news you're not supposed to know

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MARCH 2010



**iBursting with
ill-health**

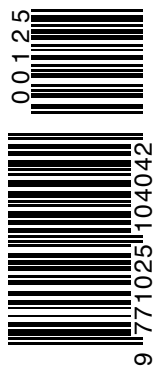
**Dark side of
SA horse racing**

**Costa Divaris:
love and taxes**

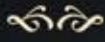
**Stripped bare
by Momentum**



BEE fatcats gobble civil service pensions



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and easily satisfied with
the extraordinary”



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Flash, flesh

Let me just point out that, firstly, FLASH (as in “flash trash”, a reference to me in “Another bad day ... for Investec”, nose124), is something you will never have or understand; and secondly, CASH (as in R1bn lent to me by Investec) is an even bigger dream for you and your washed-up writers.

Write all you want, you are still looking stupid, based on the fact that I am still in business, and business is good. You don't have

what a real scoundrel is.

Zunaid Moti

Abalengani, Sandton

Hunh? One of us is confused. We thought Mr Natasen was your client – not ours. Please advise soonest. PS: The last person who had nasty things to say about Mr Natasen was Edith Venter, who had to eat her words and repay the R400,000 he had lent her. – Ed.

Health uncare

I am writing to express my disgust and concern at Life

entrusted with the lives of human beings in Lifecare Group's hospitals.

I sincerely hope that the doctors and staff responsible for this awful injustice are punished.

Eddie Windsor

Marina da Gama

■ Fleecing medical aids is not the sole preserve of the Lifecare Group (nose124).

A few years ago, while my wife and I were cycling through La Lucia, she took a tumble, and was taken

I am an optometrist. Perhaps 20 years ago a patient of mine had just qualified as a urologist and had taken rooms in the Garden City Clinic. He told me that at the end of his first month the big boss of the hospital gave him an envelope containing cash. He queried this and was told “My boy, I am in the business of running hospitals, not renting out rooms. As long as you help make the hospital pay, your rent will be returned to you each month”.

In another case I referred a patient to an ophthalmologist who, in turn, referred the patient to a neurologist for a scan. A while later I received a cheque from the hospital. Suspecting a kick-back, I tried to get the hospital manager to explain in writing the reason for the payment. This he was not prepared to do, saying “just cash the cheque”.

I would prefer not to be named as I might sour relations with our local medical fraternity.

Name withheld

Gauteng

■ The National Health Professions Council is unquestionably dysfunctional in many respects. The “admission of guilt option” offered to practitioners who have been accused (nose124) shows just how an institution for the health professions, but headed by an advocate, can lose the plot when it comes to medical ethics. Other unhappy features of that body include the inability to monitor and properly manage matters such as registering foreign graduates, tracing unregistered and unqualified people calling themselves doctors, and managing Continuing Professional Development points, to name but a few.

I would, however, like to correct a few possible misconceptions: in our law,

I am sure our paths will cross along the way, whereupon I will get my full pound of flesh

the CASH or FLESH in this case to even waste my time to sue you, but I am sure our paths will cross along the way, whereupon I will get my full pound of FLESH – I look forward. Research your client Vivien Natasen, old chap, then you will see

Fourways Hospital's treatment of a child admitted there and her consequent death (noses123&124).

My deepest condolences to the family of Zenande Mdwaba for their terrible experience at the hands of the alleged incompetents

by a kindly passerby to the nearby Netcare Umhlanga Hospital. She had sustained a cut to the back of her head, caused by the bicycle landing on top of her, a cut to the chin and numerous grazes. By the time I had sorted out bicycles and fetched my car to get there, I found her sitting in the out-patients accounts section.

Her story: “They rushed me to out-patients and a doctor immediately came to examine me, and started giving instructions to the nurse – ‘We need an immediate brain scan, X-ray of the neck and chin, X-ray of the hands’ – at which point I interrupted and said “Hold on – we don't have medical aid”.

To which the doctor responded: “OK, clean her up and she can go.”

Rob H

Durban

■ Your feature on “Why hospitals are bad for your health” gave a true picture of the abuse routinely practised by the private hospitals. However, this has been taking place for many years.

Gus



“£!@ I think I've got a a touch of %&* Tourette's”

recognised complications of medical treatment do not necessarily amount to negligence, nor does honest human error. [We have never suggested otherwise. They are, however, contingencies that can, and should, be covered by insurance. – Ed.]

It is only if the practitioner's reaction to the discovery of either is inadequate or inappropriate, that negligence becomes relevant. Having said that, I am in hearty agreement with your attitude that a significant percentage of South African medical private practitioners have become greedy and materialistic to a frightening degree.

Jean Elferink
Cape Town

■ I found your article "A spine chilling screw up" for the most part objective and fair – except that it lacks context. The question of a misdirected screw [in the course of a back operation], while it does not happen often, is something which may easily occur, despite X-ray control and screening, and for the most part causes only pain. When corrected and the screw is reset, the whole situation is resolved. Dr Preddy, the orthopaedic surgeon involved, is an excellent surgeon and his rate of misdirected screws or complications is very, very low. So the words "spine chilling" and "botched" or "screw-up" only apply if one

is sensationalising.

But I agree with the thrust of your article and urge you to keep looking into the subject of the R10,000 "bribe" fine, even if the Registrar doesn't at first reply to your questions. It is really in the public interest that the matter is pursued.

Percy Miller

Neurosurgeon
Bedford Gardens Hospital

■ As a physician, I understand the sentiments expressed in your articles featuring "greedy doctors". With regard to the overcharging paediatrician at Life Fourways, however, I have the following comments: (1) a cold or flu in a child can be adequately treated by the family GP, with the added advantage that he knows the family history. Seeing a specialist simply wastes resources; (2) to contain escalating costs, many medical aids (e.g. Discovery and Bonitas) are making the family GP the "gatekeeper" to care and costs.

Mags
Durban

PIC acted in good faith

In response to your story "The fat end of The Wedge" (*nose124*) regarding the Public Investment Corporation's investment of millions belonging to the Government Employees Pension Fund in CBS Properties Ltd, we would like to point

out that a rigorous evaluation process was carried out and that we acted in good faith on the information available to us at the time. PIC will not comment nor counter the inaccuracies in the rest of the story as this matter is currently before the courts. PIC is meticulous in the management of public money and we stand by our informed investment decisions. Speculative journalism will not detract us from our mandate.

Albertinah Kekana

Executive Head:
Operations Support Services
Public Investment Corporation
Pretoria

There was nothing "speculative" about our report. We quoted court records, and your own attorney admitting that no "formal" due diligence was done (by PIC) to justify the payment "due to time constraints".

See story on page 7. – Ed.

Don't know your ass

It would be a pity if *noseweek's* reputation for accuracy were marred by your contributors' inability to distinguish their asses from their arses ("Cheaper than you think", in Letters, *nose124* and the otherwise excellent Country Life article in *nose123*).

As everyone nose, an ass is a large, hairy, smelly thing which is difficult to control and periodically emits a loud, fearsome, rasping noise. Furthermore,

THE SPITEFUL GENE

The glum suburban melancholic,
he doesn't dance, he doesn't frolic.

Although not clinically depressed
he very seldom leaves the nest.

He has no friends, he lives alone.
His call's a ghastly stifled moan.

Yet oddly, he desires to mate,
his progeny will share his fate.

Gus Ferguson

■ *Reproduced from Gus Ferguson's latest book "Holding Pattern: Poems & Drawings", available from better bookshops.*

an ass usually has four legs,
whereas an arse invariably
has none at all.

I hope this helps.

Stephen Pain

By email

As in "Pain in the ..."? – Ed.

No one to touch Harold

Harold Strachan's poignantly beautiful story of Mrs H is one of the most affecting pieces of short writing that I have read in ages.

Strachan is a genius, and anyone who gets him removed from *noseweek's* pages is going to get his knees capped.

Bruce MacDonald

Rondebosch



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Our deadly virus

WALL STREET FUND MANAGERS pay themselves huge bonuses from a billion-dollar taxpayer-funded bailout. It's a fair reward, they reckon, for a successful job of high-level political lobbying. Who cares that the poor continue to lose their jobs and their homes – in droves – because of the same fund managers' reckless speculations? That's the free market; that's how the world works.

Other people's money is the best money with which to gamble: better still when the "other people" are ignorant and weak; widows' and orphans' trust money (they are so innocent and trusting); life insurance money (the bugger who spent a lifetime paying for it isn't there to complain when the miserable payout arrives); workers' pension fund money (they're too busy just surviving, and used to accepting what the boss tells them) – all are providers of victim capital. They take the losses without being able to do anything about it: the smart guys get to keep the winnings without any risk of comebacks.

It's got to do with a view of the world as being populated by winners and losers. Great for winners – tough shit for the losers.

Widows and orphans, pensioners and workers are losers.

It's a view to which a surprising number of ANC leaders subscribe. Trevor Manuel endorses a coverup of a billion-rand fraud on Saambou home-loan clients. They're mostly working class whites, so fuck 'em. He gets praised as an astute Minister of Finance. His fiancée, Maria Ramos, screws the Transnet pension funds in order to make her budget look good. The tens of thousands of pensioners who see their pensions shrivel to a fifth of their value in ten years are mostly working class whites and "coloureds" who don't vote for the ANC, so fuck 'em. She gets a couple of million in bonuses for a job well done.

The party cadre (and Manuel acolyte) deployed by the ANC to manage the massive Public Investment Corporation, blows R1.3bn of public servants' pension fund money on a bum BEE deal (endorsed by Thabo Mbeki no less), but doesn't even bother to tell them about it. They happen to be mostly black ANC supporters, but they're just workers – so fuck 'em too. And so the disease spreads. See page 7.

Radiation from across the waves

IN AN ARTICLE ON cellphones and Wi-Fi radiation that appeared in the February 2010 issue of the US magazine *GQ*, Christopher Ketcham captures the dilemma in doing these pieces: "It's hard to talk about the danger of cellphone radiation without sounding like a conspiracy theorist." People don't believe the radiation story because "the cellphone industry funds lots of risk studies", and "hundreds of thousands of dollars from the cellphone industry was doled out to WHO personnel working on wireless health effects" – reminiscent of how "big tobacco hid the dangers of smoking and the addictiveness of nicotine, supporting its position with countless deceptive studies". And even people who suspect that there may be something in the story bury their heads in the sand, because "our lives have been so thoroughly integrated with wireless technology", that people "are not asking the questions because they don't want the answers".

Wi-Fi, we're told, operates at "the same frequency as microwave ovens". As one researcher says: "It never ceases to surprise me

that people will fight a cell tower going up in their neighbourhoods... yet they'll install a Wi-Fi system in their homes – that's like inviting a cell tower indoors." Ketcham says that in 2006, when a Wi-Fi system called WiMax was tested in Sweden, nearby residents "were overcome by headaches, difficult breathing and blurred vision". As a result of concerns, "several European governments are already moving to prohibit Wi-Fi in government buildings and on campuses, and the Austrian Medical Association is lobbying for a ban on all Wi-Fi systems in schools, citing the danger to children's thinner skulls and developing nervous systems".

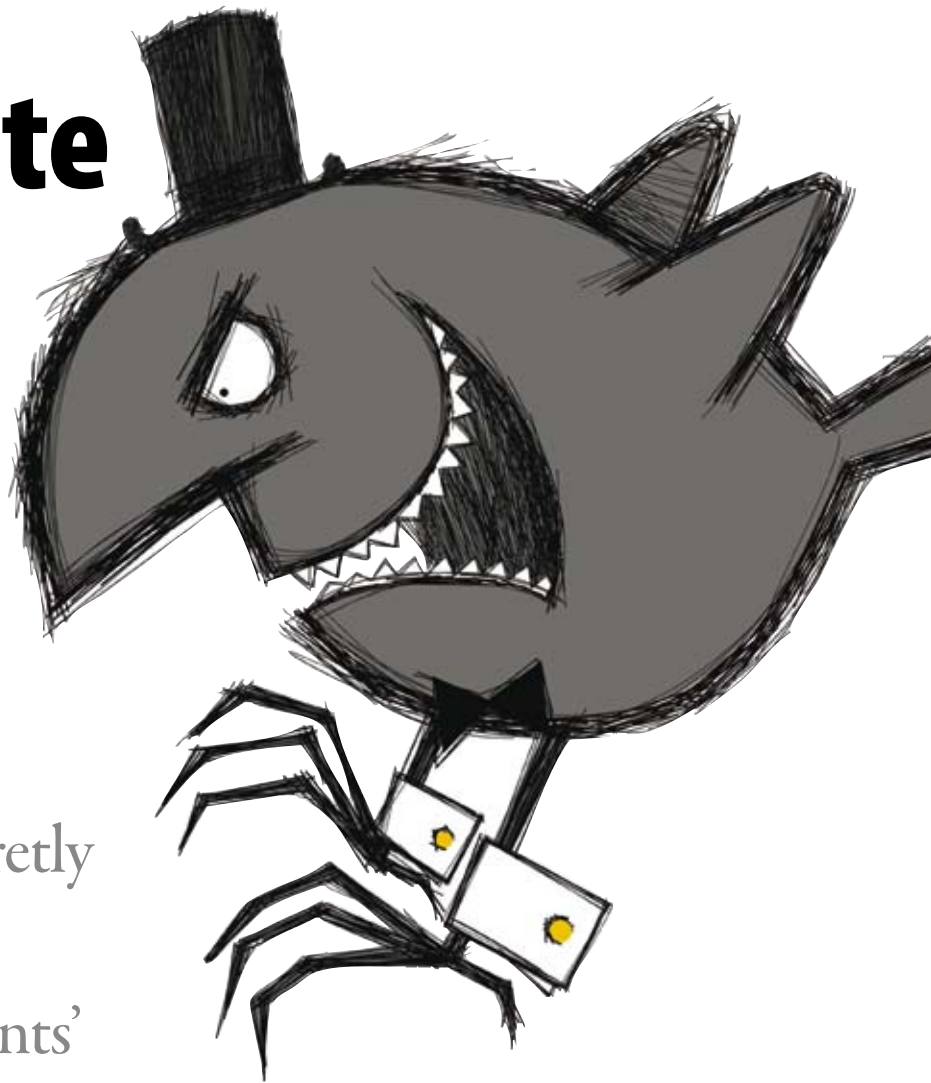
The article ends with some sage words from George Orwell: "The machine has got to be accepted, but it is probably better to accept it as one accepts a drug – that is grudgingly and suspiciously. Like a drug, the machine is useful, dangerous and habit-forming. The oftener one surrenders to it, the tighter its grip becomes."

With all that in mind, you may now turn to page 17.

The Editor

How the state took from pensioners and gave to the rich

Government agency secretly wrote off a whopping R1.3 billion of civil servants' retirement funds to prop up biggest ever BEE deal



FORGET THE R100M-ODD of government employees' pensions that the Public Investment Corporation (PIC) overspent on CBS Asset Management (*nose124*). It has now emerged that, under the watchful eye of CEO Brian Molefe, the PIC appears to have outdone itself, secretly writing off over R1.3bn of government pensioners' savings that it had used to prop up one of the biggest BEE deals ever concluded.

Many believe the July 2008 investment of government pensioners' money was made in a bid to spare the political reputation of then President Thabo Mbeki – who was driven to resign just two months later.

The initial July 2007 deal saw a consortium of BEE investors agree to pay R6.82bn to acquire 46% of Southern Africa's largest hardware and cement supplier, Holcim SA, from its Swiss parent company, Holcim AG. This initial deal reduced the Swiss shareholding in the local company, which was then renamed AfriSam, to just 8%.

Unnoticed in all the excitement about the ultimate BEE deal, Aveng, Holcim AG's previous "white" South African partner in the business (with a 45% shareholding), took the gap and got out of the business by way of a share buy-back deal that cost AfriSam several more billions. Then the BEE shareholders somehow contrived to merge their debt-



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you may be lost in the bush;
if you don't know the stories,
you may be lost in life.



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ridden investment vehicle with the company itself – all of which left the BEE shareholders with 85% and Holcim AG with 15% of AfriSam – and the company with a R16bn debt load.

The whole exercise was financed with foreign loans arranged with the help of Holcim AG, prompting many observers to note at the time that the “biggest ever” BEE deal was actually a smart way of disguising one of the biggest ever disinvestments from South Africa.

Faced with growing controversy, representatives of Holcim AG secured a meeting with President Mbeki and persuaded him to give the deal his personal stamp of approval. In one of his weekly online newsletters, the president lambasted those sceptical of the deal, suggesting that their real objection was to a major – “hugely profitable” – company falling into black hands. The *Mail & Guardian* quoted the president as saying that the deal would “facilitate black ownership and control, despite the current and future excellent market conditions, with virtually guaranteed good profits”.

Yet, exactly one year later, it was announced that the PIC, acting on behalf of the Government Employees' Pension Fund (GEPF) was investing R6bn in AfriSam. Of this R4.3bn bought the pensioners a 20% stake in the BEE shareholders' consortium, and was to be used to repay that amount of bridging finance that had been provided to the BEE partners by Holcim AG itself.



The remaining R1.7bn of pensioners' money was a loan to AfriSam “to sustain existing operations”. Which, of course, rath-

er suggested that “existing operations” weren't going that well.

At that time PIC CEO Brian Molefe vehemently denied that the BEE investors were in trouble and that he was funding a “bail-out operation”.

“If we were not going to make a good return, we wouldn't make the transaction,” he bravely assured *Engineering News*. He went on to tell the *Mail & Guardian* that the return would be “in excess of 20%”.

No surprise, then, that the PIC and pension fund trustees haven't hurried to tell the public, or even their pensioners, that, only a year later, they were having to write off (“impair”) 20% (R1.35bn) of the pension fund's investment in AfriSam.



PIC CEO Brian Molefe

Nosweek has had sight of an, until now, secret document, headed “Draft 2009 Audit Findings”, compiled by one or all of a group of audit firms – Gobodo, Deloitte, PWC and Xabiso – contracted by the Auditor General to do audits on his

behalf. This document was intended as the basis of the Government Employees' Pension Fund's 2008/2009 annual report.

Of particular interest is section 2.3.3 of the document: “Impairment of Investments by the PIC on behalf of the GEPF. Audit finding.”

It reads as follows:

“Fund investments include a

Individuals and companies named as members of the BEE consortium that controls AfriSam:

Mofasi Lekota, Prof Eltie Links, Sharon Maleka and John Ramatsui (all via a company called Bunker Hills 128, which includes amongst its shareholders a “broad-based” women's trust called **Motheo Wa Basadi Trust**) – 35%; AfriSam's management and employees – 20%; unnamed

“charities and community trusts” – 15%. An official document compiled by the Competition Tribunal of SA in May 2007 indicated that the remaining 30% would be held by an “equity partner”, then still unnamed. That, presumably, is where the PIC stepped in to fill the gap – at least partly.

material balance of unlisted investments. The investment in AfriSam Consortium (Pty) Ltd entered into by the PIC during the 2009 financial period on behalf of the GEFP in their capacity as the fund's asset managers is likely to be exposed to significant impairment for the 2009 financial period. Based on an impairment analysis performed by the PIC, including review of the group's financial performance and cash flow performance, a recommendation has been made that the 31 March 2009 valuation of R6,768,403,442 (consisting of equity, preference shares and a payment in kind) be impaired by 20%, amounting to R1.35bn. Of major concern is the fact that the AfriSam assets on which investment decisions were based included Intangible assets,

is in trouble, then the R1.35bn impairment does not even cover the potential loss of the R1.7bn loan, let alone the R4.3bn equity investment of government pension fund money.

All that is serious, but not half as serious as the discovery that none of this is reflected in the published annual reports of either PIC or the GEFP. The R1.3bn impairment of the investment in AfriSam does not even get a mention. How could the auditors have allowed this – and why?

Note that, in their official response to *noseweek's* questions (see below), neither PIC nor the GEFP trustees have denied the impairment: they explain it away as a due to the market deteriorating. They merely omitted to mention to their clients and pensioners the

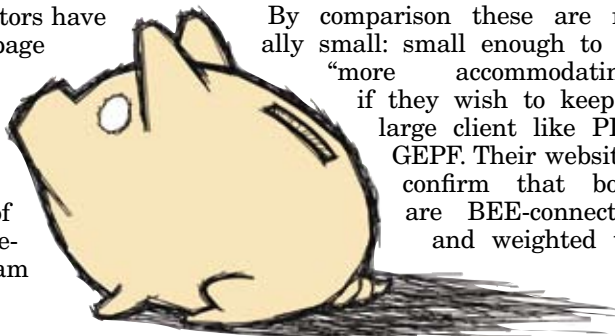
All that is serious, but not half as serious as the discovery that none of this is reflected in the published annual reports

accounting for 78% of total assets.

"This 20% impairment will represent an impairment of the investment to below its original cost price."

AS THE INVESTMENT INTO AfriSam is an investment into an unlisted company, the PIC's valuation committee is the party responsible for considering its valuation and making a recommendation to the board. Yet this note does not appear to have come from the valuation committee, but from an "audit finding". Did the valuation committee miss it? If so, what other questionable investments needing to be impaired could the committee and the auditors have missed? (See Letters, page 5.)

Furthermore, with 78% of the investment attached to "intangibles" [such as goodwill] the 20% impairment of R1.35bn appears extremely conservative. If AfriSam



small matter of a R1.3bn loss of pension funds within a year of their having made the investment.

PWC and Deloitte are massive international operations with controls all the way up to international level: with a huge client base they would probably not risk lawsuits regarding this, just for a single client, even if it is the PIC/GEFP. So it's unlikely that one of them raised this audit note – and then agreed not to include it as a note to the published annual accounts.

While *noseweek* is of the view that large audit firms are as prone as smaller ones to produce suspect audits, in many minds the preponderance of suspicion will shift to the other two, smaller audit firms involved.

By comparison these are really small: small enough to be "more accommodating" if they wish to keep a large client like PIC/GEFP. Their websites confirm that both are BEE-connected and weighted to

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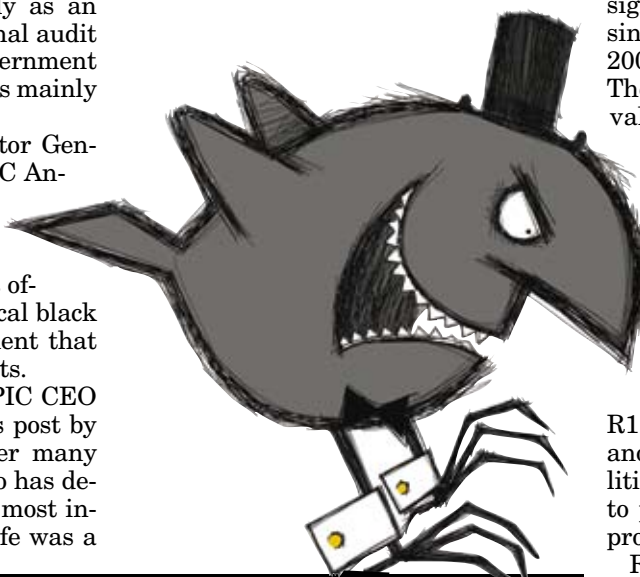


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wards government work. To quote www.gobodo.co.za/history.asp: “Gobodo Inc. was established primarily as an audit practice providing external audit services to parastatals and government departments.” Xabiso also deals mainly with public sector clients.

This said, though, the Auditor General actually signed off the PIC Annual Financials. Essentially then, the liability for non-disclosure of the impairment lies with the Auditor General’s office. And that’s a bit of a political black hole – a government department that audits government departments.

But centre stage has to be PIC CEO Brian Molefe, appointed to his post by President Mbeki in 2003 after many years in the Treasury, and who has described Trevor Manuel as the most influential man in his life. Molefe was a



There can be no way that the PIC saw value in buying its R4.3bn stake and advancing a further R1.7bn to AfriSam

founder member of the Mbeki-inspired Native Club.

Meanwhile, how have things been going at AfriSam? As it turns out, not very well. On 11 December 2008 *Fin24.com* reported that AfriSam had posted a shocking R900m loss for the quarter ending September 2008 – the quarter following the PIC’s investment in the company. Surely, had it done a due diligence review of AfriSam, the PIC would have picked up on this pending loss and factored it into its valuation?

GEPF principal officer Maemili Ramataboe insists, in response to *noseweek’s* question, that “the PIC and its advisers [did] perform a detailed due diligence and valuation of AfriSam. At the time of concluding the transaction, the price paid for the asset was within market valuation ranges for the local and emerging market cement industries”.

The *Fin24* report went on to explain that while AfriSam’s revenue grew by around 12% (to R1.94bn), surging costs dropped the operating profits by 11%, and the business’s massive gearing

of R16bn caused expensive financing costs of over R1bn, resulting in the massive loss. Of the financing costs, over R387m was attributed to foreign exchange losses, most probably incurred on the Holcim AG (foreign) bridging facility that the PIC refinanced.

And when *Fin24* asked AfriSam CEO Charles Naude (in December 2008) whether the business could service its debts from its operating cash flows, he responded that he was “not in a position to discuss it”.

Neither, it seems, are PIC and the GEPF trustees. The massive impairment of their investment – hidden in that draft audit report – suggests the company is not able to finance its debts from operating cash flow.

Concerning the potential impairment of the loan, Ramataboe argues that “the R1.7bn loan is structurally and contractually senior to the equity and preference share investments. At the valuation level determined independently as at financial year end the loan did not require impairment”.

In response to criticisms of the

investment, and its subsequent impairment, PIC’s Ramataboe answers: “The significantly changed global economy since the transaction was concluded in 2008 is the reason for the impairment. The current valuation represents a [...] valuation in accordance with international accounting standards and is not necessarily indicative of the returns that the GEPF can expect to achieve upon exit of this transaction.”

But, given all the facts, numbers, and rough calculations, there can be no way that the PIC saw value in buying its R4.3bn stake and advancing a further R1.7bn to AfriSam. It appears to be another example of a thinly veiled politically motivated investment – be it to protect Mbeki or promote the BEE process, or both.

Ramataboe explains: “In line with the Isibaya Fund mandate the investment was done in order to facilitate a landmark BEE transaction,” and a significant amount of the funding was “utilised to fund the BEE and management and staff groups’ shareholding in the company”.

According to PIC’s website, the Isibaya Fund’s mandate is to “contribute to the socio-economic transformation and development of the country”. It appears that the Isibaya Fund’s job is to utilise PIC funds under management to back or make BEE deals.

Whatever the overall value and importance of BEE, putting pensioners’ retirement savings at risk to back BEE deals (that, generally speaking, simply make the rich richer) has to be highly questionable.

■ The Government Employees’ Pension Fund makes up over 90% of the Public Investment Corporation’s total assets under management. While the PIC is wholly owned by the South African government, the GEPF is the largest pension fund in Africa aimed at managing the pension funds of (current and former) public servants and various parastatals.

The two entities are intricately involved – as demonstrated by the fact that the single largest exposure in the PIC’s portfolio (22.85% at the last reporting date) is a stake in Alexander Forbes, who have been the GEPF actuaries for the past couple of years. (Now there’s a spectacular conflict of interest for you. See – *inter alia* – *noses79&119* for more on Alexander Forbes’ suspect role in pension-fund and other deals.) ■



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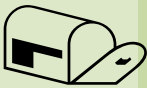
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Smoke gets in the ASA's eyes

A READER, COLIN BOSMAN, has written in asking why e-cigarettes are being allowed to advertise without restriction, when the advertising of ordinary cigarettes is illegal (see *nose119* on e-cigarettes). Bosman also points out that the theme tune of one e-cigarette radio ad obviously echoes the theme of the famous Peter Stuyvesant ads of yesteryear – it's instantly recognisable to those of a certain vintage (and history of addiction). Bosman claims that the e-cigarette supplies a toxic poison and a habit-forming drug, and says that the Advertising Standards Authority (ASA) and the Department of Health should be taking action on the matter.

When *noseweek* spoke to ASA communications manager Corné Koch, he revealed that the ASA has received at least one complaint regarding e-cigarettes – but the ASA has kicked for touch. It seems this is because the

complaint dealt with a product rather than an advertising issue, and so the ASA simply passed the matter on to the Department of Health. (A phone-call to the complainant suggesting changes to the complaint wouldn't have gone amiss, but that might have been a little too pro-active.)

Koch conceded that if someone were to lodge a complaint aimed at an advertising issue as such – for example that an ad was misleading in alleging that a harmful product was harmless – the matter would be considered.

The National Campaign Against Smoking has also taken up the matter, it turns out. The organisation's spokesman, Peter Yucco, says there's a loophole in the law, namely that the regulation banning cigarette advertising refers to a "tobacco product", which it defines as one "containing tobacco that is intended for human consumption". Because e-cigarettes

don't contain tobacco, the advertising ban doesn't apply. Yucco's organisation has asked the Department of Health to look into the issue.

Final stop was that very department, where spokeswoman Vercia Phaka told *noseweek* that the health department is presently investigating whether or not the e-cigarette falls outside the definition of a tobacco product. Apparently the health authorities are also looking at whether or not the e-cigarette should be regulated under the Medical Controls Council, on the basis that it contains nicotine, which is a controlled substance. Phaka couldn't give any timeline, or indication of how this matter might be resolved.

The best bet might be for someone (Colin Bosman perhaps) to lodge a proper complaint to the ASA.

■ The sale of electronic cigarettes is illegal in many countries, including Australia, Brazil and Canada.



Open your wallet and shut your mouth

THE APPEARANCE IN THESE pages of Life Fourways hospital paediatrician Dr MA Ahmed (*noses* 123&124) has elicited from a reader yet another story concerning the good doctor's apparent inability to distinguish between medical care and medical investments.

Angelika Kempe writes that her twins (a boy and a girl) were born at Life Fourways, under the good care of a paediatrician who subsequently moved to another hospital. Angelika thus found herself dealing with an altogether different kind of fish.

At about a year old, the boy-twin, Matteo, developed a bladder infection, after a bad bout of diarrhoea. He was treated with antibiotics by the Sandton Emergency clinic, and recovered. But when Angelika told Dr Ahmed about the infection, during a routine visit, he informed her that a bladder infection in such a young child was very serious, and indicated some highly unusual condition.

As a sonar had already been done of Matteo's kidneys, and a urine test, and no irregularities had been revealed, Angelika protested. Dr Ahmed then gave Angelika a printout, which, he claimed, would show exactly why she should be worried that Matteo had suffered a bladder infection, and insisted on a specialised scan.

Staff at the radiology department explained that the child would have to lie still for the entire 45 minutes of the procedure. Dr Ahmed administered a sedative intravenously, but the child stayed wide awake. A second intravenous sedative made no difference. Even after urology department staff had given him two oral sedatives, Matteo still wouldn't close his eyes.

Driving him round and round the parking lot didn't work either, so after four fruitless hours of chemical and other persuasions, Angelika took Matteo off to visit a friend, in the hope that he'd calm down and be ready to sleep. Unfortunately,

at the friend's place, Matteo fell off a bed onto the concrete floor, and began screaming his head off. His distraught mother, now, as she told *noseweek*, "completely hysterical", rushed her also hysterical child back to the hospital and Dr Ahmed's waiting room.

But Dr Ahmed's receptionist couldn't get the paediatrician to make time to examine Matteo. Angelika spent half an hour anxiously waiting for the doctor to realise there was a real world outside his consulting room, crying all the while in fear that her child had been injured, then went to the hospital's emergency clinic. Staff there couldn't assess Matteo properly because he was under the influence of sedatives. So mother and child went home, and the boy went to sleep.

The next day Dr Ahmed called – not to enquire how Matteo was doing, but to remonstrate with Angelika because the precious test hadn't been done, claiming the child didn't need to be "out" for the procedure. He wasn't interested in anyone else's version of what had to be done. To cut a long story, Angelika discovered that Ahmed and the radiology clinic couldn't agree on how sedated the child needed to be for the procedure.

All of which didn't stop Life Fourways from billing Angelika in full for Dr Ahmed's consultation – and the procedure. Nor was the hospital interested in Angelika's version of events. The bills kept arriving.

All ended well in other respects: Angelika writes that she found a new paediatrician she was able to trust, who examined the sonar test results that Dr Ahmed had disregarded – and assured her that, in the absence of further bladder infections, there was nothing to worry about.

As Angelika asks: "How do you trust caregivers who see you as a cash cow to be handed from one specialist to another?"



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Sold down the River



How did Transnet come to sell a huge piece of prime real estate in Cape Town, worth R200m, for just R3.5m?

TRANSNET MAY BE ABOUT to sell off a 14.8ha slice of prime Cape Town real estate for around R200m less than it's worth. The option to buy Liesbeeck Park (locally known as The River Club), for R3.5m, is tucked away in the highly-suspect 2008 lease agreement between Transnet Property (Propnet) and lessee Frederick Robertson's Business Venture Investments. And the company has, we have learned, apparently made overtures to Transnet, seeking to exercise the option.

Given the extraordinary circumstances surrounding the signing of an earlier lease agreement in 2000, and a new, 2008 version of it, okayed by Propnet acting head Johan Nel against strong legal advice, and contrary to government regulations – and the fact that Transnet is selling off so-called “non-core” assets, there is a strong chance that such a sale might yet go through in the near future.

The gravity of how Transnet's

assets have, over the past decade, been stripped, to the benefit of political elites, has never been generally appreciated. The latest evidence of systematic abuse of this public company lies in a string of very dodgy deals involving the sale or lease of Transnet properties to “well-connected” consortiums. The River Club deal is but one of these.

Frederick Robertson was the point man in the original tender that won the 75-year lease to develop the land, back in 2000. (He was also, at the time, then Finance Minister Trevor Manuel's confidante and financial adviser – and a close friend of then Transport Minister Dullah Omar.)

Robertson's Liesbeeck Leisure (Pty) Ltd put in a valuation of R3.5m, and offered to pay Transnet a rental of R35,000 per month. A competing tender came in from Grinaker Property Development/Sancino Projects Limited, offering a rental of R3.08m per month – based on a valuation of the land of around R103m – but Robertson

nevertheless “won” the tender.

Robertson might have been the face of the deal back in 2000, but his Liesbeeck Leisure (Pty) Ltd was in partnership for the lease with Brimstone Investment Consortium – whose key figures was none other than Tshamano Phaswana, Professor Jakes Gerwel and Dr Patricia Gorralla, at the time all members of the Transnet board.

Phaswana's name appears to have been kept out of the spotlight in the 2000 lease deal. Phaswana was subsequently elected chair of the Transnet board. It was during his tenure that Robertson first approached Propnet with a request that he be permitted to sign over the lease to another tenant. It would appear that the Robertson/Phaswana partnership had been unable to secure the required capital to begin developing Liesbeeck Park, probably due to the fact that no potential investors were included as partners in the 75-year lease.

Perhaps, too, Phaswana opted out to avoid the potentially damaging public exposure of his conflict of interest. It's therefore possible that Phaswana had some hand in pressuring Transnet officials to accept the cession of the lease – because under pressure they clearly were.

The push for a new lease arrangement began in December 2007, when Gil da Silva, Propnet Cape Town's regional manager, received a letter from Liesbeeck Leisure, requesting permission to sell Liesbeeck Leisure Club's business interests, including the lease, to Business Venture Investments (Pty) Ltd. Listed as shareholders of this latter company are: 50% Commlife Properties Services (owned by Frederick and Ulpha Robertson), 40% Swish Property Group (owned by developer Giancarlo Lanfranchi) and 10% Applemint Properties 54 (owned by Swiss-born Gerhard Gous). The Robertsons also have some interests in the Swish Property Group through Swish Property Eight. In essence Robertson was seeking to sell the Liesbeeck Park lease and development proposals to himself, but now with his funding partners included in the deal.

The Transnet Property management committee met to consider the request, and mandated Gil da Silva to seek legal opinion from Propnet's external counsel, Abdul-Rashid Essop of attorneys Jan S de Villiers. On 5 June 2008 Da Silva wrote to acting CEO Nel: "As I mentioned to you yesterday and at previous meetings of the Transnet Property management committee, this is a complex matter with a long history. Eddie Seaton and Rob Billett were members of the adjudication committee that awarded the development lease to Liesbeeck Leisure Properties and they can fill you in as far as the history is concerned.

"*Inter alia*, concerns that have been raised by our attorney, Abdul-Rashid Essop, are: Proper tender and adjudication procedures may not have been followed; Such alleged improper procedures may render the development lease null and void; Transnet may be sued by the unsuccessful tenderers if it agrees to the cession; The terms and spirit of the development lease may not be complied with if the cession is agreed to."

Da Silva concluded by reminding Nel: "My personal estimate is that Transnet could lose anything between R200m and R500m as a result of this deal with Liesbeeck Leisure Properties. Abdul has indicated that he is preparing a report on this matter, but this is a complicated matter and I recommend that Transnet Group Legal gets involved."

The following day, Da Silva dispatched another email to Nel, this time



Frederick Robertson, Trevor Manuel's confidante and personal financial adviser

copying it to executives Eddie Seaton, Siyabulela Mapoma, Marius Nel and Christopher Wells: "As I previously suggested to you, I do recommend that Transnet Group Legal get involved, because this is a complex matter with a long history.

"Please note that I don't have the authority to authorise any cession or assignment. In terms of Transnet's lease policy, cession must be approved by Transnet Group Tax and Transnet Group Legal. My role is to obtain sufficient information and to understand the issues and implications.

"Someone at Transnet would have to eventually sign off the approval of this

cession or assignment (should this be the course that is agreed and decided upon). Given the potential opportunity loss to Transnet (running into potentially hundreds of millions of rands), this is a serious decision to make. Perhaps this matter should be referred to Ernst & Young for investigation.

"My personal view is that Transnet needs to (at least) put itself in a position that will allow it to renegotiate key terms and conditions, so that Transnet does not suffer such a large opportunity loss, if any."

Days later, on 9 June 2008, Da Silva got backing for his position when attorney Essop sent an email to Marius Nel, Propnet's legal adviser: "On the merit, our opinion is that Transnet, in terms of the lease, does not have any obligation to cede or assign said lease. Clause 14.2 of the lease has been misinterpreted or incorrectly applied by Hofmeyr/Riverclub. [Robertson's sale of business to himself was prepared by attorneys Hofmeyr Herbststein & Gihwala Inc.] Our advice to Transnet is that they can in any event cede or assign the lease should they wish to, and that they can use this opportunity to negotiate better terms with the new party. The cession clause only deals with the development brief and not cession of the lease."

Attorney Essop added: "Johan Nel is not sure whether we interpreted the clause correctly and after meeting with Eddie Seaton and Gil da Silva, they felt it best that we appoint a



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senior advocate to have a look at the lease.”

In response to the attorney’s email, legal adviser Marius Nel wrote back (on the same day) to Essop: “Please proceed with opinion from SC. Can we expedite, seeing that the Group CEO is involved. [...] I have discussed the matter with my CEO Johan Nel, and will in the interim peruse all the documents/facts at my disposal so that we can properly brief SC herein.”

What are we to make of the oblique references to a “history” and the almost nonchalant assertion that “the Group CEO” (Maria Ramos) was “involved”? At this point in *noseweek’s* investigations, no other references to her involvement have been discovered, although her relationship with Trevor Manuel had already been established, and Manuel and Robertson remained close friends.

Not trusting that his legal adviser would communicate his reservations

such a delegation of the tenant’s obligations to the proposed new tenant, Business Venture Investments.” For some R15,000 or so in fees, Albertus obviously did his best.

Many thousands of legal opinion rands down the line (apparently Jan S de Villiers billed Transnet around R150,000 for attorney Essop’s opinion), Johan Nel and his crew at Transnet Head Office must have decided that their legal consultants weren’t worth their salt, no matter what they’d been paid. In an email dated 22 June 2008, Nel demanded of Da Silva: “Gil, Please provide me with report by close of business on Wednesday 25 June 2008, detailing all the steps taken to address the request for cession by Liesbeeck Leisure Properties (Pty) Ltd, supported with copies of relevant documentation.” A confused Da Silva reportedly called his boss to enquire what he was supposed to do, given his lack of authority in the matter – and the negative

legal opinions obtained.

On the set deadline of 25 June 2008, Nel once again wrote to Da Silva: “Gil, I have to have this report by 8am Monday morning, even if it does imply that you have

to work over the weekend.”

Da Silva didn’t wait for the weekend: in a three-page email to Johan Nel, dated 26 June, and attaching the various legal opinions that had been paid for by Transnet, he outlined why he couldn’t offer any guidance:

“In any event leases that extend beyond five years require the approval of the Department of Public Enterprises according to a directive from the Minister. There are therefore limits to Transnet’s authority. The case of Liesbeeck Leisure Properties (Pty) Ltd (the River Club) involves cession, assignment, sub-letting and a lease duration of 75 years. I do not therefore have the delegated authority to make decision with regards to the request from Liesbeeck Leisure Properties (nor does Rob). Moreover, neither Rob nor I had or have the delegated authority to take any steps ‘to address the request for cession by Liesbeeck Leisure Properties (Pty) Ltd.’”

Having failed to get the Cape Town office to do his dodgy work for him, on 9 July 2008 Johan Nel wrote to Terry Dickinson of Liesbeeck Leisure Properties informing him of Transnet’s willingness to consent to the cession – but subject to re-negotiated terms and conditions, including the re-valuation of the property and provision of new sureties.

Nel’s offer was quickly rejected, in a letter (on a River Club letterhead) in which Don Boyce and Terry Dickinson of Liesbeeck Leisure Club claimed that the company had already invested “over R17m in loan capital, and many more millions by way of reinvestment of trading surpluses, into the business infrastructure and the planning process”. (On what, one wonders, had they spent all that money?)

After declaring that “The new tenant’s BEE credentials are impeccable”, they went on to threaten that there was now “a very real danger that the proposed transaction [would] be abandoned by the new tenant due to the time taken to formalise the requested cession”. They proceeded to suggest that the River Club would, if the “new tenant” withdrew, “suffer quantifiable damages and [would] unfortunately be forced to contemplate seeking compensation from Transnet”.

Robertson’s company was threatening to sue Transnet for damages for not playing along. Yes folks, as the saying goes – “You and I, we know nothing!”. And, sure enough, the guys at Transnet, ignoring all legal opinion, agreed to play along. It took them a few months, but in November 2008, Johan Nel conceded to the group’s demands: “I confirm that Transnet has decided to waive the requirement to amend [the terms of] the lease.”

The cession of the lease (with option to buy for just R3.5m intact) was ultimately signed by Christopher Wells, as Group Chief Financial Officer. This, of course directly contravened the Ministerial directive that such leases be approved by the Department of Public Enterprises.

Johan Nel did respond to a message from *noseweek*, but it turned out he had assumed we wanted to hear his spiel about Transnet’s new R93bn infrastructure programme. No, we said – it’s about the River Club lease. And that was the end of that conversation. Group Chief Financial Officer Christopher Wells did not respond to a request for comment or explanation. ■

So, a company that wants to
sell its lease to itself threatens
to sue Transnet for damages for
not playing along

appropriately, that same day Johan Nel, writing as “Acting Head of Transnet Property” dispatched another email to his executives: “We are trying to get Snr Counsel’s opinion. It is however important to provide them with complete documentation.” But if “acting head” Nel hoped to get away with impropriety, he must have been less than pleased to receive the opinion of advocate MA Albertus, SC.

Albertus began by offering some lessons in basic terminology: “Before answering the question at hand with reference to the contents of the lease agreement, it is important to observe the distinction between the legal concepts, delegation and cession.”

The Senior Counsel then spent five paragraphs providing the lesson, before concluding: “In sum, there is no obligation upon Transnet to sign the proposed agreement, to the extent that it contemplates the substitution of the tenant with a new tenant, implying as

iBursting with ill-health

Families claim local Wi-Fi mast is making them sick

REPUTATION MANAGEMENT 101: You're the CEO of a fairly large organisation. All of a sudden, a significant number of reasonable, well-to-do people (your customers, basically) start objecting furiously to something your company's doing. Do you:

1. Deal with the issue seriously, with a real desire to resolve the matter.

2. Treat it as a bit of a joke, belittling your critics and playing mind-games with anyone who raises objections.

The correct answer is of course number 2. If you got this right – congratulations: a solid career awaits you at iBurst.

The great Craigavon Wi-Fi mast saga began in August 2009, when residents of this upmarket suburb near Fourways, Gauteng, woke to find that a wireless broadband mast had been constructed in their suburb over a long weekend. Craigavon consists mainly of upmarket high-density housing – clusters, townhouses and the like. It's also home to the Fourways Memorial Park cemetery, and Crawford Preparatory private school. The mast had been erected in the cemetery, less than 10 metres from a townhouse complex.

Though residents of Fourways Memorial Park may not have been too perturbed by the sudden appearance in their midst of the mast, Tracey-Lee Dorny certainly was – it soars into the heavens some 30 metres from the master bedroom of her luxury home. Dorny, a successful events manager, was particularly upset that neither she nor her neighbours had received notice of any kind.

With a bit of research, Dorny established that authorisation had been granted in October 2008 (despite objections from residents of the Cedar Lake complex, which is some distance from the mast). However, iBurst, the owner of the tower, had added an amendment to the application, and this meant a further 30-day objection period – so Dorny and other residents



filed objections. iBurst quickly withdrew the amendment, thereby eliminating the further objection period.

Undeterred, Dorny mobilised the locals, established the Craigavon Residents Task Force Group, and began assembling a case. When the crowd handling the environmental impact assessment, Executive Environmental Network, wouldn't supply a copy of the file, Dorny got it from the Gauteng government. Reasons for the environmental company's reluctance to play ball quickly became apparent – the EIA process had been a farce.

For starters, the motivation given in the application for erecting the mast was completely bogus: it speaks of servicing shops, a magistrate's court and a post office – whereas Craigavon is purely residential. It also falsely states that some surrounding properties are agricultural.

As for community consultation, iBurst and Executive Environmental Network claimed that notices had been dropped off at all the surrounding complexes, but Dorny established that most local residents had been left completely in the dark (Executive Environmental Network even claimed to have dropped off a notice in the box for units 1-10 of a certain complex – but no such box exists).

Furthermore, the application listed the wrong address for the mast – Memorial Lane, rather than the corner of Perm and Loerie. Finally – the mast was erected some 400 metres from the position given in the application. Altogether, either a cock-up or a bullshit *par excellence* – take your pick.

In the meantime, Dorny had begun suffering health problems. By early September 2009, she and her son Keegan were getting horribly sick. They both suffered vomiting (Dorny twice vomited blood), rashes, heart palpitations (Keegan complained that his heart was "racing"), rashes which felt like stings ("hotspots" Dorny called them – a term she came to regret

using), and bruises on the abdomen.

Dorny operates her business from home and her two employees, as well as her domestic worker, also began getting ill. Dorny's doctor told her the symptoms could well be linked to the close proximity of the mast, so she moved to her parents' house. Her son's health improved very quickly, but for Dorny – who still went to her house every day to work – progress was slow. Last October Keegan begged Dorny to let him have his birthday party at the Craigavon house, which she reluctantly agreed to. Within an hour of the children arriving one of them was complaining of a splitting headache. Other visitors also complained – friends from Zimbabwe suffered headaches and nausea, and after Dorny's stepson spent a night at the house he said "It felt like I was being stung by a thousand mosquitoes".

When Dorny enquired around the neighbourhood, she found a number of people had been suffering mysterious ailments since the mast had appeared on their doorstep. She put together a list of no less than 50 people claiming to have been affected, with symptoms

emotional and financial cost. At least they've recovered their health.

Dorny's quite extensive research into electromagnetic radiation, and the "electronic soup" some say we now all live in, brought to light a medically recognised condition known as "electrohypersensitivity", which affects some 3% of the population severely, and up to 35% mildly. She also discovered that in the Netherlands no new wireless broadband mast licences have been granted since 2006, due to health concerns. Cellphone masts are also still under suspicion from some experts, and the jury's still very much out on what effects they may be exerting on our collective health. In Taiwan some 1500 cellphone masts built near schools were ordered to be removed. (On a lighter note, it came to light that in Botswana a cell mast was destroyed by an angry community.)

One thing is quite clear: whether or not masts have an impact on health, they definitely do impact on property prices – estate agents reckon values can drop 30%-50%, due to the perceived risk. Dorny plans to form a foundation to research, lobby and educate about electromagnetic radiation.

The Craigavon Residents Task Force Group – representing all residential complexes within 100 metres of the mast, as well as various other complexes in the area, and comprising some 1000 members – has now filed a full submission

to the MEC, asking for a reversal of the original decision. The submission is based on the fact that iBurst's application was flawed, due to the submission of false information and failure to notify all affected parties. The Craigavon refuseniks have reason to believe that iBurst has erected up to 13 masts illegally, and has managed to get around this by simply paying the fines imposed – at R3000 a fine it's a give-away.

The community is asking why the mast is needed, when there are already masts at the Fourways Hospital, Dainfern, Fourways Crossing Centre, the Design Quarter and the Lonehill Fire Station – each, supposedly, with an effective radius of 13km. The medical issues are, of course, also raised in the submission.

A particularly interesting inclusion to the submission is a letter from Karl Muller – a former physics lecturer who is now a journalist and a member of Electromagnetic Action Group South Africa (Emag SA) – to Dr Emile Perkins van Deventer, director of the World Health Organisation's (WHO) International EMF Project. Muller reminds the WHO director that South Africa follows WHO guidelines, and concludes that the WHO is "both the *de facto* and the *de jure* authority in South Africa with regard to radiation health".

Discussing residents' symptoms Muller says: "We are quite prepared to accept that the radiation levels from this mast fall below the ICNIRP [internationally accepted] guidelines, [but] we are not prepared to accept that the health problems which are occurring [...] are 'imaginary'... They are very real, and you can see that the operators are relying solely on the WHO for permission to continue radiating these residents at close range ... With the iBurst mast we are dealing with broadband technology, and research has indicated that 3G radiation may be particularly harmful to health. The Bill of Rights of the South African Constitution guarantees citizens the right not to be subjected to medical or scientific experiments without their informed consent ... [but] not only are the public being used in an 'uncontrolled field experiment' that seems to be making them severely ill, but no one in authority is making the slightest attempt to collect the results of the experiment. Indeed they go to great lengths to look the other way."

In the meantime, Dorny claims she tried to engage with iBurst (Wireless Business Solutions (Pty) Ltd), in which Vodacom has a significant shareholding, and which has Alan Knott-Craig (the younger) as one its directors. iBurst's "values", their website asserts, are "Knowledge, Empathy, Efficiency, Promises & Solutions (KEEPS)" – though the Craigavon community have seen very little evidence of these.

Instead, what Dorny has encountered is CEO Jannie van Zyl, who has ruffled plenty of feathers. As early as September 2009, when Dorny was still using iBurst, weird things were happening to her email – emails referring to the Craigavon matter simply disappeared (a computer expert ran a check of her computer and concluded that

The Craigavon refuseniks have reason to believe that iBurst has erected up to 13 masts illegally

that included skin irritation, nausea, vomiting, tinnitus, heart palpitations and short-term memory loss. A number of these people have now signed affidavits. Dorny also collected documentation from six people claiming that their dogs became ill, with vomiting and rashes again featuring as symptoms.

Eventually the situation became intolerable, and Dorny and her family began renting a home in Fourways Gardens (where they are known as the "Craigavon refugees"). This was a very difficult decision – her home had taken taken nine years to build. Dorny also feels that, knowing the dangers, she cannot put the house on the market, or even rent out the cottage on the property. So the decision to abandon the family home came at great

it was being hacked regularly, but he couldn't pinpoint the source). Then silly and nasty stuff about Dorny started appearing on the *My Broadband* forum, which, some say, is Jannie van Zyl's personal plaything: references



The house events manager Tracey-Lee Dorny was forced to abandon after she became ill – due, she believes, to an iBurst wifi mast on her boundary

have appeared to “Miss D and her hotspots”, and the “one mad woman in Craigavon”.

When Dorny finally managed to set up a meeting with Van Zyl for 16 November 2009, Van Zyl rocked up with someone he introduced as his PA, but who turned out to be the company lawyer, Perline Singh. The ten adults and five children from Craigavon who attended the meeting, at a local restaurant, were shocked by Van Zyl's boorish behaviour – he drank wine liberally (leaving the residents to pick up the tab), and swore profusely (despite the presence of children). When a muscle-bound male Craigavon resident began to describe his symptoms, Van Zyl dismissed him with a disdainful “you're obviously taking too many steroids”. When a young lady spoke about her continual headaches, he responded with “you're obviously having boyfriend problems”. Others present were told “you're obviously eating too much McDonalds”. There was no follow-up meeting, because no-one else could make the date Van Zyl insisted on.

One thing that was agreed at the meeting was that iBurst would switch the mast off for a few weeks to see if that had any impact. Even this was a fiasco. In fact, it's not clear whether the mast was ever turned off – when the Craigavon Resident Task Force Group wanted to get an independent expert to take readings they were denied access. The lady who lives closest to the mast, Barbara Webster, has signed an

affidavit saying that she heard two technicians on the mast talking: one asked “When did we switch the tower off?”, and the other replied “They thought we did, but we didn't”.

To top it all, Van Zyl let it be known that the whole thing was a trick – the mast had been turned off all the time, so clearly it wasn't making the residents sick. Which is very odd behaviour – following the meeting, Van Zyl wrote to Dorny that iBurst had agreed in “good faith” to turn off the mast.

When *noseweek* spoke to Van Zyl he insisted that the EIA process had been proper, and claimed that Dorny had signed receipt of a notice. As for the 13 “illegal masts”, he said that it was simply a case of defective paperwork and that the problems have been ironed out. (He says iBurst has 265 masts around the country, most of them in Gauteng.) As regards *My Broadband*, Van Zyl admitted that it belongs to a friend, Rudolf Muller, but denied that he has used it to mobilise opinion against Dorny.

Van Zyl insisted that he negotiated in good faith with the Craigavon residents and that he got a local councillor to set up the meeting. He says the meeting was very amiable, ending with hugs all around. It was the residents, he says, who refused to attend the follow-up. He was sceptical of the medical complaints, saying that there is no proof that masts cause medical problems and that no one ever provided him with acceptable medical proof.

He insisted that he had the mast switched off on 7 October 2009 and that it stayed off until 20 December. So he lied at the meeting when he said he would switch it off? Yes, he admitted. Why? Here his explanation defied all logic: he said he was going to tell them he had switched it off, but realised that they would refuse to provide medical proof of illnesses if he did so. But it wasn't a trick – no no.

Why are so many people complaining of symptoms, and why would Dorny abandon her house? “It's psychosomatic,” he declared, adding that the “leading” nature of the medical questionnaire encouraged residents to make claims of illness.

The residents say they are determined to win this one. They've been advised by attorney Bismark Olivier to exhaust internal processes before going to court. But, they say, they'll take this as far as the Constitutional Court, if they have to. ■

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Unsafe as houses

Sinister Sutcliffe will poke his nose into Durban city staffers' lives

DURBAN'S FLAMBOYANT and much-unloved city manager, Dr Michael Sutcliffe, has announced a "lifestyle audit" of his municipal employees, boasting that his latest effort to clean up the city will unleash investigators to probe which municipal employees are living beyond their means. Clearly Metro Mike has not heard of stable doors and horses.

A couple of years back Mike threw a bunch of toys out of the cot when this "racist rag" – as he referred to *noseweek* – asked just how it was that Metro police constable S'bu Mpisane was able to commute to his R15,000-a-month job in a Lamborghini (*noses103&109*). And what spot of moonlighting had supplied him with the little Bentley Continental GT (reputedly replete with ostrich-skin-lined boot, solid-silver cocktail shaker and crystal cocktail glasses), in which he would arrive at work on Fridays?

Was it true, *noseweek* asked, that constable Mpisane and his wife Shawn, were the beneficiaries of contracts with the city to build housing in Lamontville? Sutcliffe insisted that this was not the case. When pictures of Mpisane's R15m home began to circulate, Dr Sutcliffe told the world he would be taking no more questions about the hip-hop cop, as the matter was "sub judice" – does Sutcliffe keep a set of judge's robes in his office, to don for pondering his "judgments"?

Well, the man has also announced that he will be probing housing contracts, apparently worth R300m, between the City and the Mpisane family. And so he should be (in full costume): it is being alleged that the Mpisanes' company have failed to deliver even a fraction of the houses they were paid to build – and those already up are on their way down.

Civil engineer Mike Staphorst, of Mike Staphorst Consultants told *noseweek* that the houses in the project were a threat to life and limb: "It was clear to me that they have been built to very low standards, on a hillside that is unstable, using retaining walls which are going to collapse very soon. When these houses do collapse they will take with them a large chunk of the school above them – which has been undermined by builders who have carved into the soil below it to create building sites."

Staphorst said that he

wrote to the city, warning them of the situation – and his secretary spent an entire day struggling to get someone to actually accept and sign for the letter.

When *noseweek* tried to establish why Sutcliffe had denied the existence of the contracts between the City and the Mpisanes, he replied: "Based on all my investigations there is no evidence his companies have been awarded tenders, but ... we took over a provincial project. That's it and please don't waste my time with your manufactured untruths."

But Sutcliffe's claims that the City had not awarded contracts to Mpisane, or his companies, were rubbished by Maggie Govender, provincial MEC of Human Settlements. Govender told *noseweek* that the province had initially awarded a contract to a Section 21 company to build houses in Umlazi, but the company folded before work began. Before the province could start a new tender procedure, the Ethekwini municipality, in the person of Metro Mike himself, stepped in and obtained permission from council to take over the provincial project – and retain the original tender winner.

Noseweek can only guess what happened next, as Sutcliffe has vowed that the contract with the Mpisanes will not be shown to either the media or opposition councillors. However, it appears that, armed with the consent he'd obtained from council, and simply ignoring the part about retaining the original contractors, Sutcliffe handed the contract over to the Mpisanes' company, Zikhulise.

To add mischief to mischief, it turns out that, Zikhulise was not registered, as required by law, with the National Home Builders' Registration Council, which regulates the home-building industry to ensure standards are maintained. The Council's spokesperson, Beatrice Motsisi, said they were probing the Mpisane contracts and would be visiting Umlazi to inspect the homes. The Council wanted to establish, *inter alia*, whether or not the Mp-



S'bu and Shawn Mpisane



All fall down: one of the houses that S'bu built

isanes had indeed built the number of houses they were paid for.

■ Shawn Mpisane's mother, Florence Mkhize, was the chairperson of the Ethekewini Municipality Housing Committee. A veteran member of the ANC Florence Mkhize was a founder member of the United Democratic Movement, a founding member of the ANC armed wing Umkhonto we Sizwe a senior member of the SA Communist Party and the recipient of several bravery medals from the ANC and MK. Florence Mkhize died in 1999 – some time before her daughter began winning lucrative housing contracts. ■

Case of the disappearing docket

NOSE103 TOLD HOW MILLIONAIRE Metro constable S'bu Wiseman Mpisane disappeared after being nabbed for his involvement in a "contract" that went wrong. It's now a matter of public record that Mpisane turned state witness after a gang of hitmen were prevented from bursting into the Durban High Court to massacre witnesses and prosecutor engaged in a high-profile murder trial. Spotted and challenged by policeman Craig van Zyl as they were heading toward the courts carrying AK47 rifles, the hitmen opened fire – killing Van Zyl and a passer-by and injuring several others.

Mpisane was spotted driving the getaway vehicle and arrested shortly afterwards. After agreeing to testify against his accomplices, Mpisane vanished before he could give evidence in court. Around a year later, when charges were withdrawn against the taxi bosses who had ordered the bloodbath, a relaxed and jovial Mpisane arrived back at work, claiming he

had been kidnapped, and held against his will on a tropical island. Metro Mike cleared Mpisane of any wrongdoing, and Metro Police management gave him back his job.

Retired former Special Presidential Taxi Task Team boss George Mitchell confirmed the tale of Mpisane's involvement in the bloodbath. It was Mitchell, together with senior prosecutors, who got Mpisane to betray his accomplices. Mitchell says that when Mpisane vanished it was presumed he had been murdered, and the docket in which he had confessed to his part in the killings was filed at Durban Central Police Station.

But *noseweek's* inquiries reveal that the docket, and Mpisane's damning confession, have vanished. Mitchell, as well as senior sources in the National Prosecuting Authority, confirm they were never approached by Sutcliffe, or any of Sutcliffe's investigators, concerning Mpisane's involvement in the city shootout.

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Dark night of SA horse racing

THE SOUTH AFRICAN HORSE racing industry may be shrinking, but it's still pretty big business. These days the biggest stud in the paddock is Phumelela, a listed company, with a large BEE shareholding, that took over much of the horse racing industry from a number of the old turf clubs, having acquired all their assets, including the race courses and training facilities.

It would also seem, from the following story, that Phumelela has taken over more than a bit of the arrogance once associated with the Jockey Club of old (today that elite club has become the National Horseracing Association).

In due course Phumelela sold off some of the race courses it had acquired, including Newmarket in Alberton – which sale, in particular, led to no end of muttering, as it left the industry without a race course that could operate at night, Newmarket being the only one equipped with floodlights.

The value of night racing, you see, is

Night events have become a reality at Turffontein, despite strenuous objections from steed owners and local residents. So just how did Phumelela, which controls much of the sport, persuade the Gauteng government to go along with its plan?

that South African races are broadcast to foreign parts, especially the US, and if you want US punters to be betting on your horses you'd best not be racing when they're still in lalaland.

So, following objections from some horse owners, Phumelela decided to use the proceeds of the Newmarket sale to fund floodlights at Turffontein, and in February 2007 Gauteng's Department of Agriculture and Environmental Af-

fairs (now Department of Agriculture and Rural Development,) granted Phumelela the right to conduct night racing at Turffontein.

Allowing for "the erection of light masts and lamps for the illumination of Turffontein race course", it went on to say that "this activity must commence within a period of two years from the date of issue [... otherwise] the authorisation lapses and a new application

for environmental authorisation must be made". Prior to commencement of night racing, Phumelela also had to erect a 3m-high acoustic wall on the eastern side of the track, between the race course and the stables, as well as an acoustic screen above the pre-fabricated wall separating the course from the homes of the surrounding neighbourhood.

A number of people were unhappy with the environmental approval, and local residents, afraid that night racing would disturb their quality of life, appealed against it. What happened next depends on who you talk to.

Noseweek's sources say that Phumelela sent an individual letter to each resident, threatening legal proceedings in the event of the company suffering any damages as a result of the objection. As Turffontein, once mainly Portuguese and working class Afrikaner in flavour, is now predominantly black and poor, residents don't exactly have the resources to take on a public company – so Phumelela's threat quickly put a stop to any objections from the local community. Phumelela CEO David Attenborough described the situation in somewhat friendlier terms, asserting that the company had "engaged local residents outside the official EIA process in order to address their concerns... no undue pressure was applied to anyone".

But horse owners and trainers were also unhappy. Some 600 horses are stabled at the Turffontein course, and, with the stables very close to the track, night racing would surely disturb their horsey sleep. So owners and trainers also appealed, and Phumelela did a bit of work on them too, using its status as landlord and threats of eviction as leverage. (Once again, Phumelela denies that any undue pressure was applied).

Eventually only one trainer, Ormond Ferraris (who doesn't stable his horses at Turffontein), kept the appeal going. So, when the National Horseracing Association supported the application for night racing – two of its doctors bizarrely stating that night racing would not have a significant impact on the stabled horses – the matter became a mere formality. On 10 March 2008 the appeal was dismissed by the MEC.

Nevertheless, despite all their hard work in squashing objections, Phumelela wasn't doing much to actually get night racing up and running. Even though the MEC had (contra the usual terms in such matters) expressly given

Phumelela permission to carry on with its plans while the appeal process took its course, Phumelela still did very little.

On 30 September 2008, the Racing Association (indirectly a 35% shareholder of Phumelela) issued a press statement, saying that the estimated cost of the floodlights had gone up from R35m to R50m, and that "the installation of floodlights for night racing at Turffontein has been put on hold due to spiralling costs. [...We] take the view that to implement night racing at such an exorbitant cost does not make business sense".

On 2 October 2008 Phumelela published a statement that went further: "Night racing at Turffontein has been shelved... the decision to put the project on hold is due to the vastly increased costs of installing the lights resulting from a delay caused by a trainer's objection to night racing at Turffontein, and thereafter further delays resulting from the liquidation of the contracted mast supplier."

Despite this, a mere four months later, in February 2009 – on the very day of expiry of the two-year authorisation period – a very different press release rolled out from the Racing Association: "Night racing at Turffontein is still on the cards. [...] Phumelela installed a demonstration lighting mast, which was inspected by Phumelela management and members of the RA board."

A few days later Phumelela issued another statement: "The Phumelela board confirmed that every effort should be made to introduce night racing at Turffontein ... a temporary replica of the lighting mast was erected at Turffontein infield and, after inspecting the mast, the Racing Association has given the green light to the new design."

Then, in March 2009, Phumelela announced that the plan was definitely going ahead. At that point advocate and horse-owner Brett Maselle objected, pointing out that Phumelela was out of time. Even if a temporary mast had been erected, he argued, that was not what had been authorised. Maselle

therefore lodged a formal complaint and Gauteng head of Agriculture and Rural Development, Dr ST Cornelius, agreed.

On 29 June 2009 Cornelius wrote: "The Department has investigated your complaint and the investigation undertaken on the site by the officials ... revealed that the environmental authorisation issued to Mr Neville Harbott of Phumelela [...] on 26 February 2007 had indeed expired."

So: case closed. Phumelela would have to put in a new application if it wanted its floodlights.

But the Phumelelans had by now acquired the stubbornness of a donkey. On 16 July 2009 they issued another statement: "In order to quash various rumours, Phumelela would like to assure horse-racing fans that the installation of floodlights at Turffontein is

Owners and trainers appealed, and Phumelela did a bit of work on them, using its status as landlord and threats of eviction as leverage

underway and that the project is on schedule."

Horse-owner/advocate Brett Maselle was astounded, and immediately set up a meeting between himself, trainer Ormond Ferraris, and the Gauteng government. And, on 28 July 2009, the authorities assured Maselle and Ferraris that, though Phumelela had asked for a review of the decision that the authorisation period had expired, no new decision had yet been taken. In response, Maselle emailed Phumelela to report on the meeting, and demanded that Phumelela set the record straight, failing which he would report the company to the JSE. Phumelela replied in their usual way, threatening Maselle with a damages claim flowing from his "defamatory statements".

Undeterred, Maselle contacted the

JSE – but the JSE claimed to have an assurance from Phumelela that the Gauteng government had, on 15 July 2009, confirmed authorisation to proceed with the floodlights. In other words: some two weeks before the Gauteng government assured Maselle and Ferraris that no decision had been taken, they had already given Phumelela the go-ahead.

Maselle asked for a copy of the email recording that decision, but Phumelela was being stropky and the Gauteng authorities claimed that they had not kept a copy. Eventually, however, certain documents surfaced.

For starters, a 9 July 2009 letter from Phumelela to the Gauteng government claimed that the decision that activity

Dr Cornelius did not return noseweek's calls, and Phumelela answered by way of a rather curt email that avoided the main issues

had not commenced in time was “incorrect and possibly taken without due consideration of the relevant information”. It claimed that a contractor had begun digging holes for floodlights in August 2008, but that because “the mast supplier went into temporary liquidation it was decided to temporarily cover these holes, as they posed a danger to horses training at the facility, while alternative masts were sought”.

A few days later Phumelela had written again, enclosing an invoice from Prosound for the supply and erection of trial masts. The letter claimed that “although this invoice is dated 27 March 2009, the activity took place on the 25, 26 and 27 February 2009 [...] furthermore, as can be seen from the photograph, there are a number of people who were present at this trial who can attest to the date

on which this activity was carried out”.

Then the missing email from the Gauteng government also surfaced. On 15 July 2009, Noma Sekhotha, Deputy Director: Environmental Compliance Monitoring, had indeed written to Neville Harbott of Phumelela and confirmed that her department accepted that work had started within the set period.

Maselle went back to Dr Cornelius who had issued the decision that the authorisation had lapsed. Cornelius replied as follows: “The department is of the view that Phumelela .. commenced with the development before the Environmental Authorisation issued by the Department lapsed.”

Yes readers, what you're hearing is the distinctive sound of a serious U-turn. All of a sudden the Gauteng government were declaring that the authorisation remained valid, because, within the period, in August 2008, some holes had been dug and quickly covered over. Strange – because Ormond Ferraris, who spends much of his time at Turffontein, can't remember any such activity. Strange, because in September and October 2008 the Racing Association and Phumelela had declared, most emphatically, that the whole plan was being scrapped.

Strange, too, because the contractor which had allegedly dug the holes was, in August 2008, in liquidation – in April 2008 Phumelela's then CEO, Jim Tenant bemoaned to *Moneyweb* that the contractor, Zoi Fall Protection (Pty) Ltd, had been liquidated.

It's very likely that the only company digging a hole in August 2008 was Phumelela – and it was digging a hole for itself.

The Gauteng government also seemed to be suggesting that the authorisation remained valid because Phumelela claimed that on the last three days of the two-year term, someone supplied trial masts (and issued an invoice a month later), and because this event was captured on camera.

Maselle had quite a job getting hold of these photos, but luckily advocates know all about the Promotion of Access to Information Act. When the pics finally appeared, they suggested another story going on in the background. For they showed that a very familiar face was

present at the mast demonstration – Greg Blank. Now Blank isn't on either the Phumelela or the Racing Association boards, or part of Phumelela's management structure – but some are claiming that Blank is associated with Tawny, the very powerful racing syndicate that was allegedly putting serious pressure on the Racing Association to get night racing going at Turffontein.

The final result was that, since early this year, wide-awake punters in foreign climes have been able to place their bets on races being held at night at the historic Turffontein race course.

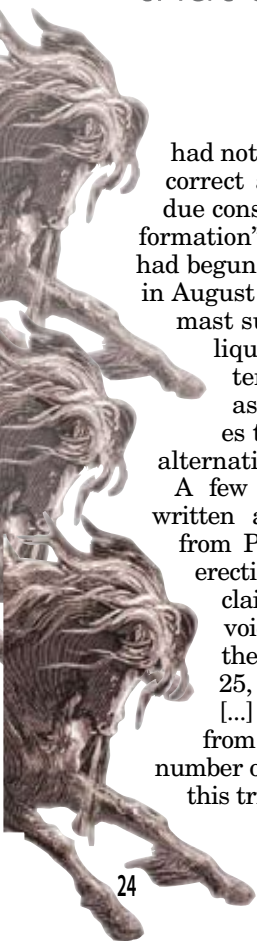
As for those stipulated walls and screens to protect the interests of the stabled horses and the residents – these, of course, never appeared. When Maselle started asking questions he discovered that Dr Cornelius had amended the conditions of the authorisation: gone were those irksome (and no doubt expensive) requirements of an acoustic wall and an acoustic screen, to be replaced with cheaper and much less effective alternatives. Sod the horses and sod the residents.

Dr Cornelius did not return *noseweek's* calls, and Phumelela answered by way of a rather curt email that avoided the main issues. In it CEO Attenborough put the blame for the delay on trainer Ormond Ferraris, saying that “the appeal process disrupted the process”.

As regards the trial masts going up on the last day, he simply said: “We do not understand what is suspicious about being invoiced after the erection of the trial mast.” On the issue of Greg Blank's presence, he claimed that “the Racing Association was invited to assess the overall aesthetics of the mast and the Association invited a number of owners to attend, of which Greg Blank was one”.

And the change of conditions on the environmental authorisation? Said Attenborough: “Phumelela was unable to source the Heraklith panels, as the manufacturer in South Africa had closed down, and it was therefore necessary that this condition be amended.”

Shortly before going to press, Maselle told us that the residents of Glenavon Road near Turffontein have been so badly affected by the floodlights that they are forming a residents' association, and that they have asked him to help them bring an application against Phumelela. One resident told *noseweek* that the flood lights are so bright that he no longer needs to switch on his home lights. ▣



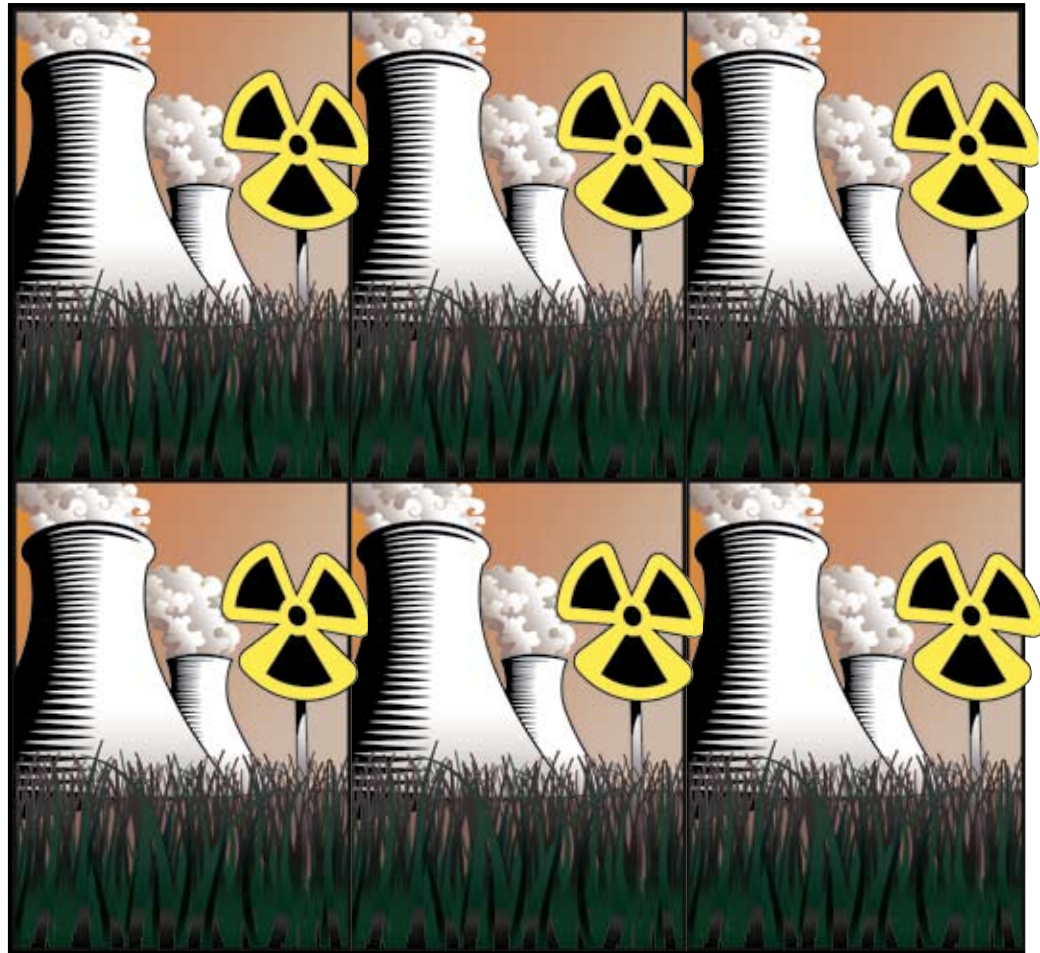
Nuclear proliferation

Meanwhile,
the Hermanus
Mayor laughs off
residents' fears

WITH TALK THAT ESKOM intends building at least three, and possibly six, nuclear reactors, critics are fearing the worst – at least one of them could be sited at botanical hotspot and registered Natural Heritage Site Bantamsklip. *Nose114* painted a doomsday scenario of gigantic power lines crossing the Agulhas National Park, the Nuwejaars Wetland Special Management Area, the Flower Valley, the village of Stanford, and the historic hamlet of Baardskeerdersbos; of a coastline that is home to an extraordinary diversity of marine life receiving massive thermal discharges, radically altering the sea temperature, the whole local marine environment, and the ecology of the nearby Dyer Island Marine Sanctuary – perhaps deterring the area's best-known visitors, the whales, from making their annual pilgrimage.

Although some opponents of the scheme, like Danie de Villiers of the Strandveld Tourism and Conservation Association (a grouping of some 250 interested landowners), still hope to dissuade Eskom from building a reactor in a major tourist zone, others are looking at mitigation, in other words ensuring that the power lines don't traverse the most sensitive areas.

One good reason for cynicism, as



Rory Allardyce of the Agulhas Biodiversity Initiative points out, is that the financing involved would absolutely dwarf the arms deal – so the political “incentives” will be huge. And, as Mike Kantey of the Coalition Against Nuclear Energy (CANE) points out, the ANC may have been anti-nuclear in the past (COSATU still is), but the party's done a major U-turn. Kantey thinks the contract will go to the USA, Korea or France, but Allardyce is putting his money on France. So those opposing the reactors don't expect any great surprises when the record of decision is issued.

The surrounding municipal authorities of Overberg, Theewaterskloof, Cape Agulhas and Swellendam have

all come out against the construction – leaving residents of the Overstrand wondering why their politicians haven't done anything to oppose the deal. Thus, on 19 December 2009, the Save Bantamsklip Association – which claims to represent the concerns of some 4600 people and bodies, including local tourist, ratepayers and environmental bodies – organised a protest march in Hermanus.

In a strongly-worded memorandum handed to the DA-controlled council, the organisation took “exception to the manner in which the municipality has approached and conducted its civic duties and responsibilities”, citing the fact that our old friend Mayor Theo Beyleveldt has described nuclear reac-

tors as representing “a growth potential ... in the form of job creation and ... infrastructural donations stemming from Eskom’s engagement in the region, namely the provision of schools, etc”.

The memorandum also slammed the fact that “the municipality did not supply any available relevant data, in-

the Overstrand and the nature of the local economy”.

It ended by saying that “given the enormity of the consequences for the Overstrand ... the mayor is hereby called upon to urgently formulate and communicate to the Overstrand a considered, factually-based Overstrand council position”. In other words – get

duty-bound to participate in an EIA process. Williams accused Beyleveldt and his not-so-merry men of dereliction of duty, and warned “if you can’t change the politics change the politicians”.

Another resident, Nadia Pheiffer, wrote to ask “where is the integrity that Zach de Beer injected into the DA now?”. She challenged Beyleveldt to hold a referendum to see if locals really want “toxic waste driven up and down our roads and our economic plan of environmental tourism destroyed”.

Mayor Beyleveldt dealt with the insurrection in his usual open-hearted and forthright manner: he began by nit-picking about exactly how many people were at the protest march (he seemed to find the fact that quite a few of the protestors were children proof that this wasn’t much of an issue – more enlightened observers may feel that interest among children shows how important it is). Then he complained that the memorandum wasn’t signed and didn’t reflect a forwarding address. Beyleveldt also asserted

She challenged the DA to hold a referendum to see if locals really want ‘toxic waste driven up and down our roads’

formation and documents to the consultant conducting the Scoping phase”, and that it regarded “statements made by the Mayor in favour of the construction ... to be inappropriate, because of the deleterious effect we believe such a power station will have on the national environment, the tourism potential of

off your arse and do your job.

In further correspondence in the local media, John Williams, chair of the Hemel and Aarde Valley Conservancy, claimed that municipal officials have a duty to prevent pollution and ecological degradation and to promote conservation, and that officials are



FINE MUSIC RADIO
101.3



that one of the organisations featured in the memorandum, the Dyer Island Conservation Trust, did not support the campaign – actually, it does, and made this very clear in a rejoinder.

Mayor Beyleveldt’s next step was apparently to lean very heavily on the main Hermanus tourist organisation, persuading chairman Clinton Lerm to withdraw his support for the Save Bantamsklip campaign. Just a few weeks earlier Lerm had declared his support and donated money. No doubt Beyleveldt reminded Lerm that his organisation’s funding comes from the municipality.

Then, all of a sudden, Beyleveldt back-tracked slightly, denying that he supported the reactor plan, claiming that he had simply wanted to draw attention to the benefits it might hold. He claimed that the municipality had participated in the EIA process, by submitting a document that had been prepared a few years ago by Stellen-



This European Pressurised Water Reactor under construction in Olkiluoto, Finland, by Areva-Siemens France, is similar to the ones under discussion for Bantamsklip

bosch University, which concluded that the future of the greater Gansbaai area lay in eco-tourism. But *noseweek's* sources say this document does not appear in the papers – and, anyway, doesn't address the nuclear issue at all. But Beyleveldt then showed his true colours by claiming that the brouhaha was premature, and that everyone should wait for the final reports before saying anything.

Nonsense, say the objectors, the need for action arose long ago. They can't believe that their politicians can't see this. The Agulhas Biodiversity Initiative's Rory Allardyce says it's a no-brainer – if the reactors are built, the people of the area will have to find themselves a new economy, because it will no longer have tourism. And how much sense does that make in an area where there has been massive investment in biodiversity, in the form of the Agulhas National Park – which has ambitions to be the second most prominent national park after Kruger – and in the Nuwejaars Wetlands Special Management Area, which has secured a German grant of two-million Euros.

Maarten Groos, the owner of the eco-resort Farm215.co.za says the plan is totally at odds with efforts to

encourage tourism. Groos, a Dutch lawyer who settled in South Africa, makes the point that Europeans will stop coming to an area infested with the kind of pylons they see all over the place back home – except that European authorities tend to site nuclear reactors as far as possible from areas of natural beauty.

Mike Kantey of the Coalition Against Nuclear Energy says it's sheer madness to destroy an area that includes, besides other "hotspots", Dyer Island – the preferred shark cage-diving resort of the Brad Pitts and Prince Harrys of the world. The Game Rangers Association has issued a document that says it "opposes unequivocally the construction and operation of a nuclear power station at Bantamsklip, since it is a globally and nationally recognised biodiversity hotspot, in an area of irreplaceable lowland fynbos".

Can concerned residents of the Overstrand expect a bit of action from their political representatives? Probably not – as *noseweek* readers know, the Overstrand municipality's record on matters environmental is pathetic. And, as has been widely reported, the town of Hermanus suddenly finds itself with a lagoon so polluted that it's unsafe for swimming.

If one looks at who Beyleveldt takes advice from, you really do have to worry. On 21 January 2010, journalist Lianda Beyers-Cronje sent the mayor an email (unfortunately for her she also, mistakenly, copied someone else. The relevant part reads: "I really would like to write something about Bantamsklip, which is again in the paper. Tut tut. Theo, why don't you just turn the whole lot's power off for a month and give them some first-hand experience of an ecologically-ideal powerless world." (*noseweek's* translation.)

PS: Some may see a certain irony in the fact that the interests of a local authority dominated by apartheid-era military men – who grew up believing in nuclear energy and weapons – now seem to coincide with those of the ANC, traditionally not at all keen on things nuclear. According to Al J Venter's *How South Africa Made 6 Atom Bombs*, the missiles designed to carry South Africa's nuclear bombs were manufactured near Grabouw, and tested at the Overberg Test Range. ■



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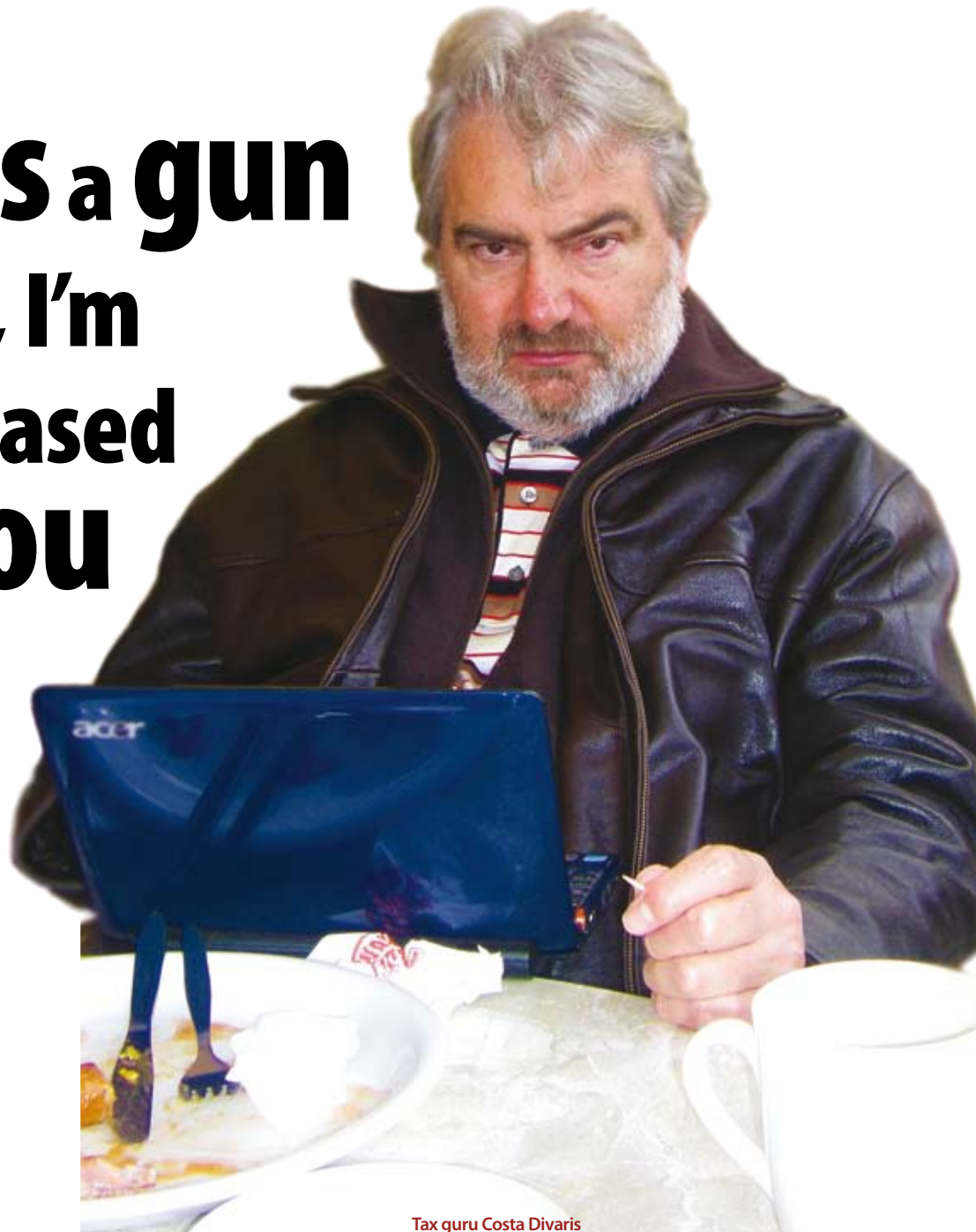
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Tax adviser
Costa Divaris
has been
accused by
his lover of
menacing her



Tax guru Costa Divaris

READERS OF TAX GURU Costa Divaris's newsletter *Tax Shock Horror* were, no doubt, just a little perplexed at an article in the December 2009 edition, entitled "How to obtain a *lettre de cachet* in sunny SA". Why on earth was South Africa's favourite tax consultant discussing (with much contempt) arrest orders issued under the Domestic Violence Act?

As Divaris tells it, "the idiot" who wrote this piece of legislation was clearly "no Rhodes scholar", and unfortunately "cocked up everything", thus endowing the country with something "astonishingly flawed". Though

he doesn't let on why the drafting of domestic violence laws suddenly matters to him, Divaris has left a swathe of clues suggesting the interest isn't purely academic. We're told, for example, that it may be difficult to explain the flaws in the act "to the police while they haul you off to their holding cells – on a Friday night, without your life-sustaining medication, just before you fly off to the most important business meeting of your now probably much-shortened, forcibly sodomised, AIDS-ridden life".

We also learn that "all that is needed to end life as you know it, is for someone close, or previously close to

you, to allege, in your obvious absence, abuse, even just verbal abuse, which will usually be impossible to prove – yet emerge with the effective power to have you locked up, even killed, by way of a *lettre de cachet*."

It has since emerged that Divaris indeed, as suspected, received a visit from the authorities, under the terms of the Domestic Violence Act. The reason – to serve an interim protection order obtained by his ex-partner, Karen Ovis. Ovis is also claiming a monthly payment of R12,000, for the rent of her Lonehill, Johannesburg, townhouse, pending repayment by Divaris of a loan she claims to have made to

him of R575,000 (plus interest). Ovis says she cannot return to the communal home they once shared, as Divaris “is very aggressive and I fear for my life”.

Divaris was ordered to appear in court on 8 March, to explain why the interim order should not be made final.

Ovis attached a lengthy statement to her application, stating that she is a 47-year-old accountant and that she started dating Divaris in 2001, after she met him at one of his tax seminars. A tax seminar is probably not the most conducive situation for igniting romance – in fact, as becomes clear in the statement, it would appear that romance didn’t play much part in what followed either.

Ovis says that within a short time Divaris suggested she sell her home in Hurlingham Manor and move in with him. For seven years they lived together as man and wife. Divaris also suggested that she buy a half-share in his house (i.e. the home they were sharing) in Paulshof. The property was valued at some R950,000, and in 2003 Ovis agreed to put in R575,000 – R475,000 for what she calls her “unencumbered half share of the communal property”, and R100,000 towards renovations. They agreed that Divaris would keep his bond on the property, and carry on servicing it himself.

When Ovis raised the issue of recording her half-share in the title deeds, Divaris said haughtily: “I am a man of integrity and I have never cheated anyone in my life.” Ovis adds: “[Divaris] is a very aggressive, volatile man and I could never ask him again because of the level of aggression and intimidation – and he would always say ‘I never repeat myself’.”

In their years together, Ovis claims, she used her full income of roughly R20,000 per month on household expenses, and did all the cooking, shopping and household organising. She also says Divaris leased a cottage on their joint property to his own company, for which he was able to claim a R20,000 per month rental. She, on the other hand, had to rent offices elsewhere for her company, The Compliance Authority, at R10,000 per month.

In 2007 the pair started a company, BSP Payroll, each with a 50% shareholding. It seems the idea was that Ovis would run the business and Divaris would use his name to market

it. Divaris put up some R150,000 for start-up costs, but Ovis’s company shouldered the ongoing expenses, which, by October 2009, apparently ran to some R475,000.

The extent of Divaris’s alleged double-dealing, explains Ovis, only came to light later: instead of registering the company in both their names, Divaris registered the entire shareholding to his family trust – in which Ovis is neither a trustee nor beneficiary (though his ex-wife is). This, she asserts, “was done fraudulently and without my knowledge”.

In August 2009 the pair split up. Ovis claims she was suffering from health problems related to stress, mainly because Divaris was “very aggressive, and walked around the house with a loaded Glock hand gun exposed at all times, intimidating me. I felt that my life was a living hell and that I was in mortal danger”. When they parted ways, Divaris agreed to pay Ovis R12,000 per month for rental and living expenses, until agreement could be reached about what she describes as “the loan of R575,000”.

Unfortunately the pair weren’t able to come to any common understanding on how to proceed. Whenever they met to talk, Divaris, as Ovis puts it, “became aggressive and intimidating, and at one stage chased me out of the house while holding his loaded gun”.

Thus, in November 2009, Ovis issued a high court summons against Divaris, in which she claimed that a “general community of property” existed, and that the “parties were to be equal partners in respect of the immovable property”. She asked the court for an order declaring that a partnership existed in respect of the property, and for an order dissolving that partnership and for a final ac-

counting. In the alternative, she asks for repayment of the sum of R575,000, plus interest. The Paulshof house is now worth around R3.5m.

In his plea to the summons, Divaris admits that the two lived together “from time to time”, but denies that they “cohabited as husband and wife or that there was any agreement between them, whether tacit or otherwise, to cohabit”. He says that “the parties’ financial and property rights did not become inextricably linked”, and that “no community of property came into effect”. He claims that Ovis “at no stage acquired any interest in the immovable property”, and that the R575,000 was simply a loan. As such, Divaris asserts, he is entitled to off-set against it some R551,000 in expenses, including payments on cars bought during the relationship, and medical aid contributions paid by Divaris for Ovis and her daughter. He says he’ll pay the small balance of R24,000 shortly, through car payments and medical aid contributions (he thinks interest



Costa Divaris and Karen Ovis in Greece

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is not payable).

It seems unlikely that the matter will come to trial before 2012.

The way Ovis tells the story, it would seem that Divaris reacted to the summons by going totally apeshit, and refused to pay the monthly R12,000, causing her serious financial hardship. This, and Divaris' belligerent approach to their differences, it would seem, forced Ovis to bring the domestic violence application.

Divaris apparently has a particular aversion to litigation, and told Ovis that he would "never litigate again". He'd rather, he said, "break knees – which are situated between the thigh bone and the shin bone". At a meeting between the parties and their legal advisers, on 18 December 2009, Divaris is said to have declared: "I will not give my money to anyone who sues me".

Alerted to the drama by the court records, *noseweek* sought an interview with Ovis. First off, she declared herself appalled at Divaris' claim that they hadn't live together as man and wife, especially as, in her words, she was his "slave", doing everything around the house. She is equally appalled at his wanting to deduct the amounts he claims – especially the fat lump the security-obsessed Divaris spent on an armour-plated BMW, which only he wanted. (Apparently Divaris has 24-hour, off-site security, and, desperately afraid of fires, had the Paulshof house rewired three

times in their seven years together.)

As regards the house, Ovis produced an email that Divaris sent to the agent who valued the place at R3.5m, in which he said: "You once gave us an informal valuation of *our* house in Paulshof, which we used between ourselves. Is there any chance you could do the same thing now?" (*Noseweek's* italics.) She's particularly appalled at Divaris' hypocrisy concerning the registration of their joint company – she says he likes to make the point at his seminars that the only reason men create trusts is to disinherit women. Apparently he offers his services free to wives who want to attach a trust.

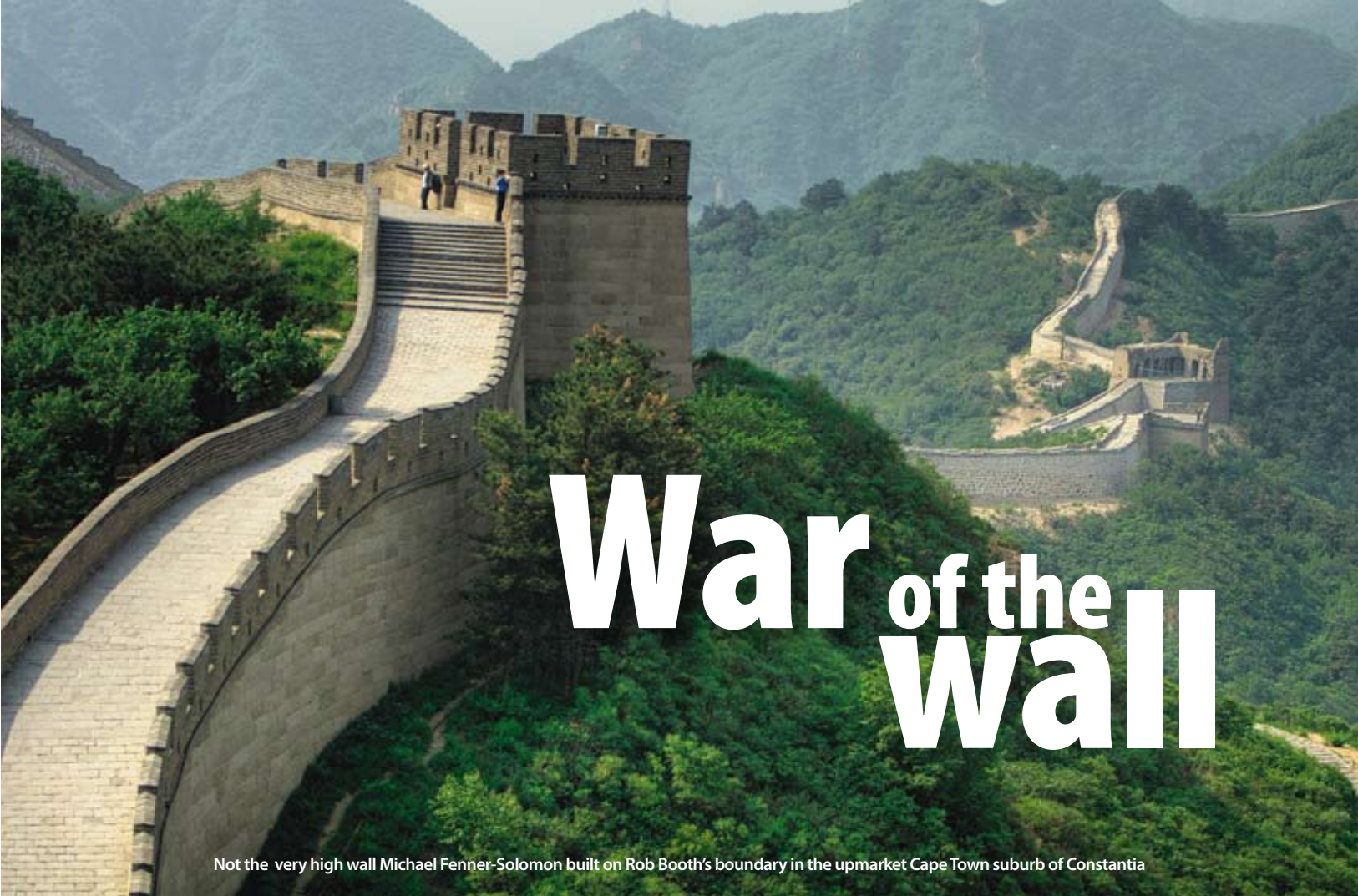
From Ovis a picture emerges of a man with no social skills, who has nothing outside his work; a man who is so jealous and so domineering that he would force his partner to change the name of her company, because it contained her former married name; a man who refused to let her see family or friends.

Divaris told *noseweek* that he preferred not to comment, but followed this up with an email, referring us to his article mentioned at the head of this story. That article shows, he says, "how even someone who owes no soul in the world a cent can be made to live under threat of imminent arrest".

He ends off: "Otherwise, I am quite happy to wait for my day in court, whether in the high court or the magistrate's court." ■



"Mr Divaris can't see you right now, he's just sorting out a matter"



War of the wall

Not the very high wall Michael Fenner-Solomon built on Rob Booth's boundary in the upmarket Cape Town suburb of Constantia

ROB BOOTH IS ONE OF THE LUCKY people who get to live in Constantia, Cape Town. But even in those green groves luck can run out, as Booth discovered when he crossed paths with Michael Fenner-Solomon, a hard-arsed Cape Town property developer who likes to refer to himself as “Mr Constantia”.

A few years back, Fenner-Solomon, who operates under the name Michael Grant Development, paid some R23.5m for a property that once housed the Swedish consulate, and which adjoins Rob Booth's property. He managed to get permission to convert it (together with a much smaller adjoining property) into a “secure” estate, consisting of eight luxury homes (around R20m each), one of which is the original “manor house”, now extensively renovated. This highly desirable development goes under the name of Warbler's Grove.

An estate agent with a particularly brown nose, Mike Greeff of Greeff Properties, enthused thus in *The Property Magazine*: “We have come to accept that Mike Fenner-Solomon is a market leader in top-of-the-range

Property developers seem to flout building laws by simply getting approval when the building is already up

homes, but we can assure you that what he is developing here is likely to be seen as the best residential project he has ever produced.”

Although there seems to have been some kind of consultation between Fenner-Solomon and the owners of the surrounding properties, somehow those discussions didn't include Booth, who, nonetheless, phlegmatically accepted the situation. Until the day, that is, that he arrived home to find 20 workmen lying about on his lawn having their tea – the 50-year old hedge separating his property from the new development had been removed, without consultation or notice. A furious Booth confronted the foreman, who placated him with a story that the hedge was to be replaced with a “classy” four-metre-high wall – and it would be plastered and painted on both sides.

Booth let the thing go for the moment, but did try to find out from the council exactly how high a wall has to be before a neighbour's consent is required. No one could give him an answer. According to Booth the council's main building man, Bill Carter, came

around with building inspector Ray Windell, and Windell was adamant that the wall was being built according to plan (though Windell claimed that he'd lost his copy of the plan and was working from the developer's copy).

Booth felt that the building of the wall posed a security threat (especially when he was away on holiday), and it made an almighty mess of his garden. A meeting between Booth and "Mr Constantia" was scheduled for sometime in March 2009, but Fenner-Solomon didn't pitch. Instead there was an exchange of ill-tempered and not very literate emails and SMSs.

In one, Fenner-Solomon said he took "umbridge" (a nice name for a future development?) at neighbours who always put the blame on developers. In

plastered and painted Booth's side of the wall, was now suggesting that this would happen if he consented to the building line deviation. Instead Booth objected.

On 19 October 2009, Booth wrote to the council's director of planning to say that "notwithstanding that the dwelling has already been constructed and virtually completed (without approved plans) I wish to raise our objection to the approval of the plans ... the zoning scheme should not arbitrarily be ignored at the whim of property owners, and it is the obligation of the City of Cape Town to ensure that residents and land owners on adjoining properties are not affected by contraventions of the zoning scheme".

On 16 November 2009, Booth's law-

comment." And what happens if the approval is not granted – would the building have to be demolished? "Yes," said Carter, "although there would still be an appeal to province."

Although Carter insisted that he couldn't pre-empt the decision, he did say that he would be very surprised if approval wasn't granted, for the simple reason that no case had been made out for a refusal. "But Booth's saying you must apply the law; isn't that a reason?" Carter sounded perplexed at the suggestion, insisting that there had to be some compelling reason to refuse a request for a deviation, for example a serious invasion of privacy. So does that mean that a developer, who obviously knows how the system works, can deliberately flout building lines, in the knowledge that consent for the deviation will be granted after the event?

"I'm afraid Mr Fenner-Solomon is falling back into his old ways," said Carter. "In the past, we were able to impose surcharges on developers who did this – Fenner-Solomon paid about R90,000 on one development – but we no longer have that power." Carter said building inspector Ray Windell, knew much more about the project, and promised to get Windell to call *noseweek* (he didn't).

Booth is also highly irritated that Fenner-Solomon's development has cost him a lot of money. When the rains came, the huge wall started collapsing, forcing Fenner-Solomon to re-inforce it. The collapsing wall put pressure on another small wall on Booth's property, but Fenner-Solomon refuses to compensate Booth (he did offer to buttress this wall, but Booth insisted on getting the work done by another builder).

Booth reckons that he's out of pocket to the tune of some R200,000, what with the wall, the landscaping required to fix the mess made of the garden, and plumbers who had to come out on a number of occasions when the water supply was cut off as a result of the construction work.

Booth claims that because of the economic downturn Fenner-Solomon is now under serious pressure – most of the eight homes are unsold, and the American lady who bought the manor house moved out almost immediately, as she was very unhappy with the standard of work. He also says there are a lot of unhappy creditors out there, but few will say anything.

Booth reckons he's out of pocket to the tune of some R200,000, with the wall, fixing the mess made of the garden and resultant plumbing

a later missive he called Booth "the biggest prick in Cape Town" (in different circumstances, Booth may have taken this as a compliment). Fenner-Solomon also threatened to blacken Booth's name at Herschel (the expensive private girls' school attended by both men's daughters, who will, no doubt, turn out more genteel than their fathers), adding that "everyone in Cape Town knows you are a crook". (Booth is a former car dealer, but it's not clear if that was the basis for the claim.)

Then, in September last year, Fenner-Solomon suddenly got friendly, and asked for a meeting with Booth. It turned out that one of the houses in the development had been built too close to the boundary with Booth, and Fenner-Solomon needed his consent to a deviation from the building line. What particularly irked Booth was that it appeared to him that Fenner-Solomon had deliberately built before asking for consent. He was also irritated that Fenner-Solomon, who hadn't

yer wrote to Fenner-Solomon's attorney to say "our investigations lead us to believe that the entire development ... has been undertaken without the necessary approved building plans".

Noseweek discussed this matter with Bill Carter (Section Head: Building Development Manager) – which was an interesting experience. "Never heard of Warbler's Grove" was his opener. "But Booth claims to have met you on site to discuss the four-metre wall," *noseweek* replied.

"It's a bit rich for Booth to be raising objections," said Carter. "For years he's been operating a business illegally from premises in Kenilworth."

Carter claimed that although he isn't involved with the matter, he thinks what happened is that Fenner-Solomon's original plans were approved, but he then breached the building line and so required a further approval. "But Booth has withheld his consent," we said.

"It's not for Booth to consent," Carter replied, "he's simply been asked for

Fenner-Solomon told a rather different story. He told *noseweek* that Booth is a very difficult character who caused trouble from the start. He says that Booth's "hedge" was a shitty little one-metre-high fence, and that he would've finished Booth's side of the wall had Booth not been so difficult about a tree that had to be removed. Yes I did compliment Booth on his genitalia he said, but the Herschel comment was more along the lines of "It's a pity we both have daughters at Herschel".

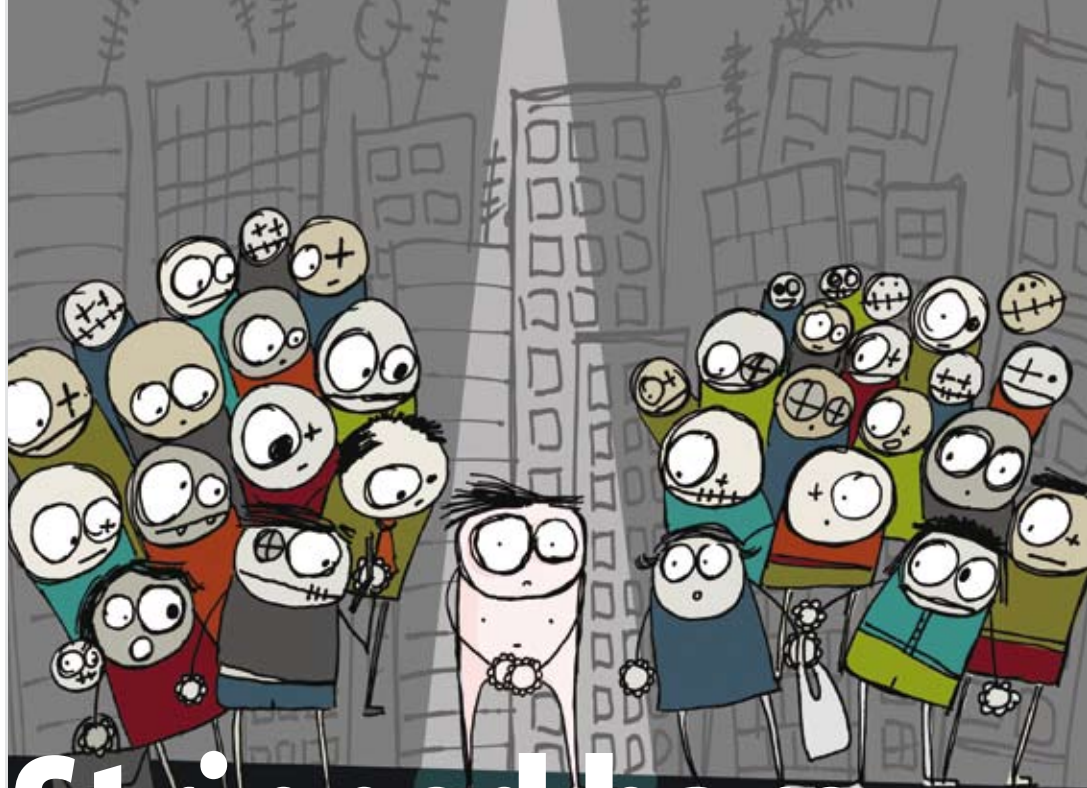
As for the deviation, Fenner-Solomon claims it's absolutely insignificant – a tiny triangle of one bedroom that goes 19cm over the building line – and that he has no doubt that approval will be granted. As for Booth's claim that he's spent R200,000, Fenner-Solomon said this was absolutely laughable and challenged Booth to provide invoices. The unhappy American lady, says Fenner-Solomon, is in fact a happy South African who's not very visible because she travels a lot. And he's sold five out of the eight units already. He warned *noseweek* that there would be "consequences" if anything unflattering about him appeared in these pages, and suggested we speak to Booth's former colleagues at VW Claremont to find out what sort of person he was.

The conversation with one Pug Roux at VW Claremont went something like this: "Can you tell us something about Rob Booth?"

"How much time have you got? On second thoughts I'd rather not comment. I can confirm he was a shareholder here – but he no longer is and you can read into that what you like."

Then, out of the blue, one Ashleigh Barnes phoned to say that she and her husband had bought at Warbler's Grove, and they were very happy. Fenner-Solomon, she burred, had "over-delivered". But Booth was very difficult, and had caused all sorts of grief when their removal truck tried to access their property.

Next, a trader, who requested anonymity phoned, to say that when he'd once threatened Fenner-Solomon with legal proceedings for money outstanding, Fenner-Solomon phoned him using all sorts of horrible language, and told him that he would throw R500,000 at legal fees if he were sued. As he reminded the poor fellow: "I am Mr Constantia." ■



Stripped bare by Momentum

UNTIL RECENTLY, PETER SHULTZ (not his real name) worked for the South African subsidiary of a foreign electronics company, whose medical scheme was run by Momentum Health. Yes – it's one of those stories – so listen up to what Momentum say on their website: The group boasts that it offers "awesome service – which means to delight our clients and have empathy for their situation". Much is made of taking "responsibility for our actions and their consequences". Hmmm.

Because Peter suffers from a bipolar condition and needs constant medication, he decided to go for the most comprehensive cover, and opted for the top of the range Extender Plus scheme. This cost him (as a single person without dependants) a hefty R1800 per month.

He was thus a little surprised when, after just a few months, he was told that he had reached his cap. When he complained, he was told to chip in R600, following which he would be covered again. Somewhat pissed-off, Peter did so, but the very next month there was

Medical scheme gives client's confidential information to his boss

again a shortfall. When Peter again complained, Momentum suggested he get on to the Chronic Medication Plan, at no further cost, by simply getting his doctor to fill in some forms. Despite doing so, a now livid Peter discovered that there was once more a shortfall when he collected his medication.

As others in the company were also experiencing problems with the medical aid, Pauline Barnack of Momentum Health Western Cape came to explain the details of the various schemes on offer.

Shortly afterwards Barnack called Peter's boss, Vernon (not his real

name), and asked if she could copy to him an email that she was sending to Peter. Assuming this would be of some general nature, he agreed – but was very concerned when he received an email that had not been sent to Peter, and that read as follows:

“Chronic medication – Lantanon

ter tried to get an explanation from Pauline as to what she thought she was playing at, but he got nowhere. He also had no joy seeking answers from Pauline’s boss, Christa Swart. Finally Peter received an apology of sorts from Momentum’s Michael Temlett, but not the requested refund of contributions.

When Peter left the company in November 2009, he cancelled his Momentum policy. There was no doubt a certain *schadenfreude* when he found out a month later that, due to general dissatisfaction with Momentum Health, his ex-employer had moved to another scheme.

Peter is now self-employed and he’s decided not to both-

er. He also decided to scale down his monthly contribution on a Momentum Investment policy from R1,331 to R335. Implementing this instruction proved beyond Momentum – for the next two months the old amount went through. So in anger Peter cancelled that policy too. Momentum were happy to do it – but penalised Peter by R10,000 in the process.

Noseweek called Pauline Barnack to ask what on earth had prompted her to tell Vernon about Peter’s medication, and hence his condition. “I don’t want to stick my foot in it,” she said (a bit late, darling), “you’d best speak to my boss, Christa Swart.” But Christa didn’t reply to *noseweek’s* messages, so we asked Momentum’s head office for comment.

Lee-Ann du Toit, head of marketing at Momentum Health, was shocked to hear Peter’s story, and insisted that client confidentiality is paramount. The only exception relates to brokers who have been authorised to receive information.

She sent *noseweek* an email to say: “Momentum Health Medical Scheme and Momentum Medical Scheme Administrators are committed to ensuring the confidentiality of membership information and take all reasonable steps to protect members’ confidential information.”

Looks like some serious staff training might be in order. **W**

The damage had already been done: by revealing the medication, Pauline had also revealed Peter’s condition

R267.64: Momentum pays R123.61; difference R144.03 – you will be asked to pay that amount. Clift R104.44: we pay R69.31; difference R35.13 – you will be asked to pay that amount. Crestor R155: we pay R119.31; difference R33.68 – you will be asked to pay.”

Vernon replied to Barnack as follows: “It appears that you have sent this email to me only. It appears that you are going behind Peter’s back, without informing him of your wish to CC me. And the nature of the details – aren’t they bound by some sort of client/patient confidentiality?”

Pauline then sent her email to Peter, but the damage had already been done: by revealing the medication, Pauline had also revealed Peter’s condition. It would be entertaining to say that Vernon then used his fortuitously-acquired knowledge to fire Peter, but (contrary to what some believe) *noseweek* doesn’t do fiction. Actually, Vernon was already aware of Peter’s condition.

However, as Peter says: “What if my boss hadn’t known? What if he’d told others in the company, and the knowledge had somehow been used against me? – which could easily have happened, given the stigma attached to bipolar disease.” Pe-

ter with medical aid. As it happens, this has affected him rather well: instead of a monthly contribution of R1800, plus pay-ins or top-ups, he now pays only R300 per month for his medication. A very handy saving.

Lest you be thinking “OK so Momentum’s poor at the medical stuff, but they’re pretty hot on other financial services” – that’s not Peter’s expe-



“How would you feel if the mouse did that to you?”

A real steal

ANN DONALD

REVIEWS

The Man Who Loved Books Too Much

(Riverhead Books)

By

Allison Hoover Bartlett

ANTIQUARIAN BOOKSELLERS, those fusty characters in cardigans, surrounded by dusty, leather-bound tomes, are hardly the stuff of great crime stories. Nor are their counterparts, the book collectors – the men (they're mostly men it seems) in anoraks who never miss the bookstall at the church fete, just in case an unblemished, signed first-edition of *The Maltese Falcon* is lurking among the paperbacks.

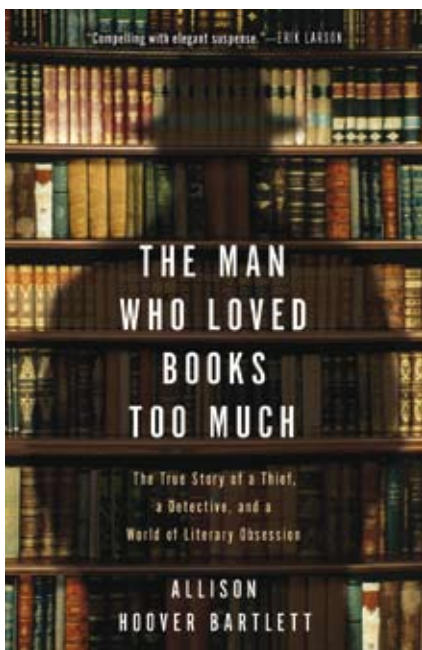
But then, criminals don't always hang out where you expect them. Nor is their loot always a wine farm in a lush valley, or a very black line at the bottom of a corporate balance sheet, nor even something that gleams or clinks.

Even so, hardened *noseweek* readers will find incredible the tale of *The Man Who Loved Books Too Much*.

For a number of years, John Gilkey, an unassuming, brown-haired fellow, always unremarkably attired, preyed on rare book dealers across the US, stealing hundreds of thousands of dollars worth of collectable books. The story of his spree, and of book dealer Ken Sanders who spent three years collecting evidence, and trying to persuade police that a serious criminal was at work, is the subject of Allison Hoover Bartlett's fascinating book.

If this were a work of fiction, Gilkey would be a cut above your common-organ thief, a man of taste and distinction, whose trademark would be his brilliantly clever hoaxes. It's not, and nor is he. He's a credit card fraudster, who worked for a time as a men's clothing sales assistant at Saks in San Francisco. His *modus operandi* was to steal a few credit card slips every day and hoard them, biding his time.

Months down the line, Gilkey would phone a rare book dealer, enquire about a book he wanted "as a gift", supply a credit card number over the phone, and arrange for the book to be collected by a "friend" or a "relative". Then he would simply go in and pick it up himself. As easy as that, as he was fond of saying.



Credit card fraud is one of the most prevalent forms of theft in the modern world, and the stealing of rare books has been going on for thousands of years. But this was the first experience book dealers had had of someone using this method to steal their wares, and for some years no-one realised there was a serial book thief at work. It took the doggedness of Ken Sanders to bring all the pieces together, to set up a communication network, and to convince the police to do something about it.

All of this makes Bartlett's book intriguing reading. But it is her encounters with Gilkey himself that are riveting. In a series of interviews over a number of years – even during periods of imprisonment, when using bad cheques instead of credit cards got him caught – she probed Gilkey's reasons for stealing books.

He certainly wasn't motivated by money, as he only ever sold a book if he needed the money for a lawyer. Instead, Gilkey understood, as all book lovers do, that books are an extension of the self. They represent learning and sophistication – they are the sign of a cultured person, and Gilkey wanted to be seen in this light. Indeed, "ownership" of the books was only part of Gilkey's efforts to present himself as a man of culture. Bartlett writes: "He was studying philosophy, researching authors, reading

literature ... he was attempting to create his ideal self."

Digging down, however, Bartlett uncovered Gilkey's resentment of those who had what he didn't, and his belief that they somehow owed him what he wanted.

But even deeper, beneath his charm, his innocuous façade, his fake erudition, was the common greed associated with all thieves, convicted or not, who take what they want and find ways of justifying their theft, to themselves and to the world.

Bartlett's book is not flawless: the narrative can be clumsy and her personal anecdotes are irritating. But in gaining such intimate access to the lives and motivations of both Sanders and Gilkey, and to the arcane workings of the rare book world, she has written a captivating account of obsession, greed and conscience.

At around R260 a copy (first edition hardback, with dust jacket), this is a real steal. **W**

The Man Who Loved Books Too Much is published in hard cover by Riverhead Books. It is available from Loot.co.za for R193. We accept payment by Visa, Mastercard, or direct deposit to our ABSA bank account.

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0, Baby!

A **HI! THE LAUGHTER** I have derived from the *Umshiniwami* bonking saga.

Reading the plethora of articles, commentaries, letters to the editor, SMSs – and off course those annoying blogs (bloggers really should get a life) – about the sexual trials and tribulations of many a child's beloved father, and President to the rest of us, Jacob Zuma, I am nothing but amused. And I am not amused at the man, but at the society that created this well-oiled *umshiniwami*.

What amuses me about this state of affairs is that, once again, South African society, in particular black society, is in denial. It is only now, following many warnings about the dangerous culture of multiple partners that this sex-crazed society has finally accepted the root cause of HIV/AIDS – although, actually, I don't think it's making one bit of a difference: bonking with multiple partners is still very much the norm.

My amusement at the Zuma saga is also derived from the “harsh” reality that children out of wedlock are the norm in South African society, and once again, particularly in black society. So it is I find myself saying: “You poor bastard; you may be president, but your procreative behaviour is firmly rooted in the society you live in – albeit, you do take the cake.”

But then again, I wonder, does he? I've seen plenty of cakes come and go on this one.

My first experience at what I came to dub “despicable child-bearing” was in 1990, when I took a holiday from the

US and spent six months in Swaziland. I spent that time covering business for the *Times of Swaziland*.

At the end of each month, i.e. every payday, a throng of women, young and middle-aged alike, would virtually blockade the entrance to the newspaper building. At first I thought they were protestors, and had come to have their plight reported on. Then I noticed it was the same group, month after month.

Finally I asked a colleague why these women were always here. Oh, he says – “They come to ensure the fathers of their children cough up for the kids they left them with”. Yes, take note: “left them with”. He went on to relate how some of these so-called fathers had more than one child with more than one of the women outside.

But the story that truly took the cake was the one relating to a particular journalist who simply did not come to work on payday, but preferred to pick up his pay a few days later – sometimes even a week or two later. (Now that's unusual!) It so turns out that this particular fellow had fathered no less than ten children. I dubbed him “father of the nation”.

The risk in relaying this Swaziland story is that there are certainly some who will read this and, in typically defensive South African style, say “well – that's Swaziland”. As if there is much of a difference between Swazi practices and those around us. I don't think so.

But, just to be on the safe side, let me bring my example to Barberton. Recently, I was having a conversation

with a friend about a particular fellow I happen to think highly of. And, expressing my positive feelings about this fellow, I happen to mention how I admire the close relationship he appears to have with his girlfriend. My friend says: “They might be close; but that guy is an impregnator *extraordinaire*. He has seven kids that I know of from different women, but I'm pretty sure there are more.”

And this is just one guy in little Barberton. Moreover, I'll bet my first out-of-wedlock regret (God, I hope not), that he's not the only one – not by a long shot. Believe me, I'm not talking about the run of Barberton *umshiniwami* wannabes who have at least one out-of-wedlock bundle of joy (joy during conception that is – and a source of terrible frustration during maintenance hearings). No – I am talking about nearly every adult male around me.

What to make of all this? Irresponsible childbearing leading to multitudes of children being born out of wedlock is a major problem. Maybe, just maybe, Zuma's “unfortunate scandal” will pave the way for this society to address this massive problem – one that costs us a fortune in child grants, has greatly worsened the overcrowding in schools, and increased the number of unfortunate young people without parental guidance... the list goes on, and on.

As for Mr Zuma: all I have to say is the prez's favorite song has taken on a whole new meaning, and we can only agree with those T-shirts that proclaim “100% Zulu Boy”. ■



Never. mind

IN BOEP YOU ALWAYS get obsessive about something. What I got obsessive about was fairy cakes, with currants and a cherry on top. Being solitary and inactive I wrote a poem about them. In my head, that is, since I had neither pencil nor paper. In Chaucer's English, to spread out the time a bit.

*Eftsounes cam an visioun sodeynly
Of smale swetmetes marvelous to see
Y-cleped Faerie Ceikys, of floure y-
wrought,
Ande egys eek, and smale corantes
brought
From Fraunce, y-trowe, and baked in
an cuppe
Of papyre so conyngely bente uppe
It were an cornucop to ples the yë.
"Seynte", cryed I, and "Halleluie,
Beholde swich an chery of delyt
From Paradys com adoun to ples the syte
Of mortal manne, which is to seye persoun,
Togidre wolde I swalwe swich y-down
With milke ful crem a-from the frigge, pardee;
Swich thing is gladsom, as it thinketh me."*

First day out of boep the Autumn morning sunshine is just too lovely. I remove my lappies hoed and ruffle up my hair to catch the breeze, and as I refocus my blinking eyes I see them before me, in the window of the ABC Bakery: a great heavenly mound, fairy cakes, yellow sponge, light caramel crust, everything, the small black shadows of currants and the glistening ruby cherry. I am transfixed. I'll have half a dozen of the fairy cakes, please, I say to the pretty girl inside. And a small carton of milk.

Of what cakes? says she. Fairy cakes, in your window there. She is dumbfounded. She frowns. So I take her to the display of delight, and point. No, she says, smiling, those are boys' cakes. Yes, say I, I want six, please. She frowns again. You can't eat those, says she, they natov cakes, man! Ja, I say, I want six. For your boy? Sweet Jesus, what a country! Yes, I say.

She smiles affectionately, with nice white slightly crooked and very sexy teeth, and wrinkles up her pretty nose, and hands me the paper bag. Why didn't you say so? she chuckles.

Don't forget the milk, say I. They drink Coke, she says. Aah! Well a coke then, and the milk for me. What are you going to eat

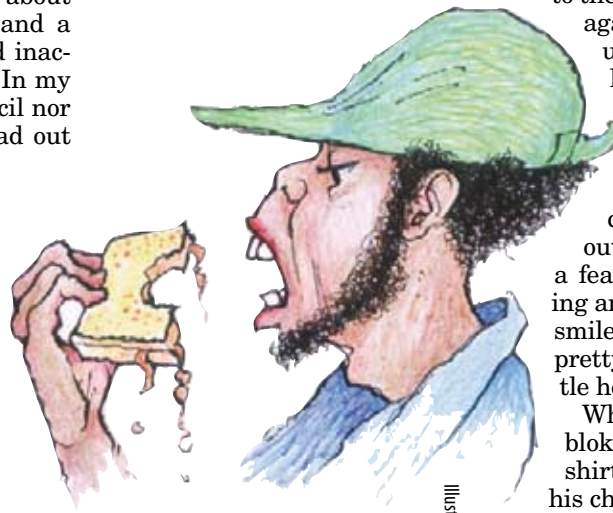


Illustration: Harold Strachan

It occurs to me soon enough that the Security Branch may have planted this dude in the garbage lane

with your milk? she asks. Holy Mary, mother of Christ, think I, if this were a man I'd give him a boot up the goolies. What would you suggest? I ask, smiling. OOO! says she, one of those, pointing to a huge sticky Chelsea bun about the size of a wicketkeeper's glove. She loads this thing into another bag and I'm off salivating. Not about the glove.

Out in the dazzling sunlight I shield my eyes with my hand and there discern a natov leaning against a pole. I make my way to the other side of this pole and lean against it and ask him Howzit, umfo, could you manage this here great big bun and can of coke? Gimme it! he cries. I fear he might bite my hand off. When he's about half-way through and I'm on about cake #3 I notice the girl come out for her lunch break. She lays a fearsome scowl on me for the lying and the unapproved eating and I smile sheepishly, but she tosses her pretty locks and clicks off on her little heels.

Where are you from? I ask this bloke as I dust the crumbs from my shirt and he sweeps the last from his chin with his tongue, like a windshield wiper. Botanic Gardens, he says.

Oh, say I, that's where I come from; where in Botanic Gardens? Lanyon Grove, he says.

Don't talk so daft! I say, how can you live in Lanyon Grove? Lanyon Grove is an A-group White Area; I live in Lanyon Grove. What number Lanyon Grove do you live in? Fourteen Lanyon Grove, he says. Are you bloody loony or what! I cry. That's my address, stupid, that's where I live! Ja, I know, he says, man, I live behind your house in the rubbish lane there at the back. Mr Johnson on the other side puts his dirt bins in the lane and lets me sleep in the place for bins. He lets me shit in his servant's toilet too if I clean his car every week-end. Also I watch it at night.

It occurs to me soon enough the Security Branch may have planted this dude in the garbage lane, but then surely they'd have nourished him up a bit, and how would they have known to lean him against this pole anyway? What do you eat, hey?, I ask him. Quarter pears, he replies. Bread. Ja, my avocado pears, I suppose. From my trees, hey? I dunno, he says.

He says his name is Eric, and I tell him mine is Jock. So what do you do for bread? I ask. I sell quarter pears says Eric. Ja, my quarter pears, you swine. First you sell my pears and then you eat my cakes.

Never mind, says Eric. ▣

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