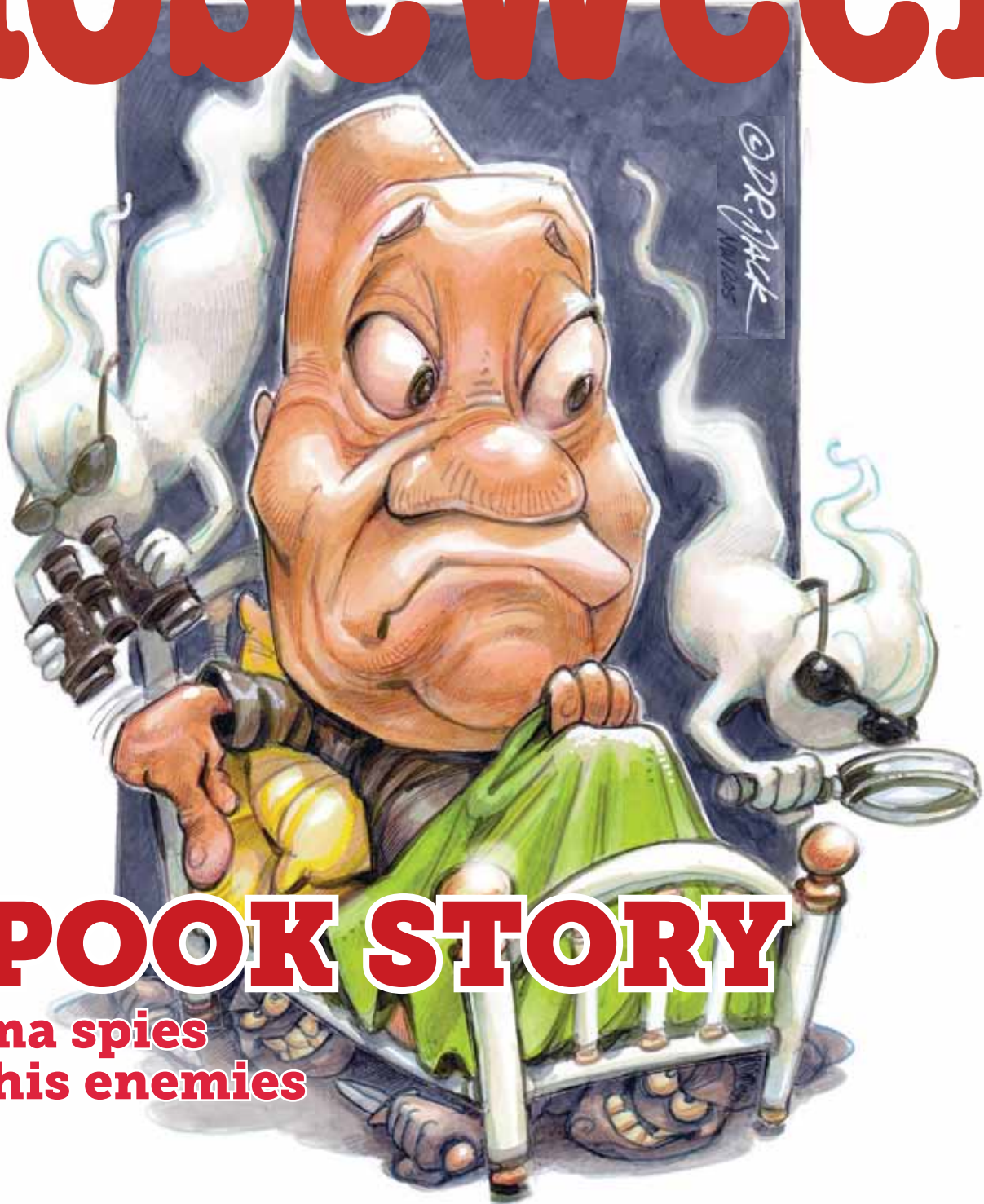


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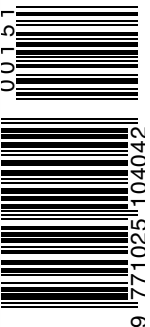
# noseweek

151 MAY 2012



## SPOOK STORY

Zuma spies  
on his enemies



Lawyers feast on damages award **16** Graft busters  
hit Eastern Cape **22** Bank ombudsman: question of  
independence **28** Ducking out of the rat race **32**

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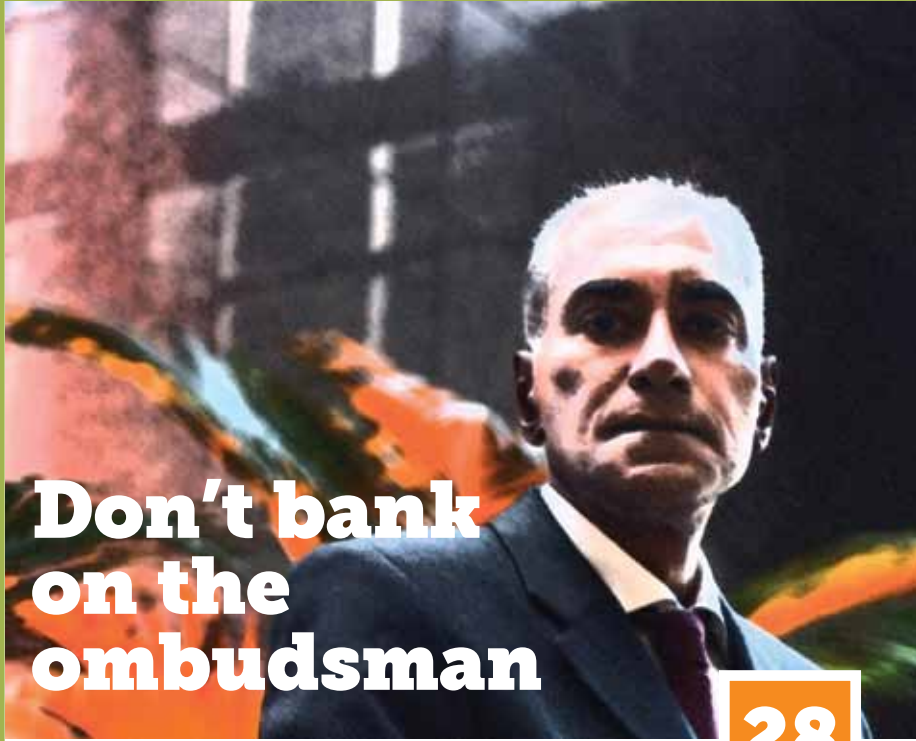
BY GRAHAM BECK



# noseweek

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## Obscured view

YOUR editorial is nowhere to be found in issue 150. Please advise.

**R J Purshotam**  
Bishopsgate, KZN

*Thanks for noticing. It made way for a late story about corruption in the crime intelligence unit of the SAPS. Comment on that report was tucked away in a box at the foot of the page. See promised Inge Peacock/Stuttafords update on p8.*  
– Ed.

■ **LT GENERAL** Richard Mdluli (“The Police Commissioner’s Dirty Secrets”, *nose150*) must be brought to justice. Please keep up the pressure.

**Johann Laubser**  
Delaire, Stellenbosch

## A gold star

WE READ your report (in *nose150*) on the threat by Tiger Brands’ attorneys Spoor & Fisher, to do the heavy on a small carpentry shop called All Wood – for parodying their brand name, All Gold.

We concluded: how totally stupid of Tiger/Spoor & Fisher – and how totally amusing and smart of carpenter Mike Rule to choose that name for his business.

As we live in KZN, we cannot support Rule’s business, but what we can – will do – is tell everyone about this and suggest that they stop supporting All Gold.

We know it’s unlikely to make any discernable impact on Tiger’s sales, but at least we stand on our principle.

And, if this goes legal, we would love to help Mr Rule financially, albeit modestly, as we’d just love to be part of the victory which we know he will have against the big corporation.

**Mark and Stella de Chalain**  
Hillcrest, KZN

## Vile vituperation

I AM A regular *Noseweek* reader and found your article about an Umhlanga doctor (“The unkindest cut”, *nose150*) completely out of line. This is a domestic matter, experienced by many couples. A man of integrity, he deserves a four-page apology in your next edition.

In your apology, you will need to research the days, weeks and months that this professional man has dedicated to his patients. And do a bit of soul searching: are there any perfect matches out there? Do we have a perfect record? Have we served our fellow humans in any way remotely resembling the way this dedicated man has served his patients?

A disagreement with a partner, director or wife, does not need to be broadcast in the way *Noseweek* addressed this report. The doctor is correct in not offering *Noseweek* a response: why lower himself to this level?

There are R200 billion fraud cases out there, real dodge balls. Why report on personal domestic issues?

**Roy Armour**  
Harding, KZN

*If he’s the man of integrity*

*you suggest he is, he would have dealt with the breakdown of his marriage and the related division of assets with integrity. Re-read the story, then be the judge.* – Ed.

## Offence conveyed

I REFER to two articles concerning conveyancer attorneys that appeared in *Noseweek* (*noses99* and *148*) which have only recently come to my attention.

Whilst I fully agree that “Banks keep lapdog lawyers well fed but firmly muzzled”, I am offended by your dismissal of my profession as “not rocket science, could be handled by a variety of people”.

When I qualified as a conveyancer in 1985, I had studied for a law degree at UCT, completed two years of legal articles at a law firm, written a tough attorney’s admission exam and a tougher conveyancing exam which had a 50% failure rate at the time.

The offending comment can only have been made by someone who has no knowledge of the complexities involved in proper conveyancing. Whilst I agree that most

conveyancing matters are straightforward, often situations and issues arise which require the application of legal expertise gained through years of intensive legal training and background knowledge of a variety of different laws that affect conveyancing.

Your dismissal is both ignorant and insulting.

Ironically, although you attack banks, your statement that conveyancing could be handled by a variety of people would accord exactly with what the banks want, which is to be allowed to employ their own paralegals as conveyancers. Your sentiment may be realised with the impending implementation of the Legal Practice Bill which has as one of its aims “the abolition of the reservation of conveyancing for conveyancers only”. I wager that eventually you will rue your own words.

For the record, I was once on a major bank’s “B” panel for bond registration, which allowed conveyancers to register bonds that they referred to the bank, as opposed to “A” panel attorneys, who automatically received a monthly quota of bond work. Along with numerous colleagues, I was subsequently removed from the panel because I was “too small” to qualify. So I hold no candle for the banks.

Regarding the comment about conveyancers’ food (“prosciutto not pap”), I think you are confusing conveyancers with estate agents.

**Carol M During**  
Newlands, Cape

## April Fool’s joke?

WAS JUSTICE Malala’s flattering interview (*eNews* channel, Sunday 1 April 2012) with the “one and only” Mzilikazi Wa Afrika – his *Sunday Times* investigations team has just won another prize for



investigative journalism – intended to be an April Fool's Day joke?

You will have got only half the joke if you'd read *Noseweek's* story about them – “*Sunday Times* story still stinks” in *nose*150; to get the other half of the joke, you'd have to have known that TV host Malala was one of the judges who awarded the prize – and that he also writes for the *Sunday Times's* sister paper, *The Times*.

**Lentikile Ntloe**  
Cape Town

## An Educor lesson

I OWN a small business selling promotional clothing. I was approached by Intec College to supply 2 000 - 3 000 student bags for their new intake.

We delivered 2 350 bags in the first week of January and in February, another 3 000. Intec undertook to pay half the bill by 14 February and the balance at the end of February. To date we have received no payment.

We are holding a further 2 000 printed “Intec college” bags while awaiting payment for the first two deliveries.

We owe our supplier R456 000 for the goods ordered by Intec. This debt will put me out of business and I will lose my house and car. Every email and phonecall to Educor (holding company for Intec

College and Damelin) has been to no avail.

I am at the end of my tether.

**Bernadine Neveling**

Spotted Zebra Promotions,  
Durbanville

*All we can do is raise the shark alert flag. Had you subscribed to Noseweek, you would have known that the Educor group are people not to be trusted (noses94,95,96, 97). – Ed*

## Glass houses

NINETY-NINE percent of houses in South African suburbs do not comply with the new building regulations relating to energy efficiency (SANS 10400 XA, 10 November 2011) that have come into force.

For example, if the surface area of glazed windows and doors of a house exceeds 15% of its floor area, you now have to do a detailed set of calculations per room: orientation, overhang of eaves, type of glass, the window-frame material – all of which feature in the calculations “to save energy loss”.

To comply with the new regulations, the owner, must instal thicker glass, double-glazing, even double-glazed sliding doors, which will push up the cost of houses dramatically.

Who will benefit?

Bernice Baily, writing on the glass manufacturers' building industry blogsite

“Design Mind” (on 18 Nov 2011) reports: “Our Technical Manager, Mike Pote, said that Glass South Africa, (linked to the PG Glass Group) were directly involved in compiling the new energy regulations.”

Two independent guys in the glass industry told me this was set up by Hans Schefferlie to ensure huge profits for the industry. (He is also involved in the insulation industry.)

Recently I attended a seminar in Knysna by Hugh Fraser (ex-PG Glass) on the glass regulations. He tried to make light of the new rules, but said something that worried me: in the new insulation regulations, one requirement matched – to the decimal point – the product of a particular local insulator! [*French multinational Saint Gobain's product, Isover.* – Ed.]

This stinks. It could be the biggest money-making scam in the history of South Africa's building industry.

And if you've bought a plot at the seaside and are dreaming of all those brilliant sea views, forget it: the regulations require that your house must face north, even if all that offers you is a perfect view of your neighbour's long drop.

The authors of these regulations cribbed them from Australia, where most homes are air-conditioned, and clearly did not apply

their minds to our conditions and how we live.

I support energy saving. We can reduce the amperage in our houses by changing to solar water-heating, cooking with gas, by having our distribution boards modified, by installing relays that switch off geysers when the stove or oven is on. We can insulate the roof and plant deciduous trees to screen us from the summer sun. We can use energy-saving bulbs. We can instal Trombe walls [*designed for thermal storage and delivery*] to heat our houses for nothing.

But the additional cost of complying with the new regulations will ensure fewer houses are built and yet more jobs are lost.

And don't do any alterations as you will have to change all your windows to comply with the new regulations.

The South African architectural institutes have done nothing about these regulations, as most members are not even aware of the implications. Architects, it seems, are a pretty dumb bunch of professionals – and too chicken to stand up and fight for what is right.

**Donald Quixote**

(*Another architect too chicken to have his real name revealed*),  
Plettenberg Bay

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AN ARTICLE in nose149 on the strange ways of mega debt collectors Munnik Basson Dagama (MBD), elicited much comment. Reader **Ron McGregor** of Cape Town offers useful advice on how to deal with the likes of MBD.

I FOUND your article on Munnik Basson Dagama interesting, as I have been dealing with them for years. MBD have a cosy arrangement with the SABC to collect TV licence payments. I once fell behind with mine, which meant I had to cough up an extra-large payment to get things up to date. Unfortunately, I was one instalment short, and that has led to a truly amazing circus.

It works this way: let's say you are R60 short on your licence payment in 2003. In 2004, you pay in full. However, MBD take R60 of your 2004 payment and allocate it to your 2003 outstanding amount. They don't tell you about this, so you are unaware that you are now R60 short for 2004. In 2005, and every subsequent year, you pay in full but each year MBD takes R60 off that year's payment and applies it to the previous year, so they are able to allege that, every year, you have failed to pay in full and hit you with a 100% penalty. This goes on indefinitely.

Now SABC/MBD doesn't charge interest on outstandings. The laws governing usury would probably limit them to whacking you for a mere 25%. Instead, they charge penalties. Generously, they rule that the penalty cannot exceed the cost of the licence, ie 100%. However, because they carry over the shortfall each year, they whack you for 100% each year. This means that on the original shortfall of R60 you land up paying around R250 or whatever it is, per annum. So, after 10 years, you owe them around R2 500 on the original shortfall of R60.

MBD's call centre is run by a bunch of absolute clowns. They only know how to ask for money, but they cannot help you reconcile the nature of the debt, so it took me a couple of years to find out what was going on. Eventually I got a statement out of them, reconciled it, and concluded that, in all honesty, I should be paying them around R120 to catch up. So I wrote offering to pay this.

They, of course, were not able to understand. Their books showed that I owed them close to R2 000. All efforts to find anyone intelligent enough with



whom to discuss the issue were in vain.

Around 2006 I tired of the whole affair. The TV packed up and there wasn't anything worth watching anyway, so I gave it to one of the scavengers who trawls my neighbourhood with a supermarket trolley, asking for any used household appliances that he can dismember for parts. I then advised SABC/MBD that I was no longer a TV owner, so would they please stop debiting me for new licence fees, and could we please agree on what I owed them so we could finalise the matter.

They kept on debiting me, of course. The fact that I don't own a TV set is clearly not enough to absolve me from the obligation to pay.

I finally decided to take a hard line with MBD, and I would like to recommend my method to the public at large.

First, you must state your position in writing, and send it, per registered post, to MBD. You should offer to pay just as soon as they have provided satisfactory proof that you do indeed owe the money. This puts you on the high moral ground. Now it's up to them to respond, by providing whatever is necessary to prove the debt.

You should also state that no further correspondence or discussion will be entered into until this first letter has been adequately responded to.

From then on, every time they call you, all you say is: "Do you have the correspondence in front of you?" They won't have. They don't work that way. So there is a long silence. You

bring the conversation to an end by saying: "Please call me when you have the correspondence in front of you. Goodbye". I sometimes add a "Fuck off" or two. This doesn't materially alter the position, but it does relieve a certain amount of the frustration.

By the way, if you do give your old and broken TV set to a homeless beggar, please note that SABC/MBD will require you to provide them with an affidavit confirming disposal of the set. This must include the full residential address of the homeless person, his full name and ID number, and the number of his TV licence.

I presume that the TV licence inspectors are now routinely visiting the banks of the Liesbeek River to make sure that Trevor The Beggar has a licence for the useless box I gave him.

**Ron McGregor**  
Mowbray

● Noseweek sent this letter on to *Christopher Harradine*, executive director of MBD, for comment. We thought he might have a great deal to say about it. We were wrong. This was his response:

"The information supplied by your reader is factually incorrect as the SABC is not allowed to impose a penalty greater than the arrears. We are available at all times to resolve any specific issue arising from your reader's indebtedness to our clients or their concerns regarding our attempts to recover such debt." ❏

# Whoopee ad leaves bad odour

*IT IS DEPLORABLE* the way some newspapers have been promoting crooks for years, especially as one particular publication likes to brag that its team of investigative reporters is there to do just the opposite, writes reader **John Abbott**.

*CARTE BLANCHE* exposed on TV the activities of two wide boys, Kevin Cholwich and Francois Buys, who were said to have defrauded a host of people of more than R100 million with a variety of scams over the past few years. Two of their companies mentioned were Whoopee and Geo Connect.

What's that got to do with a paper that is trusted by over three million readers a week, you ask? The *Sunday Times* has regularly been carrying Whoopee and Geo Connect advertisements – as well as various other suspect ones – that promote get-rich-quick schemes. And all my efforts to get them to stop have come to nothing.

We can't be expected to check every ad that appears in the paper, they argue. That's why we specifically warn investors to be careful of where they put their money.

That won't wash in this case. I have been campaigning in vain for more than two years to get the paper to stop these ads because they could harm many, especially those who can least afford to lose their savings. They went on publishing them.

I first complained to Thabo Leshilo in 2009, shortly after he had been appointed the Public Editor for the Avusa Group (*Sunday Times*, the *Times*, the *Sowetan* etc). This Harvard educated, former editor of several Avusa papers was billed as the Group Ombudsman. He apparently agreed with me, judging by the story headed "Taking a stand on unsavoury adverts", which implied that something would be done to ensure this kind of advertising no longer appeared. As he put it, ads – like the rest of the paper – had to be believable.

It didn't take long for the paper to revert to its old ways. At one stage I accused him of being a window-dressing appointment, lacking the power to deal with complaints effectively. He said he'd been agonising over



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**082 208 9100**  
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**WHOOPEE!**  
 It's Unpleasant Service Provider



Francois Buys (left) and Kevin Cholwich and the notorious ad that appeared in *The Sunday Times*

this. Soon afterwards he disappeared and Google still lists him at that job.

The ads carried on appearing and I continued to complain.

Leshilo was succeeded by veteran newsman Joe Latakomo, whose subsequent reports have given little indication that he is anything other than a run-of-the-mill columnist. I have only seen one that dealt with a specific complaint – mine – and then, he made no definite finding.

In September last year Latakomo wrote an article, "Beware of dubious advertising claims". Once again it looked as though the paper was finally going to stop aiding crooks. Latakomo told us these come-ons eroded the public's trust in newspapers and that false advertising, or advertising that makes patently exaggerated claims, affects consumer confidence.

Not only were these two scamsters not exposed in the paper – even though their dubious history of some 10 years or more was there for all to see on the internet, but the dicey ads continued. Now *Carte Blanche* has revealed that people who invested in them lost the lot. So much for their money-back guarantees promised in the ads.

One investor was Veronica Diedricks of Krugersdorp, a 47-year-old mother of two teenage boys, who put her entire pension payment of R250 000 into

Whoopee. Like many others, she is not shouting whoopee, I can tell you.

Whoopee was supposed to be a website linked to a call centre to enable people to advertise their businesses at a monthly fee. The men then took huge amounts for the privilege of becoming a licence-holder in the scheme, Diedricks was promised R60 000 a month after 15 months, but all she got were a few payments of R28 and then a letter saying the business had run out of money and was closing. It had raked in R8m for the fraudsters.

Both Buys and Cholwich are unrehabilitated insolvents who get people to front for them as directors of their companies. They have been going from one failed business to the next. Other names they have used include The Bare Essence, Phone Petrol, Prepaid Online, Duo Dial, Free Talk, Money Call, Dynamic Life and Xtreme Telecoms (its ads also appeared in the *Sunday Times*).

Without the huge exposure the *Sunday Times* gave them, I doubt they would have left such a long trail of desperate, poverty-stricken pensioners and bread-winners in their wake.

**John Abbott**

(Poor Man's Press Ombudsman, who can't say "I told you so" often enough)

Cape Town

Abbott's blog: [dearjon-letter.blogspot.com](http://dearjon-letter.blogspot.com)

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# Drowning in a tsunami of corruption

**F**IRST THE bad news: the Zuma presidency is a national catastrophe. Starting with that R70 million-odd private palace compound in the hills of Nkandla, the half-dozen wives (and another two wives-in-waiting) and the 22-and-rising number of children. Why should we complain – if he’s paying, it’s his private business. There’s the rub. He’s not paying; we know what he earns, so we know he can’t be paying. We’re paying – and we can’t even afford the basics: schools, clean water – and sewage works. If we’re not paying for Zuma’s pleasures, someone else that we need to know a lot more about is paying for them.

A delusional hard-core of tribal traditionalists who still live in another age might tolerate the idea of a chief surrounding himself with wives – and the requisite loyal spies – and then regarding himself as entitled to tribute from all in the tribe.

But Zuma is supposed to be the president of a modern democracy, where the overwhelming majority of citizens don’t subscribe to those values.

He symbolises all that is wrong with this administration, from top to bottom, from beginning to end: the arrogant, stupid, gross misallocation of national resources.

Over the past two months, parliamentary portfolio committees have been receiving financial reports and interrogating senior officials of one government department and agency after another. As varied as they might be, one boring theme emerges, unfailingly, in all of them: they have grossly misspent their budgets and they want more money if we expect them to do the job they were appointed to do. But there is no more money. The defence force is a disaster, thanks to the arms deal; social services is a disaster, with hundreds of young social workers, trained at taxpayers’ vast expense, unable to serve the taxpayers’ needs – because the funds needed to employ them have been misappropriated; education has declined to the point where it could spark a revolution any day now – because a quarter of the budget has been stolen, or should we be saying “taken as tribute by our tribal leaders”? Police are an embarrassment; Health, Mines, Water Affairs, Fisheries, Local Government, Eskom, the SABC – you name it, the story’s the same.

In a flyer that recently went viral on the internet, Johannesburg attorney Deon Botha warned those who intend signing

up as registered E Tag users on Gauteng’s toll roads hoping to benefit from the promised discounts, that they are also signing up to be entrapped in a spider’s web of legal restraints and concessions in Sanral’s favour that could cost them dearly – and leave them defenceless – come the day of reckoning.

Mr Botha ought to know: quite apart from being expert in the provisions of the new Consumer Protection Act, his own speciality is “corporate debt recovery”.

Before he gets around to revealing some of the really nasty clauses in the contract, he points out that it states only that those who sign up *may* qualify for discounts, not that they *will* qualify. In case the implications of that are unclear, Sanral also gives itself the right to change the terms of the contract at will, without so much as a by-your-leave.

Botha lists no less than 26 disadvantages for motorists who elect to sign up. Here’s the one that fits our theme best: “Motorists are given three payment options for topping up their E Toll accounts namely, pre-paid accounts, manual top-up payments, and automatic top-up payments; all are risky, taking into account that you are contracting with a wholly owned state company where corruption is the order of the day.”

Is it possible to resist the flood? With the help of a press free to blow the cover on a corrupt state’s dirty secrets, yes. The *gatvol* factor is growing by the day, both without and within ANC ranks. Our first hope is that Mangaung will see Zuma and his corrupt cohorts packing. Failing that, sooner rather than later, the electorate will reckon with the ANC.

Meanwhile, in a story we publish on page 22 (with the permission of the *South African Medical Journal*) you will learn how a man of courage, conviction and enterprise is able to turn the tide. – **The Editor**

*In nose150 we promised an update on Noseweek’s court encounter with fashionista Inge Peacock. We are glad to note that Stuttafords has done the right thing and placed an order for their 2012 winter collection directly with R&R Anonymous Knitwear, bypassing questionable brokers. Zainab Bohardien and her staff are overjoyed.*



# Walking on thin ice

READERS WILL have noticed that, when it comes to “winging it”, caffeine-laced drink manufacturers Red Bull have been less than angelic of late with their television advertising. So desperate have they been to sell the extra can, that they’ve turned to Jesus Christ as a crutch – a marketing crutch, that is.

No doubt they have benefited greatly from the entirely predictable added publicity generated by the outraged twittering mob who felt called to the theologically questionable task of defending Jesus from this outrage.

In early March, Red Bull flighted a television advert of Jesus and his disciples fishing on the Sea of Galilee. No bites. “This is boring,” says Jesus.

“We’re not going to catch anything today. I’m gone.” Whereupon he exits the boat.

Exclaims a disciple: “Oh Jesus, how can you do this? You are walking on water.”

Says another: “I think he took one Red Bull. It gives you wings!”

“This has nothing to do with Red Bull!” replies Jesus. “There’s no miracle here. You just have to be smart and find where the stepping stones are.”


In response to the outrage, Red Bull’s South African marketing boss Tristan Werner told Associated Press: “For over 20 years, Red Bull cartoons have looked at well-known themes with a twinkle in the eye. It is never our intention to offend. This advertisement is part of a series and has now been followed by another.”

Some 10 years ago when small-time T-shirt maker Laugh-it-Off (LIO) produced a parody T-shirt with the

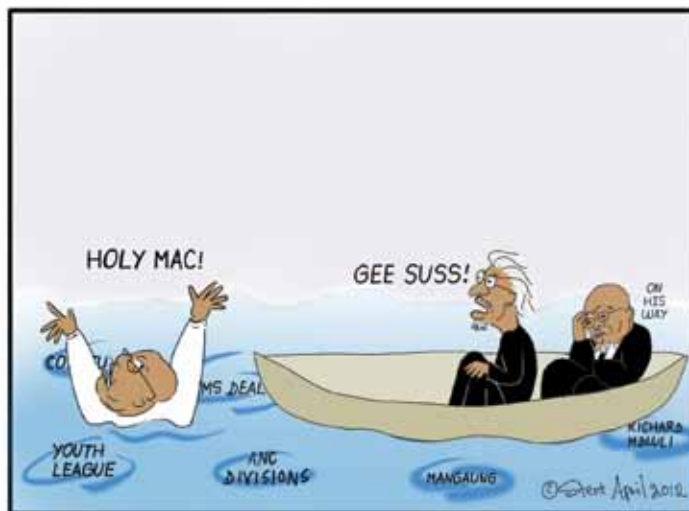
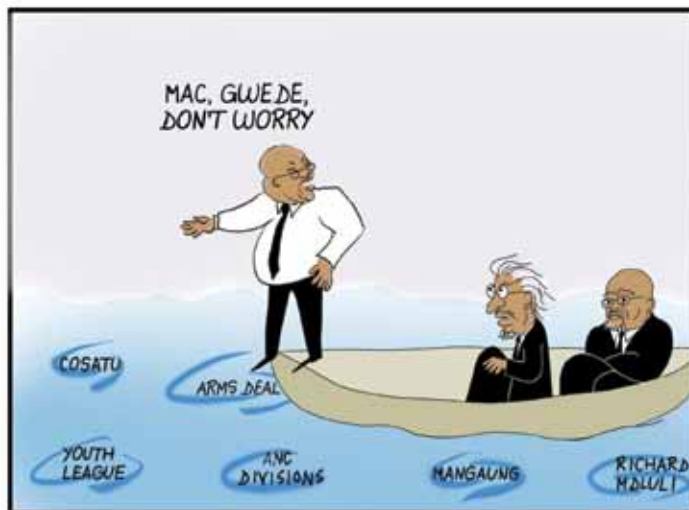
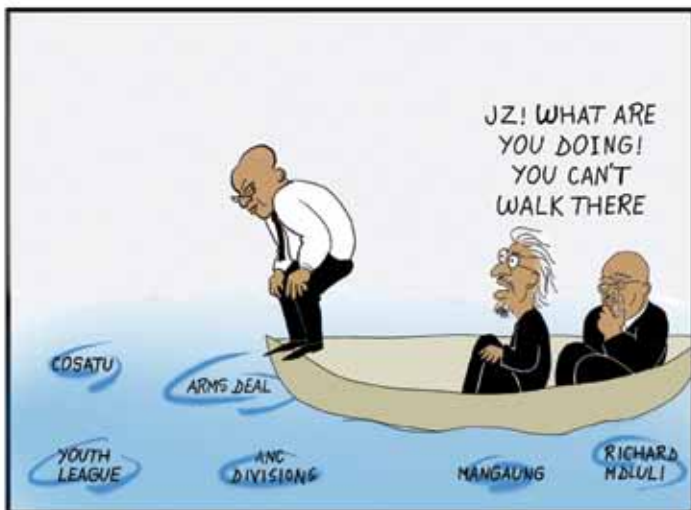
slogan “Dead Bull gives you mince”, Red Bull were not amused at all. No twinkle there. Red Bull’s lawyers threatened LIO and entrepreneur Justin Nurse with bell, book and candle – and a nasty legal bill.

You can mock Jesus, but don’t dare mock Red Bull?

Or have the chaps at Red Bull had a change of heart? More specifically, what’s Red Bull’s attitude now to LIO’s “Dead Bull gives you mince” T-shirt, which we reckon, as a joke, has more twinkle than Jesus walking on stepping stones?

*Noseweek* asked these questions in an email sent twice to Werner and followed up by a text message to his cellphone. The email was also sent to Red Bull HQ in Cape Town. Werner has chosen not to respond. 

## Stent





# SPOOKED

**T**HE LUNACY at the SAPS Crime Intelligence Division continued last month with top policemen being locked out of their offices for no apparent reason, and an allegedly drunken and debt-ridden colonel tasked with securing the nation's secrets, spending much of his time hiding his Mercedes

Benz from angry creditors seeking to repossess the vehicle.

In the midst of this chaos, President Jacob Zuma appears to have been transforming the division to act as his own personal spying agency – of dubious legality.

The *Mail & Guardian* recently revealed that in October one of Zuma's most trusted bodyguards, Brigadier

KB "Bhoyi" Ngcobo, a senior member of the Presidential Protection Unit, was appointed acting head of Crime Intelligence Collection in the police's Crime Intelligence Division by acting national Police Commissioner Nhlanhla Mkhwanazi. The *M&G's* sources claimed his promotion is part of the Zumafication of intelligence structures aimed at ensuring that the

## It's spy v spy as Zuma forms elite ghost squad to counter enemies in the party



president gets his second term in office.

Ngcobo will report to Richard Mdluli, divisional commissioner for crime intelligence – who stands accused of various crimes including murder and fraud – since the latter’s controversial reinstatement in March (*nose150*).

*Noseweek* can now reveal that just two months after Ngcobo’s appointment, a still-deeper presidential spy unit was secretly established within the Presidential Protection Unit itself. Six crime intelligence officers were seconded to that unit in December. There they will report to Mxolisi Dladla – a man prepared, quite literally, to kill for Zuma (see more of that below).

At the same time that Ngcobo was promoted, the head of police Crime Intelligence in KwaZulu-Natal, Major-General Deena Moodley and one of his men, Brigadier Jules Ndlovu, were locked out their offices. (They were still

And while Tshika is alleged to have hidden cars bought with looted funds, an allegedly drunken, debt-ridden CI colonel whose task it is to guard South Africa’s secrets, is spending most days hiding his car from debt collectors. (See box on page 12).

Several sources allege the new and secret Presidential Spy Unit reporting to Dladla is to be tasked exclusively with spying on Zuma’s political enemies in the run-up to the ANC conference at Mangaung.

In February 2010 Dladla was a very junior lieutenant-colonel and one of Jacob Zuma’s VIP bodyguards when he fired shots at an 80-year-old pensioner who dared not move out of the way of Zuma’s speeding blue-light convoy. Three separate very senior police sources all told *Noseweek* that, contrary to claims made at the time, Zuma was not actually travelling in

## The unit will spy on Zuma’s enemies

due to have their cases heard by the Durban Labour Court when *Noseweek* went to press.)

Said one Crime Intelligence source: “It’s all about politics. The plan is to make sure that Police Minister Nathi Mthethwa is protected from corruption probes into Crime Intelligence. He wants Moodley out because Moodley won’t cover for him.

“Two days before *City Press* broke the story on Mthethwa’s looting of the secret fund to renovate his private home, the acting crime intelligence boss in KZN, Thuso Tshika, grabbed a number of cars illegally bought with this fund for Mthethwa’s friend Timmy Marimuthu, and hid them at the City Lodge, opposite provincial headquarters. This is the sort of policemen Mthethwa and Zuma want.”

(Reg Thomas, Marimuthu’s lawyer, said he had no comment on reports naming Marimuthu as a recipient of looted money from the CI secret fund. “At this point, our position is that we deny the allegations. We have not been given the evidence of this and so we cannot comment.”)

the convoy when Dladla decided to shoot at the unarmed pensioner with his Uzi submachine gun.

At the time of the incident, Zuma had just been relieved of his duties as deputy president by President Thabo Mbeki, but was still entitled to police bodyguards.

The elderly pensioner, Dan Mathee, who by chance was a former commander of the Durban Murder and Robbery Unit, laid charges of attempted murder at the Durban Central Police Station, where he allegedly battled to get police to open a case. Mathee was quoted in the media complaining about how hard it was to get police to take him seriously.

Senior public prosecutor Mark Dyson eventually prosecuted Dladla, who was an easy suspect to arrest and should have been as easy to prosecute.

Dyson, who has since left the National Prosecuting Authority, told *Noseweek* that Dladla had filed a report at Durban Central Police Station in which he described how he’d fired a single warning shot in



## Trigger happy

MAGISTRATE Fariiedha Mohamed claimed in her judgment that retired Murder and Robbery Squad policeman Dan Mathee became evasive when asked certain questions about the incident in which he narrowly escaped being shot by a member of Zuma’s bodyguard. Whether Mathee was “evasive” or simply could not hear questions put to him is not clear. Mathee, 80-plus, is so hard-of-hearing he cannot use the telephone.

Mohamed acquitted Dladla without his having to give evidence or defend himself. She declared that she “had not gone into the merits of the matter” as she found Mathee’s testimony too unreliable to convict Dladla. But, at the same time, she said in her judgment that she did not find Dladla’s actions to be justifiable.

Criticising Mathee, Mohamed ruled: “He testified that if he had seen that it was a police vehicle [behind him] he would have got out of the way, but he did not, because there was no police insignia. This is indicative of a defiant and non-compliant attitude”.

Prosecutor Mark Dyson argued that, on Dladla’s version alone, Dladla should be convicted. Having admitted to discharging his weapon to scare off Mathee, Dladla was, Dyson argued, clearly the man who hit Mathee’s car – not with just one warning shot, but with a burst of three shots, all aimed directly at Mathee’s car, with obvious serious intent of hitting Mathee.

Dyson told *Noseweek* that he motivated as strongly as he could for the acquittal to be appealed: “I found the decision strange. I felt very strongly that the case should be appealed. However, as I was leaving the NPA, I was not there to follow up. I don’t know what happened to the recommendation. Clearly the appeal never happened.”

order to scare off a person whom he felt was an immediate threat to the life of Zuma.

Dyson believed Dladla was telling two blatant lies: first, Zuma's life was not in danger – he was not even in the convoy; and second, Dladla did not fire a single warning shot – he fired at least three shots from his submachine gun. There were three separate bullet holes in the pensioner's car, which were all in places remarkably close to the driver's seat.

When the case eventually came to court, Durban magistrate Fariedha Mohamed acquitted Dladla of

attempted murder in an extraordinary ruling in which she found Dladla's target, Mathee, to have given evidence that was, as she put it: "seriously lacking". (See box previous page.)

Dladla's career was anything but damaged by the trial: having been promoted a number of times, he is now a major-general and the commander of the Presidential Protection Unit.

Gareth Newham of the Institute for Security Studies, describes Dladla's rapid promotion as "very problematic".

"Policemen are being very rapidly promoted due to their closeness to politicians, which feeds directly into

corruption." Dladla's promotion – from lieutenant-colonel to major-general should normally have taken 20 years, he said.

*Noseweek* has been shown several documents confirming the existence of Dladla's secret spook unit – including letters seconding the six Crime Intelligence operatives to the Presidential Protection Unit. Among the documents is an "information note" marked confidential, sent to the head of police human resources. It says, "A need has arisen within the Presidential Protection Service to employ the services of members from

# Dladla's promotion should have taken 20 years



## Debt and drink

THE LATEST police scandal in KwaZulu-Natal emerges from a second secret official dossier that has recently been brought to *Noseweek's* attention. To be distinguished from the immediately preceding scandal involving police head of crime intelligence Richard Mdluli, the latest one concerns the head of SAPS counter-intelligence in the province, Colonel Phillip Magadla.

In the dossier, Magadla is described as a threat to national security because of his alleged massive debt, a drinking problem and general dishonesty.

Magadla is said to owe hundreds of thousands of rand to First National Bank and Standard Bank. This, while his job includes having to guard against infiltration of the police by criminal elements. Almost by definition, a cop with a serious debt problem is considered vulnerable to bribery. The same applies to one with a drinking problem.

Emphasising the point, it is alleged in the dossier that Magadla spent much of his time hiding his Mercedes Benz car from repossession men. *Noseweek* has independent confirmation of Magadla's extensive debts – as well as the fact that his 2007 arrest

for drunk driving in Pietermaritzburg has – for reasons yet to be explained – never made it to court. In addition, Magadla has repeatedly failed his firearms competency test – but has nevertheless been allowed to keep the firearm he is not competent to use because his job description requires him to have a firearm.

*Noseweek* has not been able to find out more about Magadla's Mercedes; however, several Crime Intelligence employees claim he is too scared to drive it for fear of having it repossessed – and too broke to fill up the tank.

Instead, it's alleged that he constantly demands that his underlings chauffeur him around in their police cars – while his Merc is parked in a hotel parking lot close to police headquarters – with keys left in the ignition. The author of the dossier surmises that Magadla is hoping the car will be stolen and that insurance will then settle his outstanding debt on the vehicle.

There has been no official response to the dossier. No surprise, since it was handed to the equally venal head of Police Crime Intelligence, Richard Mdluli, in January last year.

the Intelligence environment until further notice". Among those seconded is Captain Wendy Bhengu, the girlfriend of Brigadier Thuso Tshika, the hard-line Zuma supporter now installed as head of Crime Intelligence in KwaZulu-Natal.

Tshika took the job previously held by career policeman Major-General Deena Moodley, referred to above.

Tshika has been described as "more of a politician than a policeman". Contrary to police standing orders, he is a director of a private business group, Cetshwayo Enterprises, along with several senior ANC office-bearers, including the chairman of the ANC's eThekweni branch, Sibongiseni Dhlomo. Dhlomo and his fellow directors did not respond to questions about the company.

Tshika's girlfriend Bhengu features prominently in several probes into alleged corruption in the police Crime Intelligence Division.

A case of fraud was opened against Bhengu at Mayville Police Station, however, attempts by *Noseweek* to find out what happened to the investigation proved fruitless: both docket and investigating officer seemed to vanish as soon as enquiries were made.

Bhengu also escaped prosecution for fraud and driving illegally after being caught at the wheel of a police car without a driver's licence and wildly





Picture: Khaya Ngwenema City Press

President Jacob Zuma, flanked by loyal bodyguards at the funeral in November of one of their members who died of malaria.

Zuma addressed mourners and credited the men with having thwarted a plot 'by their superiors' to assassinate him when, as deputy president and facing difficult times, trusted aides turned against him, *The Witness* newspaper reported at the time.

Zuma complimented 'some in his team' of having displayed

a 'deep knowledge of politics' by refusing to give information about his movements 'when their superiors wanted it'. As a result the men had been ostracised by their superiors yet had not budged.

He went on to name his ace team of protectors, known as the Echo Group, with Major-General Mxolisi Dladla at the top of the list.

inflating her mileage expenses, by claiming she'd driven 400km in some lunch breaks.

Advocate Paul Hoffman SC, director of the SA Institute for Accountability, said: "I can see no need to deploy intelligence agents into the presidential bodyguard. The only possible reason for this would be that Zuma does not trust the existing intelligence agencies. It shows he is becoming alarmingly paranoid and abusing state structures to protect his own personal position.

"The constitution allows only the president to establish intelligence agencies, and then only in accordance with national legislation. Given that there is no national legislation allowing Zuma his own personal spy agency, attempts to set one up would be highly irregular."

Zweli Mnisi, a spokesman for Police Minister Nathi Mthethwa, said: "There is only one crime intelligence unit within the organisational structure of the SAPS."

He did not respond to specific queries

about why Crime Intelligence officials were being seconded to Zuma's presidential bodyguard.

The claims against Bhengu and other equally notable police officers [See box 2] are contained in a dossier detailing corruption and maladministration in the SAPS in KZN that, ironically, was sent to the Commander of Police Crime Intelligence, Lieutenant-General Richard Mdluli in January last year – some months before he was himself suspended, accused of kidnapping and murdering a love rival. □

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# Skeletons keep falling from Oasis cupboard

**T**HE SKELETONS continue to come rattling out of the Oasis group's cupboard, which raises the question: how did the Financial Services Board ever see fit to issue the Ebrahim brothers with a licence to handle other people's funds?

The latest skeleton relates to a 1995 legal drama – the culmination of a chain of events that began in 1988 when two brothers, Abdul and Istiaq Badroodien, took over their father's various businesses that included Lady Bee Supermarket (Pty) Ltd and Budd Property Investment cc. Abdul, who had a butchery at Ottery Hypermarket, Cape Town, was in charge of the administration of the supermarket business – a responsibility that led him in 1989 to retain attorney Nazeem Ebrahim to undertake some legal work.

Yes, the "I-am-not-uncle" Nazeem of the "I would fuck him over" fame (*nose149*), the Oasis group's company secretary who also doubles as the manager and executive director of Oasis Crescent Property Fund and its management company.

Nazeem, through his law firm Nazeem Ebrahim & Associates, acted for Abdul on a number of occasions, for which his fees were duly paid – until 1991, when Nazeem tried to pressure the brothers into selling their supermarket business to a Mr Choglay, a man they knew lacked financial means. Wisely, the Badroodiens ignored Nazeem's urgent advice and sold to another buyer. Within no time, as they had anticipated, Choglay was sequestered. But now Abdul no longer trusted his lawyer, and fired Nazeem.

A score of Oasis's ex-employees would have told Abdul that terminating a business relationship with the arrogant, ill-tempered Uncle Nazeem is never that easy.

Four years after his firm's mandate had been terminated, Nazeem raised an invoice for R105 000 for some undisclosed legal work he claimed to have rendered to the Badroodiens. He followed this demand with a court action,

listing the two brothers as co-defendants, as well as their father, Ebrahim Badroodien who had had no dealings with the family business for at least a year before Nazeem Ebrahim & Associates were retained as attorneys.

When the Badroodien brothers contested the legal bill, it was Nazeem who offered to submit it to the Cape Law Society for taxation, which was set down for February 22, 1995. The Law Society proceeded to reduce the bill from R105 000 to R11 398.48.

Within days of receiving the Law Society's Bill of Costs, Abdul received another letter from the Law Society advising him that Nazeem had withdrawn the taxation of the Bill of Costs. But before he could ask what was happening, the two brothers and their father received summons issued out of the Cape High Court demanding payment of R105 183.64 "...being in respect of fees, costs and disbursements for professional services rendered by Nazeem Ebrahim & Associates".

Faced with litigation, Abdul and his father approached Nazeem in the hope of resolving the matter. The parties subsequently agreed to the appointment of Showkat Mukuddem of M Brey & Associates to act as mediator.

In his affidavit later filed at the high court, Abdul stated: "...we reached a settlement in terms of which Plaintiff (Nazeem) would accept payment of the sum of R40 000 in full and final settlement of his claim, on condition that he provides us with a detailed Bill of Costs in support of the said amount... At the negotiations with the Plaintiff [Nazeem], he was referred to the Bill that was submitted to the Law Society and was asked how the sum of R105 183.64 was made up, when the Law Society allowed only R11 000."

Not ready to take their chances with Nazeem, as they awaited the detailed Bill of Costs, Abdul retained attorney Edwin J Peterson, of E Moosa Wagley & Peterson, to file a Notice of Intention to Defend Nazeem's high court application. A week after Petersen had advised the brothers that he





had prepared the notice, attorney Ressida Ahmed of the then Gihwala-Abercrombie – who had represented Abdul in other matters – was surprised to see listed on that day’s court roll an application by Nazeem for a default judgment against the Badroodiens.

She immediately alerted Abdul. Before he could telephone Peterson to find out what was happening, Peterson called to inform him that the matter was on the court roll that day. “He asked me to attend at his offices immediately,” Abdul recalls.

Rushing to Peterson’s offices expecting to discuss details of their defence, Abdul and his father were surprised to be issued with a letter from the attorney advising that his firm was unable to act for them and that they should appoint other attorneys to represent them – an impossibility at that late stage. They were only to learn later that Nazeem had approached E Moosa Wagley & Peterson to represent his firm on other matters, hence the belated conflict of interest.

In an affidavit subsequently filed in court, Peterson acknowledged that he had accepted instructions from Abdul and his father to defend their matter against Nazeem Ebrahim.

“On the same day, on 23 August 1995, I gave my secretary instructions to type a Notice of Intention to Defend which would be filed with the registrar of this honourable court...

“During the afternoon of 23 August 1995, Mr Nazeem Ebrahim attended to our offices in Athlone for a meeting with one of my partners. It came to his notice that we had been appointed as attorneys of record to defend the action brought by him against the family. As I was walking out of my office, Mr Ebrahim shouted at me, and I quote: ‘Edwin, I believe you want to have my bill taxed’, whereupon I replied, ‘yes’.”

Peterson continued: “...the same afternoon I was advised by the candidate attorney whom I had instructed to file the Notice of Intention to Defend, that one of the partners of the firm, had instructed him that it was not possible for the firm of E Moosa Wagley & Peterson to act on behalf of

the Badroodien family as it was at the same time acting for Mr Ebrahim.”

With no legal representation and the failure by Peterson to file the Notice of Intention to Defend as had been promised, Nazeem Ebrahim & Associates obtained a default judgment against the two brothers and father for R105 000. But with the assistance of new attorneys from Gihwala-Abercrombie, they successfully applied for the default judgment to be set aside, and for the high court to hear their defence.

As the court date approached, an explanation was formally sought from Nazeem regarding his decision to seek default judgment, when he knew that the family had intended to defend his claims, and would have done so had he not defeated their intentions by retaining a law firm he knew had accepted instructions from the defendants.

For the court record, they also demanded an explanation for the withdrawal from taxation of the Bill of Costs from the Law Society. And, of course, they still required his still-outstanding detailed bill justifying his claim for R105 000 in fees.

Nazeem was cornered. On 2 February 1996, the Badroodiens’ new attorneys gave Nazeem notice that the case was set down for hearing just three weeks later – a prospect he clearly did not relish because he responded with a letter confirming that his firm was ready to try to settle the matter by arranging consultation.

He must have realised that if his machinations were brought to the court’s attention, his future in the legal world would be bleak. For starters, he risked being reported for conduct unbecoming an attorney, and disbarment. Shortly before the matter was to be heard at the high court, Nazeem Ebrahim accepted a sum of R13 000 in full and final settlement. The Badroodiens were happy at last to be freed from the clutches of an individual who was later to become a director of a major financial services provider – one that claims to operate by a superior religious and moral ethic. □



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**T**HE PROTRACTED and tortuous legal journey of road accident victim Iman Dharsey, who was injured on a Sibanye bus in 2002 (noses103, 131), has worsened.

Out of Dharsey's R295 000 Glenrand MIB settlement, her attorney, Nico Humphries of Michalowsky Geldenhuis & Humphries, collected nearly 70%—spoils which he shared out among various “experts” he'd consulted, the advocate he'd briefed, and himself. He then demanded another R24 369 for an earlier legal debt he had committed his client to paying after he failed to submit her papers to court on time.

When *Noseweek* first investigated Dharsey's long-drawn-out predicament, Humphries blatantly and brazenly lied, blaming the four-year delay on Western Cape Judge President John Hlophe.

*Noseweek* concluded that article in 2010 with the reassuring news that Dharsey had reported her problem to the Cape Law Society, which was “keenly monitoring the ongoing investigations into Humphries' handling of Dharsey's case”.

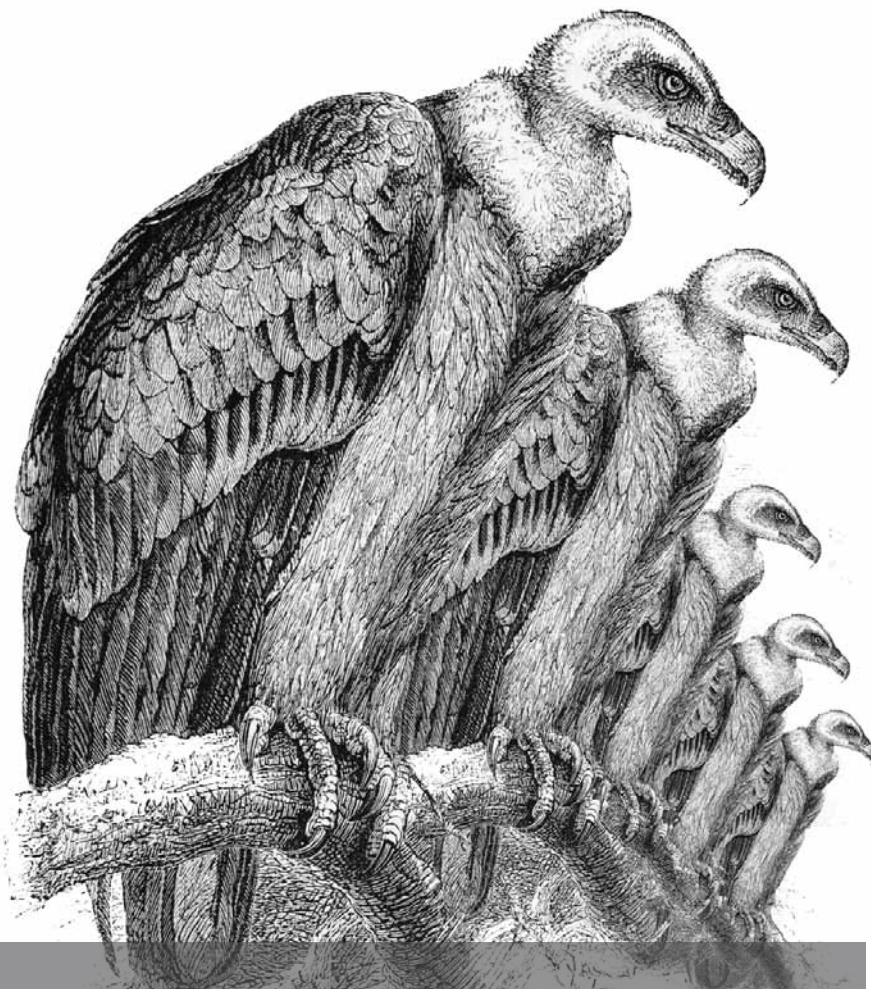
But any expectations that justice was at last coming Dharsey's way were misplaced. The attorneys at Dicks Van der Merwe who represented Glenrand MIB (underwriters for Sibanye's insurer) are demanding payment from Dharsey for the time they spent communicating with the Law Society's investigators. Adding insult to injury, the Law Society now tells her their database contains no record of her complaint against Humphries.

(Square that, says Dharsey: if there was no complaint, how could Dicks Van der Merwe be billing for time spent on answering Law Society queries?)

Dicks Van der Merwe are also demanding payment for time spent answering police inquiries into Dharsey's former lawyer Humphries for alleged criminal activities – including fraudulent billing and writing a bad trust cheque which ended up costing Dharsey R678 in bank charges.

Dharsey says she had believed it to be her civic duty to report the matter to the police, since she knew it was a criminal offence to issue a bad cheque.

And, in the course of their investigations, police detectives had a chat with



# LAWYERS prey

## ON VICTIM OF CRIME

A plague of attorneys nabbed more than 70% of settlement



attorney Jaco Edward van der Merwe at Dicks Van der Merwe.

In a summons filed at the Wynberg Magistrate's Court, the attorneys are demanding a sum of R11 913.48 from Dharsey for various services rendered. They specify R159.75 plus VAT for a 15-minute consultation with Constable Mlalandle of SAPS on March 15, 2011; and R958.50 plus VAT for a 45-minute "consultation" with the same police constable the next day and for letters sent to SAPS and to Glenrand MIB.

(And we thought it was everyone's civic duty – lawyers and laymen alike – to assist the police in solving crime.)

When *Noseweek* asked Jaco van der Merwe to explain how his firm had arrived at the amount they were demanding – considering Dharsey was never their client – he maintained that everything he'd handled on the file after the questionable settlement was rightly to Dharsey's personal account.

Did Dharsey know that by reporting the matter to the police and the Law Society, she would be slapped with a

she instruct Dicks Van der Merwe to act on her behalf.

She remembers that some time in 2010 after Nico Humphries refused to release her file, she received a phone-call, followed by an email, from the next lawyer she'd consulted, Rehana Khan Parker, seeking authorisation to pay Dicks Van der Merwe an amount of R3 795.02 to prepare a copy of her file from their records. This she authorised.

Yet Dicks Van der Merwe – despite not delivering the copy – has included this amount in their R11 913.48 claim from Dharsey. Jaco van der Merwe now claims Parker gave him a mandate to act at her client Dharsey's expense.

Parker dismissed this assertion with "the utmost contempt".

"I approached them to provide their records, for which we agreed we would pay the reasonable amount of R3 000 plus VAT. But since they never delivered a copy of the file, they are not entitled to any payment whatsoever."

Parker said that even if an amount had been due to Dicks Van der Merwe,



Legal victim Iman Dharsey

## RAF lawyer's fraud case has been reopened

bill from every professional individual that the two institutions contacted?

"Of course not. If I'd known that was going to happen I would not have bothered," she told *Noseweek*. "Lawyers have let me down repeatedly since my accident and at least two have misappropriated funds that were due to my suffering. When the Road Accident Fund awarded me the initial R25 000 plus costs, attorneys at Balsillies [*the first attorneys to represent her in the RAF matter*] handed me a mere R6 628, which they claimed was just 'out of their good hearts'.

"Then Humphries strung me along for years while fraudulently committing me to more debt without my knowledge. And I only got to learn that the disputed R41 000 being held in trust had been quietly handed over to Humphries before the various claims were resolved."

Dharsey insists that at no stage did

they should have claimed it from her (Parker) and not from a third party with whom they had no agreement.

"Trying to claim from Mrs Dharsey is simply an attempt to exploit the already hurt lady. That's not acceptable and the Law Society should take this very seriously."

*Noseweek* sought clarification from the office of the Western Cape Commissioner of Police Arno Lamoer, on whether members of the public can expect to be slapped with professionals' bills whenever they lay criminal charges with the police.

Lamoer immediately ordered the Independent Complaints Directorate to establish why detectives at Rondebosch police station had neglected to charge Nico Humphries with fraud.


*Noseweek* has learned that Humphries' fraud case has been reopened and assigned to top detectives at police

provincial headquarters.

Lieutenant Colonel Melanie Samanga of the commissioner's office told *Noseweek* it was the first she'd heard of crime victims being sent bills for reporting a crime. She gave her assurance that they would investigate and get back to *Noseweek*.

Meanwhile, so disillusioned is Dharsey with the lawyers she's encountered – and wary of running up more senseless legal costs – that she has filed notice to personally defend Dicks Van der Merwe's application in Wynberg Magistrate's Court.

Thergesari Govender of the Cape Law Society, when asked whether lawyers had a right to claim payment from members of the public for unmandated services, said: "It depends on several factors and could only be considered if the complainant petitioned the Society..."

Therein lies the rub. 



# Fast & Loose

Getting a court order in your favour is one thing – getting it enforced is entirely another

**G**ETTING justice in South Africa is difficult and expensive – everyone knows that. But what's equally worrying is that, even if you do get a court order in your favour, you may have great difficulty enforcing it. That's because the sheriffs tasked with the job of demanding payment and, if necessary, attaching and removing property – are often useless, if not downright corrupt.

A smart debtor can easily give a sheriff the runaround, or even an inducement to tell the creditor that no property could be found (as in *nose141*, where the Sheriff for Paarl was mysteriously unable to find any assets belonging to a wealthy businessman). And elsewhere in this magazine there's a shocking example of abuse of the processes in a divorce case.

This story involves the Office of the Sheriff in Kimberley, a town that features surprisingly often in

*Noseweek*. A businessman based there, Otto Graven, seems to have diverse interests in the motor industry – among them, racing – and through a business of his called Monster Mob, he employed mechanic Wayne Webb. But when Graven took Webb to the United States to work at certain races, he acted very badly: he fired Webb while they were in Seattle and left him stranded without a return ticket.

As a result, Motorsport South Africa suspended Graven for 12 months, saying it was “most perturbed at Mr Graven's total lack of ethics in his dealings with his staff”.

When Webb eventually got back to South Africa, he sued Monster Mob for unfair dismissal. The matter was settled through the offices of the Dispute Resolution Centre for the Motor Industry Bargaining Council on 26 September 2011, with Monster Mob agreeing to pay Webb R44 540.30.

The agreement was made an arbitration award and, when no payment was

forthcoming, it was made an order of the Labour Court, and a writ of execution was issued against Monster Mob. In early December last year, Webb tried to execute the order through the Office of the Sheriff in Kimberley – to no avail.

Despite Webb's insistence that he had been employed by a company called Raceway, trading as Monster Mob, Sheriff S N Kika insisted that there were four separate entities trading as Monster Mob; that Webb was employed by a company called Megatron, trading as Monster Mob; and that Megatron no longer existed.

Webb pointed out that during the initial conversations he and his legal representatives had had with the sheriff, Kika had seemed to know a great deal about Graven's setup and seemed overly familiar with him, referring to him only by his first name. But more recently, whenever Webb tried to phone Kika to discuss the matter, he was unavailable.



Webb's lawyers, Rob Green & Associates of Somerset West, instructed Haarhoffs Inc in Kimberley to sort out the matter, but they also hit a brick wall. On 16 January this year Haarhoffs wrote to the sheriff: "You advised there are four entities trading as Monster Mob and that our client's right is against an entity called Megatron who has closed its doors. Kindly note: 1) The judgment is against Monster Mob, a firm which is still trading. 2) Megatron apparently closed its doors in 2010, yet our client was employed in 2011. How then can a person be employed by an entity which is closed?"

When the response finally came, on 6 February, from the Acting Sheriff for Kimberley, Mr A Seema, the tune had changed somewhat – suddenly there were lots of companies called Monster Mob trading under different names, and suddenly the problem was that Webb hadn't furnished any security (indemnity for the sheriff) for an attachment of goods.

Said the good sheriff: "Myself in my capacity has discussed this matter with Deputy Kika. According to him, he has requested security in this matter. In addition he informs that no such company exists except the company – Monster Mob trading as Race Way, Monster Mob trading as Car Specialists and Monster Mob trading as Panel Beaters. Please be so kind as to instruct in writing if attachment should be made to one of these existing Monster Mobs or all three of them. Please also provide us with immediate security."

Haarhoffs's response on 13 February made it clear that security had not been requested: "It is not correct that Mr Kika required security... In regards to security please advise to what extent you require same."


The sheriff then mysteriously decided that no security was needed, and he made an attachment of goods on 12 March. At the time of going to press, the sheriff had been instructed to remove the goods and sell them at auction.

In the meantime, Rob Green & Associates, submitted a complaint to the SA Board of Sheriffs: "During telephone conversations... Mr Kika insisted that our client was employed by Megatron not Monster Mob, and as a direct result thereof, refused to execute said writ of execution and has yet to do so.

"Despite numerous correspondences,

Mr Kika has repeatedly refused to execute the writ of attachment or otherwise act in a manner befitting his profession. It is not within Mr Kika's remit, as a Sheriff of the Court, to decline to execute processes lawfully issued by a court. Furthermore, we have received no response to a letter sent to Mr Kika, dated 16 January 2012, a delay we consider to be highly unprofessional and in direct contravention of the Sheriff's Code of Conduct... Mr Kika's conduct [raises]

serious questions about his professionalism. Furthermore, his knowledge of our client's work history, inaccurate as it may be, prompts further questions as to his relationship with Monster Mob."

The Board of Sheriffs immediately kicked for touch by demanding that the complaint be submitted in affidavit form. A few weeks later, the board claimed that it had lost the complaint and invited Rob Green & Associates to resubmit it. 

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# Good money after bad

## A lawyer's fee of R25 000 grew to R322 000 – to recover a debt of a mere R100 000

A LEGAL system that fails to meet the needs of the common man requires urgent repair – as does the attorneys' profession. While at one stage, the man-in-the street may have equated attorneys with used-car salesmen and estate agents, they're now right down there with the auctioneers! It would be nice to think this story might persuade someone to do something about the problem.

In May 2001, when an aggrieved Peter Clifford of Somerset West felt remarks made about him by the Erinvale Homeowners Association had had the effect of dissuading its members from using his architectural design services, he instructed attorney Dieter Kulenkampff to institute action, believing the remarks defamatory and wanting recompense for loss of earnings.

On Kulenkampff's advice, Clifford reduced his claim from R200 000 to R100 000 to bring it within the jurisdiction of the magistrate's court, where the costs are considerably lower than the high court.

Judgment in this relatively small matter was handed down – wait for it – eight years later, in April 2009. The judgment went against Clifford and his legal costs by that stage were – take a breath – R322 000.

Clifford filed an appeal to the Western Cape High Court after receiving a quote in writing from Kulenkampff that this would cost "approximately R25 000". But when the first bill relating to the appeal came in at R39 000 (simply for lodging the appeal), Clifford objected and Kulenkampff agreed to knock R25 000 off the magistrate's court bill of R322 000, reducing it to R297 000, provided the outstanding amount was paid immediately and all further payments relating to the high court appeal were paid on time. They weren't, and Kulenkampff took the view that Clifford had repudiated the agreement, and that he was entitled to withdraw as attorney.

Kulenkampff then refused to respond to Clifford's demands for an itemised bill relating to the magistrate's court action, and for an explanation as to why the high court appeal was more expensive than quoted.

Clifford lodged a complaint with the Cape Law Society. Kulenkampff withdrew as his attorney and prepared a bill of costs for taxation relating to the high court appeal



which, by now had jumped from R39 000 to R53 000, including a jaw-dropping R16 000 photocopy charge. The attorney also persuaded the Law Society that he wasn't required to give Clifford an itemised bill for the R297 000, because Clifford, by accepting his offer of a R25 000 reduction, had agreed to it – conveniently overlooking his own claim that Clifford had repudiated the agreement.

The subsequent correspondence between the Law Society, Clifford and Kulenkampff eloquently illustrates the disconnect between the man-in-the-street and the legal profession:

**Clifford to Kulenkampff 1 July 2009:** As you are aware, my financial situation is not healthy... I simply have no liquidity...

**Kulenkampff to Clifford 17 July 2009:** I cannot afford to act as your banker. ... you are requiring me to finance the said amount out of my personal resources ... a very substantial sacrifice which it is not fair to impose on me.

**Clifford to Kulenkampff, 21 July 2009:** The case has exacted a great toll both physically and emotionally on me and my wife. It is time that I see a solution to lighten this burden that has endured for eight-and-a-half years and counting. However well the case was presented and argued, the outcome was not in our favour and inordinately high fees [*have inflicted*] a heavy financial burden upon me. I have watched with angst and uneasiness as the legal costs have mounted... No ordinary person of limited means, like myself, would embark on litigation if they were advised upfront that the legal fees were likely to be almost treble their initial claim... Some sanity must surely prevail.

**Kulenkampff to Clifford, 21 July 2009:** I am prepared to reduce the fees and disbursement due to me by the sum of R25 000 provided that: 1) the balance outstanding (after deduction of the aforesaid amount) is paid immediately; 2) our further fees and disbursements are paid in the normal course.

**Kulenkampff to Clifford a year later, on 28 July 2010:** On 21 July 2009, as an accommodation to you, I



offered to settle my claim for fees and disbursements up to that stage... You have failed to do so and have in fact repudiated the agreement. We accept your repudiation of the agreement and invite you, as a matter of urgency, to appoint an attorney to represent you.

**Clifford to the Cape Law Society on 28 July 2010** (*He outlines his complaints about Kulenkampff, as well as his concerns about the Law Society*): Some have suggested I'll be wasting my time by approaching your Society for assistance, citing that little more than a slap on the wrist for the member concerned will come of it... I would trust that this scepticism is unfounded and that your function in dealing with errant members, in upholding the ethics and good practices of the legal community and in protecting the rights of the public, is paramount.

**The Cape Law Society's response to Clifford** (*quite encouraging actually*): Your complaint has been put to

appeal)... At that stage we estimated that the costs of the appeal would be in the sum of R25 000... We were not prepared nor obliged to revisit the historical costs *inter alia* for the following reasons: 1) There had been a regular accounting; 2) There had been a settlement on the quantum thereof; 3) Having regard to the extent of the matter it would have been a most time-consuming exercise.

**The Cape Law Society to Clifford, 16 September 2010**: We note from Mr Kulenkampff's response that he is not prepared to incur the costs, time and expense to prepare a bill of costs which would only be an academic exercise. Mr Kulenkampff endeavoured to demonstrate... that the fees and the disbursements claimed by him were more than reasonable.

**Clifford to the Cape Law Society, 10 January 2011**: I fail to understand the difficulty... in providing me with itemised billing, for the work undertaken. Mr Kulenkampff's claim that

**The Cape Law Society to Clifford 24 June 2011**: Kindly note that Mr Kulenkampff is still not prepared to incur the costs, time and expense to prepare a bill of costs – it is common cause that there was an agreed fee and the set fee has already been paid.

**Clifford to the Cape Law Society, 21 July 2011**: His contention that he is not prepared to incur the costs and waste the time is disingenuous and his further claim that the fee charged was an agreed fee is blatantly untrue. I flatly deny his "set fee" assertion and challenge him to furnish proof. My payments to him were made under protest, due to the lack of detail and ... pressure of threatening undertones.

**Clifford to the Cape Law Society, 5 December 2011**: My original complaint was lodged on 23 June 2010. Some 18 months later I still don't have any satisfactory answers from your body, nor have any of my concerns, complaints or simple requests been addressed... It would appear your

## Requests for an itemised bill of costs were turned down flat

Mr Kulenkampff for a full report... This initiates disciplinary proceedings to resolve the matter in accordance with the Society's rules, which limits the Council's disciplinary powers to a) impose a fine, b) a reprimand or warning; c) apply to court to strike the attorney from the roll of practitioners.

**Kulenkampff's response to the Cape Law Society of 21 July 2010**: We provided the following to Mr Clifford on a monthly basis... namely 1) A fee note reflecting the attendances charged for; 2) A statement reflecting the fees and disbursements; 3) A VAT invoice... As is evident from our letter dated 21 July 2009, the fees and disbursements up to that stage were settled on the basis that (in order to accommodate Mr Clifford) we were prepared to reduce the fees and disbursements by the sum of R25 000 provided that: 1) the balance outstanding (after deduction of the aforesaid amount) was paid immediately; 2) further fees and disbursements are paid in the normal course (the latter obviously relates to the

he is not willing to prepare a bill of costs for the Magistrates' Court fees because these are more than reasonable is frankly disingenuous... without exception, every attorney I have ever dealt with has given me detailed itemised billing, and it is my right to have such information and his duty to provide same... little wonder why there is such outrage and dissatisfaction amongst the general public. The profession is desperately in need of an independent, impartial watchdog/ombudsman to police your members, without fear or favour... it is striking that Mr Kulenkampff can accuse me of repudiation, when he himself has repudiated on an agreement to charge me R25 000 for the Appeal which now totals a staggering R53 000.

**The Cape Law Society to Clifford, 21 January 2011**: Our department is the only department with jurisdiction to investigate allegations of unprofessional conduct made against practising attorneys in the Western, Northern and Eastern Cape. No ombudsman has been appointed.

society has little-to-no interest in protecting members of the public in their dealings with your members... In much the same way I was forced to put an ultimatum to Kulenkampff, you leave me little option but to do same with your society. Unless I have your full co-operation... I will be forced to approach a higher authority and possibly the consumer-watch press.

A simple civil claim takes eight years to resolve. The legal costs are treble the claim. The attorney isn't prepared to provide itemised billing, arguing (spuriously, we think) that the client agreed to the amount billed, and that it would be time-consuming. The quote for the appeal proves hopelessly optimistic. The Law Society seems unwilling or unable to provide any assistance to the aggrieved client. The problems are clear enough, but who's going to find some solutions?

● Kulenkampff has appeared in *Noseweek* before (*noses*19, 40, 90) in stories involving Hein Le Riche and Standard Bank, Abe Swersky and Jurgen Harksen. ☐

# GRAFT BUSTERS

A SLICK national pilot programme for ethical – plain honest – procurement and monitoring, kicked off last month in the Eastern Cape health department. Backed by a high-tech group of national government agencies, proponents of the project claim it will cut fraud and wastage by up to 80%.

The Eastern Cape department, chosen for its unrivalled success in corruption-busting and steady return to functionality, has been led for two years by canny former Port Elizabeth businessman, Dr Siva Pillay, (See *noses142 and 144*). It may prove the crucible for some sorely needed national alchemy, if talking to Pillay and some of his value-driven “social compact” practitioners is anything to go by.

Coming off a R424-million budget cut (2012/13), Pillay initially appears a bit too sanguine for someone upon whom so much depends – until he starts to outline how and where his “working smarter” approach has already saved well in excess of this amount. His results led to Finance Minister Pravin Gordhan and SARS Commissioner Ivan Pillay (formerly SARS head of compliance) setting up a multi-agency task team to help overhaul the Eastern Cape health department’s procurement of equipment and services.

The scale of the fraud and corruption ranges far and wide – from 174 spouses of health department staff linked to companies illegally paid some R9m; to 780 staffers and their spouses illegally drawing social grants and housing subsidies; R19m of unaccounted assets that were transferred from head office to districts; to no less than R450m in ghost contracts. One member of the special multi-agency work group (Mawg), lists a constraint to their investigation as the wholesale

By Chris Bateman

theft and sale of documentation to a recycling company.

The team – consisting of the Hawks (Priority Crimes Unit), the Special Investigations Unit (SIU), the Assets Forfeiture Unit, the national and provincial treasuries, SARS, and backed by PricewaterhouseCoopers and other top private auditing companies – will use 14 interlinked “hubs” across the province to reform the entire supply chain management system.

The new filters will begin with “declaration management”: (tenderholders or applicants will be required to declare all family/personal relationships); Companies and Intellectual Property Commission (CIPC) searches; cross-checks with Persal (the personnel salary system); and with Home Affairs identity documentation. All of this is linked to the existing supplier databases.

The qualifications of each and every supplier will be verified painstakingly. The Mawg will then move on to the “top 100” items being procured, putting in place “demand planning and management” to create new or revised procurement plans, while dodgy existing contracts are earmarked for cancellation or renegotiation of terms and conditions.

The 14 hubs will be spread out across the health districts, metro complexes, head office (including pharmacy) and regional hospitals to act as a filtering system to increase the integrity and quality of supply – and thus root out corrupt officials and privateers milking the system.

As of June, the hubs should be



Dr Siva Pillay

Strict controls  
are saving  
billions for  
the Eastern  
Cape



connected via a new Virtual Private Network, (VPN) enabling instant electronic access to data and vastly enhanced patient tracking and management – something that the IT-savvy Pillay initiated soon after taking office.

The VPN, backed by a redundancy network – a virtual provider system that kicks in in the event of a data or software malfunction – will also link the 60% of hospitals currently without connectivity to the province's 865 clinics and 92 community health centres.

In his two years as Director General of Health, Pillay has forced the resignation and/or disciplinary hearings or criminal charging of more than 1 200 people – most are health department staff accused of helping themselves to money for intended patient care.

Last year alone Pillay's core provincial turnaround team recovered R89m following disciplinary hearings and sackings in connection with crimes such as fraud, being drunk on duty and assault.

By uncovering ghost contracts and stopping payments, Pillay has recovered the whopping extra R450m. His success can be attributed to a prag-

matic approach. For example, the directors of a company that had billed R26m for non-existent maintenance were told; "Walk away without payment and we won't charge you criminally". They walked. Scores of very senior staff resignations were impelled by this principle, saving months of salaried and expensive arbitration and speeding up management change. (The most recent tally of health staff suspended on pay was down to 56.)

year, all reverted to their old lower gradings, plugging a protracted R80m per annum illicit salary black-hole.

A wildcat strike by 220 nurses at the Nelson Mandela Academic Hospital complex in March (in alleged breach of court undertakings) was met with disciplinary notices served on 120 of them. The message to their union: "we play by the book, but bring it on".

Asked about the differences between the new task-team checks and balances, compared to the systems he initially encountered, Pillay replied: "None of this was happening before. It was all paper-based. I was flying this plane blind. For the first time we're now getting quality information which helps us manage managers. Before that, there were millions of transactions and I didn't know what was going on. Basically we're increasing visibility with a system of checks and balances and controls and monitoring".

The first region to have come under the spotlight is the province's heartland, the Amathole District (population 1.7m), embracing the East London Hospital Complex, King William's Town, Mdantsane and the administrative capital, Bhisho. Early days, but by March, the amount of goods and

(patients). You have to ask where the rest of the drugs are going. And I don't even have the hypertension and diabetes figures yet!" The pharmaceutical benefit management system will stop the leakage and address mismanagement, dysfunction, corruption and wastage by patients, he believes.


When Pillay's health budget was presented to the Eastern Cape legislature on March 20th this year, he was criticised in the media after publicly calculating that he'd need an impossible extra R9 billion to fill 27 267 vacant posts. He revealed that vacancy rates in critical posts had shot up from 28% (09/10) to 44% (10/11). However his central point was missed (by all but Gordhan, whose mid-term budget allocation will probably mitigate the initial cut): the earth-shaking staff-vacancy gap was politically created – by a rapid and ambitiously expanded service-delivery platform that quickly reached "unsustainable proportions".

## *Pillay has forced disciplinary hearings and criminal charges*

services "required" had already decreased marginally – showing a clear trend – leading Pillay to believe an iceberg of non-existent services is emerging.

Actuaries conservatively project more than R200m in savings effected by the new combined task team will exceed R200m in general health services and R250m in medicines (leakage, expiry, rotation and patient wastage) in the first year alone.

Besides Pillay's successes so far in recovering taxpayers' money, what bolsters his confidence in the medicines projection is what he already knows about his anti-retroviral drug supplies (ARVs). "I have 179 000 patients on ART but when I look at the number of ARVs I bought, it's for about 200 000



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Pillay's first crack at radically rationalising this platform and its attendant equipment and human resources focuses on pure functionality.

"Our district hospitals have turned into glorified clinics, in spite of them putting in for expensive equipment they'll never use (the standard hospital management argument to justify the purchases being that this will attract clinical staff). Of the 66 district hospitals, only 11 are fully functional. So we've concentrated our resources on 28 to get them fully functional. It's simple arithmetic; consolidate and make things work properly," says Pillay. He cites linear accelerators, one of each wanted by Umthatha and Livingstone hospitals (to match the one at Frere Hospital). "I asked them how many cancer patients we have, and it turns out we don't need three accelerators. That alone saved R34 million".

Pillay has faced threats and danger: he was confronted by a gunman in a deserted Bhisho parking lot last year, and managed to escape only by releasing his two highly trained Alsatian dogs that he fortuitously had with him in his bakkie.

Pillay has the enthusiastic Dr Andrew Crichton analysing – for the first time ever – the HR needs of 28 health sub-districts, based on the rationalised service-delivery platform. Crichton has set up sub-district "social compact committees" to help identify pupils between grades nine and 12 for streaming into health professions bursaries tailored to each district's needs. Using the HR supply streams of community-service conscripts, foreign qualified workers, standard recruiting practices (e.g. the provincial health website) and bursars, he aims to balance recruitment with local needs. Bursars will be filtered by their relevant subject marks, a family income below R6 500 per month, and students who are already studying but financially constrained; with involvement in community projects being a pivotal criterion.


"We want to move beyond the desperation of poverty to the values of ubuntu and commitment, compassion and solidarity. If you're not already showing commitment to serving the community, then we know you're not a good bursar," Crichton added.



*"Happy Mother's Day, Mom. And ditto for Thanksgiving and Christmas."*

A huge critic of the approach that uses "chasing-of-numbers-and-ratios" and "teaching-for-export" to solve South Africa's human resources crisis, the educationist outlines four value-driven processes: seeking out people aligned to your needs; developing them to be capable; engaging them to perform; and inspiring them to commit. He believes that using value

systems as standards of judgement instead of just targets, "changes the entire picture".

"In the past it was assumed that if you were poor and black, you had the right attitude. Telling us that 40% of rural recruits will return to us spells failure. It's about who we bring into the system, not how many. Thus are change-agents created," says Crichton. 



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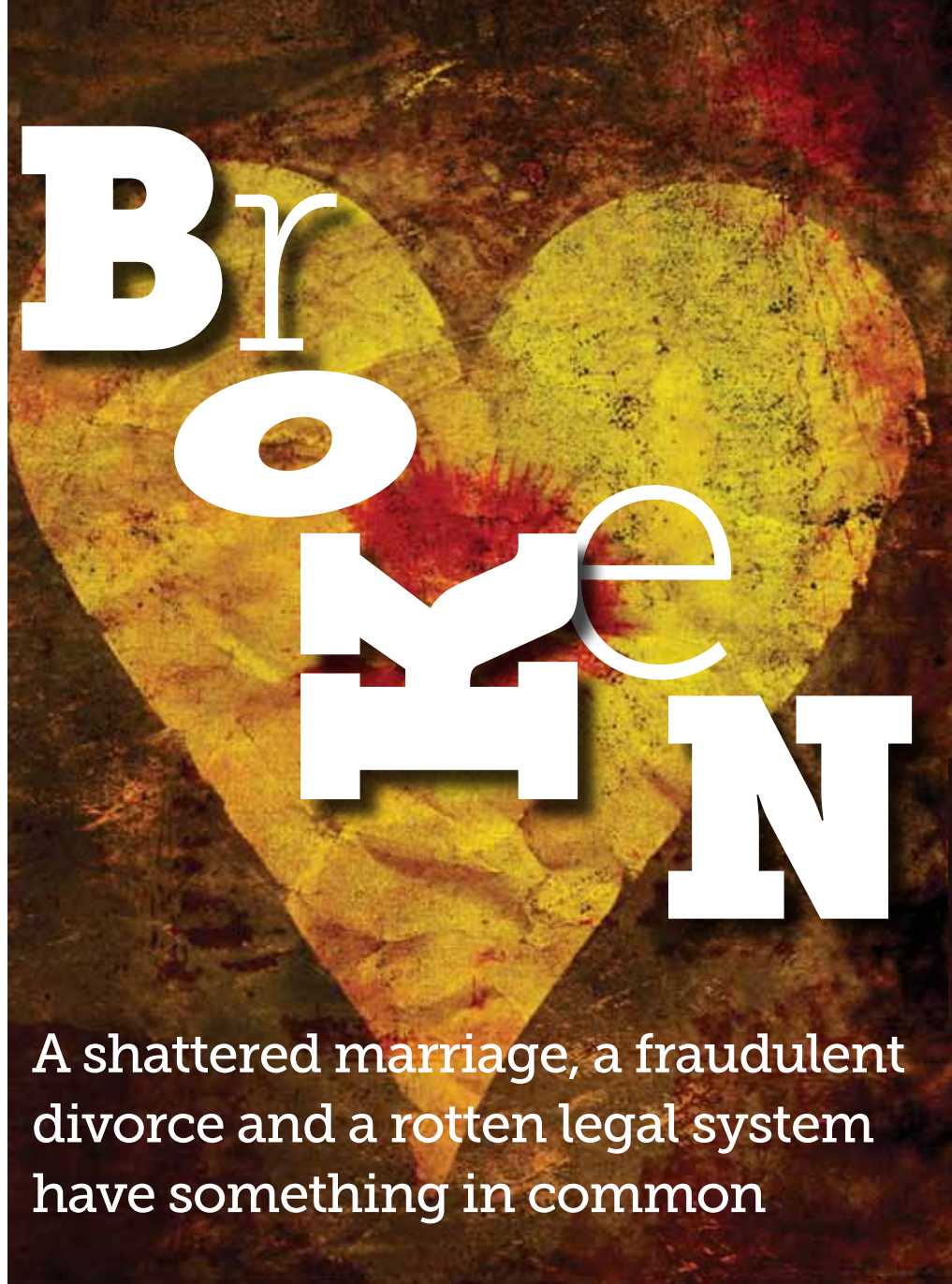
**T**HERE'S a reason why the details of most divorces are not permitted to be published: they're intensely private affairs, and there's really no need for the public to know all. But every now and then there's one where there is public interest. This story involves not just a broken marriage but a broken legal system too.

In December 2010 Brian and Felicity-Ann Barrett decided they could no longer live together, so Brian left the marital home in Cape Town and moved to Gauteng. On 27 January last year Felicity-Ann issued divorce proceedings in the Western Cape High Court, but, for reasons she couldn't understand, the papers could not be served on Brian. Despite tracing agents having verified his work address in Marlboro North and his residential address in Illovo, the sheriff kept claiming he couldn't find Brian at either address.

Which is why Felicity-Ann was flabbergasted to receive an email from Brian on March 20 to say the divorce had been granted and a copy of the court order would follow by courier. On 11 March, Acting Judge Johan Kruger of the North Gauteng High Court had issued an order in an unopposed divorce, which read simply: "The bonds of marriage subsisting between the plaintiff and defendant be and are hereby dissolved". That's it. No mention of custody, maintenance, or splitting of assets.

Felicity-Ann's attorney tracked down the court file which showed that Brian had sued Felicity-Ann for divorce in the North Gauteng High Court. The Particulars of Claim, signed by Brian, differed significantly from the Particulars of Claim attached to Felicity-Ann's summons. In fact, the only thing on which the two documents concurred was that the marriage had irretrievably broken down – although, in a serious lack of attention to detail, Brian claimed that "the Defendant (Felicity-Ann) continuously goes his (sic) own way without consulting the plaintiff".

For the rest, Brian's document contained some really peculiar claims: that the parties were married in community of property; that there were no children of the marriage (an attached StatsSA form made the same claim); and that Felicity-Ann lived at 118 Nicholson Street, Brooklyn,



Pretoria, which meant that the North Gauteng High Court had jurisdiction.

And the Pretoria West Sheriff's Return of Service was equally odd: it said the summons had been served on Felicity-Ann personally when she went to the Sheriff's Office on the 6th Floor, Olivetti House, corner of Schubart and Pretorius streets on 10 February 2011.

Some serious fraud was going on because Brian and Felicity-Ann were married on 26 January 1991 – out of community of property – with an antenuptial contract which provided that the accrual system would apply; and because the pair have three children – aged 20, 18 and 17 – all of whom are to a certain extent still

dependent on their parents, especially the eldest who suffers from a rare and severe form of epilepsy called Lennox-Gestaut Syndrome.

Felicity-Ann hasn't been to Pretoria for at least nine years. And she has never been to a sheriff's office in her life, and certainly not the office of the Sheriff of Pretoria West. When she asked the sheriff, F R Moeletsi, to explain why her signature didn't even appear on the Return of Service, the lame answer given was that the person who saw her had probably forgotten to ask her to sign.

As for her supposed place of residence: she has now managed to establish that there is in fact no number 118 Nicholson Street in Brooklyn.



Felicity-Ann moved fast. She laid charges of fraud against Brian with the police, in which she expressed her fear that he would leave the country as he worked for a US company, and she suspected he might even have a green card. Both enquiries are ongoing.

She also laid a complaint with the South African Board of Sheriffs. She discussed the matter with the North Gauteng High Court Deputy Judge President, Judge Van der Merwe, who told her he had seen this kind of thing before, and that there was a syndicate that provided the service of false service of court documents. (Whether the *non*-service of documents on people who don't want to have papers served on them is part of a similar sort of "package deal" is not clear.)

Felicity-Ann then applied to have

"Any move on her part to make public any information she has gained during our relationship shall immediately render my position untenable and I shall be forced to resign forthwith."

So what's Brian so keen to hide, apart from the outrageous stunt he pulled to get a divorce on his terms and seemingly avoid his commitments?

Felicity-Ann thinks that much of Brian's life has been a lie. The brochure of the company AfroCan Resources Ltd, of which Brian is the President and CFO, says that he has "shown a penchant for entrepreneurship and innovation", and that he is "passionate about the triple bottom line of People, Planet and Profit". And the bumf for AfroCan's US partner company, Parabola, says that Brian has a PhD from the "University of

even in the country".

Was it reasonable to assume that Felicity's inability to serve a summons on him was linked to the fraud?

"There is no reason to suppose that the sheriff failed to serve me for any reason other than circumstance. I was, at the time, located in two separate offices in Johannesburg, one in Marlboro and the other in Sandton. I spent time between both offices and travelled extensively. Furthermore, in terms of living arrangements, I spent time with a friend in Rietvallei in Pretoria and was occasionally also in Illovo."

Why was he adamant on a confidentiality clause?

"My insistence on a confidentiality clause was solely an attempt to prevent my estranged wife from following through on a threat she had

## A confidentiality clause was intended to prevent his wife trashing him

the fraudulently acquired divorce order set aside. This was granted on 3 August 2011, with Brian ordered to pay costs on an attorney-and-client scale (in other words, all the costs).

Felicity-Ann is now proceeding with her own divorce action, and her attorney is trying to negotiate a settlement with Brian which will involve a cash settlement of just over R1 million, payable over a period of time, and maintenance of R20 000 per month for the children, with the thinking that it will drop when it is no longer required for the younger two, but continue for life to cover the eldest's needs.

But Brian is stalling on one issue: he insists on a confidentiality clause. As he said in an email to Felicity-Ann's attorney on 8 November last year: "The only way I shall be able to meet the commitments as written is to have unfettered ability to pursue my business interests. Accordingly I require a confidentiality clause in the agreement preventing your client from disclosing anything whatsoever which she has at her disposal.

Metaphysical Sciences" in California, and that he has been "involved in many successful start-ups".

Yet, says Felicity-Ann, many of Brian's ventures have failed. When she met him, he was a CA but he was de-registered after a complaint was lodged against him; he was fired as CEO of the African division of Aften; a self-development company he started, called Winning Way, failed miserably, losing a great deal of money for investors; another company he started, called Nirvana Financial Engineering, also failed; and when Brian got involved with John Stratton and Brett Kebble in the fishing company Saftco, it all went pear-shaped when Brett died and the boats were taken over by Roger and Guy Kebble.

We asked Brian Barrett for comment. First, the fraudulent divorce: "I was never a party to – nor the initiator of – any such divorce action. I was not aware that any divorce action existed until I received copies of the divorce decree. The biggest joke of all is that on the so-called trial date I was not

made to contact everyone I worked with and 'trash me'. That's all... there is no further point to any confidentiality clause and I am currently working with my attorneys on finalising a settlement agreement. I have not been immune to the ups and downs of business and, yes, I have had my share of downs."

Brian then went on to trash his wife saying she was once fired for theft, and that she used "third party" money to support a gambling habit – all of which she denies.

● Super-sharp readers may recall that Brian Barrett came up in *nose90* in a story about South Atlantic Fisheries (Pty) Ltd (Saftco), a Brett Kebble creation that needed massive help to keep it afloat after his death. The help came from none other than Roger and Guy Kebble, through one of their companies called Richtrau 150 – in the form of a monthly injection of R700 000 to meet expenses, including those relating to the Mercedes E20 driven by finance director Brian Barrett. Barrett refused to talk to *Noseweek* at the time. ■



# Not guilty!

In a dispute with a bank can the ombudsman be relied on to be truly independent?

Banking Ombudsman Clive Pillay

**I**T'S A CURIOUS thing: we've been led to believe that if we have a problem with a company we can simply take the matter to the industry ombudsman, where we'll get a fair hearing and an independent adjudication. But industry ombudsmen are paid by the industry, so how on earth can they be truly independent? As this story shows, the Banking Ombudsman is certainly neither fair nor independent.

When Caroline Keenan was notified by way of a cellphone message on June 23 last year that two transactions had gone through her account, one for R289 and another for R28, she thought nothing much of it, believing it to be the cumulative total of several small bank charges. But five days later she was notified that seven transactions of R200 each had gone through her account – together with one for R100 – all within the space of two minutes.

This time her suspicions were

aroused and she immediately phoned FNB's call centre, where a "consultant" maintained she was responsible for the transacted amounts, but agreed to put a hold on the account. In due course Caroline was told that, as the R1 500 had been used to purchase pre-paid fixed-line airtime with Telkom, the bank would not be able to recover the money and there would be no refund.

Caroline took the matter to the Banking Ombudsman.

What did the Ombudsman do? Well, for eight months Advocate Clive Pillay and his team did nothing. But when *Noseweek* made inquiries on 14 February, the tough-talking advocate promptly delivered a written response the same day, with a sketch of what his office had been doing over the period: "Assessment completed today – not yet sent to complainant. Manager to check first. After checking and approval, Bonita, the investigator will send it out..."

Three days later, seemingly more interested in establishing whether his office was going to feature in *Noseweek's*

report, Adv Pillay's personal assistant, Nici Lavine, sent us yet another email inquiring about the status of our investigation. Ironically, the ombudsman's report was yet to be delivered to the complainant – and we informed Adv Pillay as much.

On the morning of 20 February, Keenan finally received a copy of the report, which found in favour of FNB and accorded Keenan a mere two days to appeal the ruling.

The response looked very much as though it had come from a template – which would reveal a good deal about the ombudsman.

The response started off with a let's-baffle-them-with-science explanation of the complexities of internet fraud; how it is necessary to distinguish between smishing (where fraudsters get hold of access information by SMS), phishing (where they do so by email), and vishing (by phone). It goes on to say that a "common theme of all these methods is however that the fraudster obtains the confidential cellphone banking access information



directly from the banking client”.

“As far as we are aware [Noseweek’s emphasis] a fraudster is unable to obtain this information from the bank or its systems. The fraudster can obtain this information by various legal or illegal means from various sources which may have nothing whatsoever to do with the bank. For example a fraudster can go through waste baskets and obtain private information from letters thrown away by a bank client.”

Interesting interpretation. It seems there’s no doubt that the fraudster gets the information from the client because, as far as we know, they can’t get it from the bank (*What, not even where bank employees are involved?*) whereas there are ways they could get it from the client.

The response goes on to say the ombudsman considers three factors:

- Whether there is evidence that the bank was responsible for the fraudster’s obtaining the confidential logon information (*of course not!*):

“The bank suggested [Noseweek’s emphasis] that you compromised your confidential cellphone banking credentials, and this led to the losses suffered. This issue is in dispute. You did not admit disclosing the information. The sequence of events and outcome of what transpired on the day however **suggest** [Noseweek’s emphasis] that you indeed disclosed your confidential cellphone banking access credentials. There is however no **evidence** [Noseweek’s emphasis] or indication that the fraudster obtained your information from the bank or its systems in any way. Based on the information available we can only **conclude** [Noseweek’s emphasis] the information must have been compromised by means of vishing, smishing or smishing [*now the ombudsman’s confused*]. There is no basis on which we can hold the bank liable for the fraudster accessing your account using your personal PIN number and logon information which is known only to you.”

Remarkable stuff: the bank’s insinuation that the customer was at fault, together with the suggestion of the sequence of events on the day (*what sequence?*) and the lack of evidence that the bank was responsible (*evidence that a customer could not possibly have and that the bank would obviously never disclose*), are enough for the ombudsman to conclude that the customer must have been at fault.

**Next page**

## Cellphone banking blues

IN JANUARY, *Personal Finance* exposed how Brian Martin, Ombudsman for Short Term Insurance, was replaced – for not toeing the industry line – by Dennis Jooste, so *Noseweek* decided to examine what really goes on in the office of the Ombudsman for Banking Services.

What we found could explain why, whenever a client has a dispute with their bank, they are simply referred to the office of Advocate Clive Pillay. Between July 2011 and February this year, Pillay’s office adjudicated 2 535 cases (excluding the pending ones).

The office has a workforce of 20, a third of whom are administrative staff, which means each investigator deals with roughly 200 cases. In its latest published annual report (2010), the office boasted: “The percentage of decisions in favour of the complainant increased slightly from 35% to 36%.”

Having examined the findings in Keenan’s case, it’s clear that whenever a consumer subjects him/herself to Pillay’s office, it’s just a matter of coin flipping. No serious investigation is undertaken and crucial questions are left unanswered.

Pillay wrote to *Noseweek*: “Examples of more complicated, time-consuming cases are internet and cellphone banking fraud...” which also accounts for the majority of cases landing in the office.

Pillay admitted that there seems to be a problem in this sector, which begs the question: Why hasn’t he evoked Section 1.3 (j) of his terms of reference? “...collect information concerning any issues which may, in the opinion of the Ombudsman, be indicative of systemic problems pertaining to one bank or the banking industry generally, conduct research and formulate proposals for the rectification of the problems, submit them to the Banking Association and monitor the response thereto.”

FNB – seemingly in an attempt to introduce cellphone banking in competition with Nedbank’s tried-and-tested technology, M-Pesa – pushed through their own system without having all the security boxes ticked.

Consumers who sign up are led to believe they can only access their accounts from their registered cellphone, but that is not the case. The Financial Intelligence Centre Act of 2001, otherwise

known as “Know-Your-Customer”, wasn’t just intended to establish where customers like Keenan live and work, but for financial institutions like FNB to understand their banking patterns. Had FNB’s system been that smart, they would have questioned how a customer who (in the two months before the fraud) had been buying airtime to the value of R29 and R12 twice a month, would suddenly purchase airtime worth R1 500 in eight independent transactions within two minutes. Also, it is not humanly possible to make eight independent transactions from a cellphone within two minutes.

A security expert who does consultancy work for banks says that if FNB’s system was fool-proof it would have red-flagged the transactions. And, since MBLWAP was used to access FNB’s system, indicating that a mobile device was used for the transaction, it should have been very easy for the bank to identify the IP address. But, of course, the banks wouldn’t want to do that – it would be tantamount to admitting that their system can easily be hacked to the detriment of customers.

The discovery that one can access one’s cellphone-banking profile from any mobile device – not necessarily one registered with the bank – should be of concern. It is apparent that the FNB system is just another form of online banking, but with less security (four-to-five digits and passcodes) – more like an ATM transaction by cellphone.

Customers would be wise to refrain from using cellphone banking until FNB provides assurance that the system is secure. Or until the office of Ombudsman Pillay gets some teeth and independence, in addition to qualified staff.

Meanwhile, FNB seems to have opted for an easier way out for their online and cellphone banking services: previously, whenever a client logged on to their profile, they would receive a text message providing a once-off PIN. This was discontinued on February 12. Now customers receive an email notification instead. But this gives fraudsters more time to plunder accounts before the red flag is raised.

A month after *Noseweek* raised the flag on this with Pillay and FNB, the bank reversed the decision.

## Lite aint right

THE OMBUDSMAN'S response to Caroline Keenan's complaint raises another interesting issue: in her complaint, Caroline queried why it was that after her account was blocked, she was still able to access it.

No problem for an ombudsman who knows exactly how banks operate: "Upon cancellation of a customer's cellphone banking the customer is automatically registered for cellphone banking lite. This service enables you to perform informational and financial transactions for a maximum of R200 per month; although you were automatically registered for this service, you did not suffer any loss as a result thereof".

*Noseweek* asked FNB whether it was lawful for a bank to register a customer for a different (perhaps lesser) version of a service that the customer had expressly cancelled. The bank's response came from Ravesh Ramlakan, Head of Cellphone Banking, who thought the following might be an answer to that question: "Bear in mind that Mrs Keenan did not suffer any losses via Cellphone Banking Lite".

Asked whether any security measures should have picked up the unusual transactions, he simply said "the bank does have internal security processes, however we are not at liberty to disclose the details thereof".

And asked why the bank had refused to give Keenan the Telkom number that the fraudulent transactions paid for, he responded that the fraudster had purchased a voucher that could be used to top-up any Telkom landline number, and that "FNB doesn't know what landline was topped up".

● Whether the bank had taken reasonable precautions to prevent this type of fraud and to warn customers of the risk. (*Of course yes!*)

"Based on our **experience** [*Noseweek's emphasis*] the banks constantly take note of fraud methods and constantly improve their systems to prevent fraud. The various types of banking fraud are not only widely publicised in the media but also on the bank's internet banking website. The bank posts regular warnings on its internet banking site, it also from time to time sends notifications to its

clients. The banks constantly upgrade their systems to prevent unlawful access. There is no basis on which we can conclude that the bank did not take reasonable steps to prevent the fraud."

Remarkable again: there is no actual proof of any precautions taken, and it's not even clear whether the ombudsman is talking about FNB or banks in general.

● Whether the customer did anything to mitigate the loss.

You've guessed it! "You received the SMS on 23 June 2011 and this immediately should have made you suspicious, as you were not transacting on your cellphone banking site at that time. Had you immediately phoned the number provided in this alert at the time, you possibly could have prevented at least some of the fraudulent transactions."

Asked for comment, Ombudsman

resolution body. There's plenty of chest thumping in Myburgh's report: "While its global counterparts were still shaking off the lingering effects of the economic downturn, the South African banking sector continued to dodge the fallout... all our major banks remain on solid ground.. this is due in great part to our uncompromising banking regulation systems and sound risk management practices... international confidence in the local banking sector remains high".

A pat on the back for banks whose "commitment to resolving complaints before they reach the OBS is most encouraging (and) enhances the reputation of the banking sector and strengthens perceptions of business professionalism in South Africa".

There's also some selling of Nedbank, which provides "global players with an eye for an attractive opportunity to

## Myburgh makes it clear banks have a problem with cyber crime

Pillay said his office gets 307 complaints a month, closed 3 724 cases in 2011, and that the average closure time is a leisurely 102 days.

On the issue of independence, Pillay said: "We state emphatically that the Banking Ombudsman is not beholden to or at the mercy of the banking industry. Quite the opposite. The Banking Ombudsman is independent and impartial. And his independence is guaranteed by a number of measures, including that the Ombudsman enjoys security of tenure and cannot be fired by the banks.

"The Ombudsman certainly cannot be fired if he makes a ruling that the banks are unhappy with. The Ombudsman is accountable and reports to an independent Board of Directors made up of eight directors. Only three directors represent the banking industry."

The 2010 Report of the Board Chairperson of the Banking Ombudsman, Advocate John Myburgh, however, reads more like the report of a spokesman for the banking industry than that of an independent dispute

establish a foothold on South African soil". And some words that suggest a bias in favour of the industry rather than the consumer: "The National Credit Act introduced in 2007 essentially to save South Africans from themselves" has led to consumers becoming "wiser and more circumspect", but "success has come at the expense of the normal flow of property sales, which, some commentators point out, is at conflict with the government's drive towards home ownership for all".

Myburgh's statement makes it clear that banks have a real problem with cyber crime: "The increasing ingenuity, or more accurately, deviousness of cyber crooks and their ever-more sophisticated phishing schemes brought a surge in internet banking complaints. From a mere 45 cases in 2009, which accounted for 1% of complaints, 2010 saw 484 cases, 13% of total."

That may just explain why the ombudsman makes a finding like the one against Caroline Keenan – and why, according to figures released by the Ombudsman, it finds for the banks in 64% of cases. ▣



# Elephant in the room

THE ELEPHANT in the room is... Barack Obama. The film version of *The Descendants* daubs scenes of the president's Hawaiian youth with positively obscene tropical lushness. Gauguin, thou shouldst be living at this movie hour. The film is an astonishingly accurate realisation of the compelling novel. And equally engaging.

Either way, it appears that the current leader of the free world was raised in settings of dreamlike natural opulence, among amiably unpretentious folk. There is a curious contradiction between the exuberantly lush vegetation and the stolid suburban character of the populace. As depicted by the author, anyway.

No racism. Not overt, anyhow. Just folks, getting along with the dangerously elaborate business of family life. Inhabitants of chilly Northern climes would be baffled by the traditional domestic familiarity of the cast. It seems that your average family, warts and all, is not necessarily transformed into a sustained unit of loving unity by stunning landscapes. It is downright embarrassing to be reminded so sharply of mankind's irredeemably

Len Ashton  
reviews

**THE DESCENDANTS**  
(Vintage Random House)  
by **Kaui Hart Hemmings**

fractious and competitive nature, Eden notwithstanding.

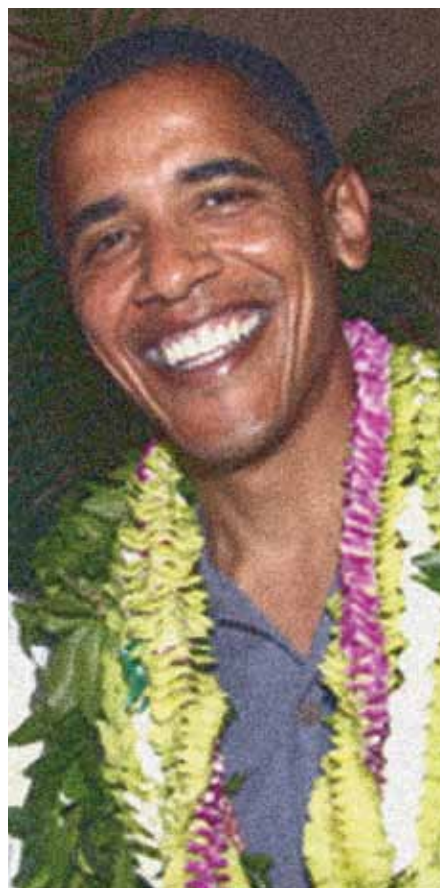
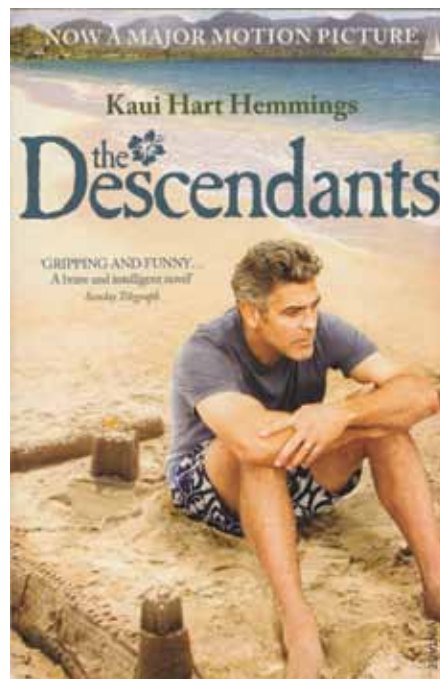
But all is not lost: *Descendants* is truthfully funny, with scenes of loss rendered palatable by the quirky nature of the characters. Quirky, not outrageous. What initially appears to be a lazily irritable bunch, turns out to be Everyman *en famille* enduring the stresses and occasional joys of being alive in an unpredictable world. The book may suggest trouble in paradise, but it's actually about home truths in the Western world.

Prickly adolescents and angry adults reluctantly share the alarms of a dramatically changing electronic world. What's to be done about early maturity, fostered in large part by indiscriminate viewing of TV porn? Hand-wringing doesn't seem to help much. Especially since the grownups are relatively naïve about such matters. Besides they are often consumed by guilt – sometimes with good reason. So most people tend to simmer along in a sauce of seemingly irreconcilable values, modified by surprise realisations of the value of kith and kin in a cruel world.

*Descendants* offers a vigorous presentation, albeit in a tropical-postcard setting, of the current extraordinary revolution in family relations. And the fact that Hart Hemmings makes the reader chuckle or wince in equal measure is about right. *Descendants* is not a soppy solution novel. Does it hurt? Only when you laugh, and that is often.

Is the book better than the film? Pleasure in either production may lead to a personal investigation of the question. It is a compliment to both author and film director that, except for some intriguing minor variations, they are true to each other. Unlike the romantic protagonists of the tale.

Oops – that's giving the plot away. Start hand-wringing now. ☑



US Pachyderm Barack Obama

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# Ducking out

**Yves Vanderhaeghen** gaps it after a lifetime helping keep the presses running at *The Witness*

IT TAKES a while to get used to being a drop-out.

Millions of my compatriots don't have jobs and have no hope of getting even a crappy one, never mind the decent ones Cosatu fantasises about. The Eurozone's spinning out, Iran's nuking up and Jacob Zuma's taking us down. You'd think this was a good time to say hold tight, I've got a nice enough pay cheque, I can stick it out for 20 years till I retire or have a heart attack, whichever comes first.

Well, I quit. Sounds so confident, so emphatic, so "let's conquer Everest". Friends envy me. They say I'm stupid, sure, but in their eyes flickers something that looks like hope. It took years to pluck up the courage, standing on the edge of the abyss wondering what it would feel like to let go. I didn't just quit the job, I baled out of the job market entirely.

I don't like roller-coasters, adrenalin makes me nauseous, I like routine. Reliability am I. Uncertainty gives me palpitations. For months I'd obsessively calculate and recalculate how much money I had, how long it would last, how little I could get by on. Round and round all night and all day. On bad days I'd despair at the prospect of ever being able to get another job, being white and middle-aged and all. Even worse is that I'm a hack by trade, so by the time I start dusting off the CV again there won't be any newspapers left to send it to.

There wasn't a Greg Smith moment when it suddenly dawned that I was working in a toxic pit. There's a habitat for all organisms and newspapers happen to suit me, so I can't complain too much. But being on a sinking ship isn't fun. Watching circulation going ever further south, isn't fun. Cranking out stories that no one reads, isn't fun. Trying to entice readers to buy the paper with offers of free meat, free trips, anything – even free papers isn't fun. You've got to be a Muppet to buy news you don't want, can't trust and can't use.

Even so, contemplating leaving felt like I was about to amputate myself, like what was at stake was not a salary but my existence. Work was my life support system. How could I just pull the plug? Reason was of no help. Every line of reasoning led back to where I was. I could fathom that there was an outside to the box, and I could list an infinite number of reasons why I needed to be there rather than here. But reason provided no stepping stones; it would take a jump. And that meant



finding something I had none of, faith, that there was terra firma on the other side.

And here I am. The secret, if there is one, is to let go completely, to ditch the indispensables, the subscriptions, the insurance. More than anything else, deciding to terminate medical aid was the symbolic moment of true liberation, when it felt I had finally disentangled myself from every last bloodsucking institution that fed the neurosis we call "lifestyle". No more DSTV Premium, no dining out, no casual cappuccinos. Goodbye Woolies, hello Cash 'n Carry. Goodbye gym, hello road-running.

The benefit of not having a lifestyle is that I've got my life back. My memory's working again. I'm sleeping. I'm not obsessing about hiring and firing, or solving other people's problems. The kids have discovered I have a smile. I can think. And learn new skills. Like duck-herding. Ever tried to free-range ducks? Turn your back and the dogs grab a snack. Chase the dogs and the eagles swoop. So I stand guard, one eye on the sky, the other on my little paddling of ducks. With some success. The freezer's already full of future *canard à l'orange*. Something to add to my CV. And I'm even learning sign-writing for when the "No job, electricity bill to pay" moment comes.

Other skills are harder to acquire. Hitting the studies again after a lifetime away from textbooks has confirmed that office work had made me brain-dead. Supremely accomplished at feeding the vampire squid and keeping from being stabbed in the back, but otherwise utterly brain-dead. Cracking concepts of ontology and epistemology is as hard as hard labour in a granite quarry. Reality crumbles as I read and re-read clever people explaining things I never knew didn't exist. Last time I explored other paradigms all it took was a joint.

The fantasy of smoking medicinal marijuana on the stoep will have to wait though. One day, in two or three years, this interlude will come to an end. By then I expect to have banished incipient Alzheimer's and overhauled my brain. A better investment, I reckon, than stripping my *moer* all the time.

Any offers welcome. ☑





# Lateral

ANGUS, NOW, he's my cousin. Well okay, a cousin of some sort of cousin in Aberdeen, where the Scots side of my family say he was so called because at birth he was the size of a bull of that particular breed of cattle called Aberdeen Angus. And of course he didn't get any smaller as he grew up, indeed amongst a crowd of normal citizens he stood out as did the lighthouse of Alexandria, a blazing bonfire of red hair towering above the sea of normal heads. His beard was red too, and his skin deep pink, he seemed aflame, so there was no chance of our getting lost on the Drakensberg escarpment when he joined me for a long hard haul up the Langalibalele Pass. Every Hlubi goatherd along the way forgot his flock at the sight of this monstrous fiery figure.

Curiously prancing Hielan'-style in the midday sun, Angus took two of their sticks, see, and crossed them on the ground to do that sword-dancing thing with pointy toes and dangly fingers, whistling the while in the absence of the peeps. He had a sort of instant holiness bestowed upon him by the populace of Hlubiland, as indeed he had in Aberdeen too, as happens in such superstitious communities, where shamans and red-head loonies are thought to be in touch with their ancestors and the Great Moral Accountant in geostatic orbit. Well all right, I know you can't be in geostatic orbit except over the equator, but never mind Galileo and that lot, if you're almighty you can be so wherever you choose, even over the Hlubies. Or Aberdeen.

Be that as it may, for me Angus was important because he taught me a bit of lateral thinking in this life. You know, business, marriage, politics, that sort of thing; but the problem as I saw it was that his thinking was sideways all the time. You could never rely on him to come straight to the point, he would always walk twice at least around it then climb in through a window. New acquaintance often sensed this oblique something in him; some reacted instantly. Like on our way to the Berg we pull in at that Bake 'n Braai place in Scottsville, Pietermaritzburg, for a couple of their special pies for our first night's supper. All other food is lightweight, dehydrated, dismal, eating is not for pleasure up there, it's for fuel, and Angus says to the nice plump smiley Zulu baker lady in the bakery Give me a couple of steak pies, please. How many? says she. Two, of course, says he, as

in a marriage couple. Yes, says she, but what about the bridesmaids? Well how many do you think we need, then? says Angus. Six, says the plump lady. All right, says he, give me six then. Bloody hell, Angus, say I, what are we going to do with six pies, man, I can't eat more than one, are you going to eat five? He pats my shoulder. Never to worry, mon, says he, they'll come in useful, you'll see.

And sure enough, they do. Up the Berg, the sword-dancing done, we smile all round and sally forth, accompanied by a Hlubi elder who's about as fit as both of us together, and about mid-afternoon what happens in the Berg happens; a fearsome black blasting thunderstorm

roils up along the escarpment with lightning aimed especially at us, it's so close you can smell the ozone, bitter, like sparks from an electric train. It scares the shit out of us, and this elder says sorry, he must be getting home. But before he departs he hints that he wouldn't mind a little prezzie if he shows us a nice dry cave. He takes us to what is really a vertical cleft in a mighty great rock, a metre or two wide, where Angus takes out the cardboard box with the pies in it, opens it before the old man. Old man is entirely dumbstruck. I take a pie and start munching, Angus takes one and hands the box to the elder. For you, he says. Elder sniffs the

pies and rolls his eyes and sighs, enchanted. Sleep well, he says, and departs.

He must j-u-ust have got home when the rain starts. It's not put through any sieve, this rain, it's straight from the bucket, and we creep back in the cleft where it's pretty narrow but quite cosy, really, though dark from the heavy clouds outside. It's clear we won't make the top tonight; Angus takes out his little hand-pumped torch to look around for a sleeping place, then suddenly... Hey, look here! he says, and there on the wall are three exquisitely painted little oribi. Dainty, dainty. Fresh fresh, as if painted just yesterday, but right back there we find somebody's bed of dry grass: old, old, so old it just crumbles away in your fingers if you pick it up.

I reckon, says Angus, one of your Bushies took shelter from the lightning here just as we have done, how long ago? A hundred years? It's 1980 now, say I, a hundred would do it, they were still around then. So he just happened to have his painting kit along with him, hey, and how better to spend the time when you're caught in a storm? And apart from the old bloke with the pies, perhaps, do you think we are the first ever to see this painting? says Angus. Probably, say I. Perhaps, rather. Well let's believe it then, says he, it won't do any harm to the history of the place. Okay, say I, and we do.

And that's what I mean by lateral thinking. ▣



*He had a sort  
of instant  
holiness  
bestowed by  
the populace  
of Hlubiland*

# 'SM@LLS



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**Green Point** Superb location near Stadium & V&A. Upmarket self-catering 2 bed, 6 sleeper, serviced, garage. Call Lauren 083 377 1766.

**Plettenberg Bay** Sunny 2 bedroom flat, serviced, lovely garden, stroll to Central/ Robberg beaches & shops. Call Lauren 083 377 1766.

**V & A Waterfront Apartment** with sea, yacht and canal views. 30 days to 6 months. Fully serviced. Call 082 403 8235.

**Franschhoek Three Streams** Self-catering cottage sleeps 4 on working trout farm. Call 021 876 2692.

## TRAVEL & LEISURE

**The Travel Specialist** Need senior travel insurance or travel advice. Call Mike Levy 082 679 0706.



## FOR SALE

**Tinus & Gabriel de Jongh** paintings bought, sold and valued for estates and insurance; dejongh@yebo.co.za; www.tinusdejongh.co.za; call 021 686 4141.

**Secondhand Pallets** bought and sold. Call 083 756 6897; www.premierpallets.co.za

**Arms, Ammunition**, reloading Equipment Old firm, new address with plenty of parking. 4 Conrad Drive, Randburg. Call 011 326 4540.

**Sacks Butchery for all meats** Visit our website and you will be amazed. Call us 021 701 8885. www.sacksbutchery.co.za

## LEGAL, INSURANCE & FINANCIAL

**Legal services in Kenya?** Wanam Sale Inc: IP, Trade Mark, Corporate Law, Conveyancing/ Property Law, ICT Law, Litigation, Legal Support/Resources; www.wanam.com

**Alcrest Outsourcing (Pty) Ltd** Manage your debtors. Cash advances up to 80% against good outstanding debtors considered. Call Dale 086 1000 239; www.alcrest.co.za

**Security seals** Stop people nose-ing around. Secure your assets. Call 011 396 1452; 083 227 2593; www.charlesrust.co.za



**Legal tax free income investment** Call John Fisher 011 444 2824.

**Board, Committee, AGM** minutes taken and transcribed by experienced professional. Hourly rates apply. For prospectus call Marilyn 082 781 2207; mwinfield@vodamail.co.za

**Corporate and Criminal Investigations** Debugging, pre-employment and tenant vetting. Call 031 916 2916 info@c-lane.co.za; or www.c-lane.co.za

**Surety Solutions (Pty) Ltd** Africa's specialist niche market guarantee and surety broker. Call 031 564 2411.

#### SERVICES

**DVDs** New concept in Claremont area, CT. Order on line at [cousinsdvd.com](http://cousinsdvd.com) and select Harfield store; 021 671 4187.

**Silver Spoon** Function Hire. Hiring of cutlery, crockery, linen, glasses, marquees, stretch tents, heaters, etc. For all your hiring requirements; 011 262 2227; [www.silverspoonhire.co.za](http://www.silverspoonhire.co.za)

#### COURSES

**Illustrator & Drawing Teacher** Illustrations using wide variety of styles and mediums including watercolour, ink, lino and black and white line drawing. Drawing lesson: small and private classes. Meg: 021 788 5974 or 082 926 7666; email: [megjordi@gmail.com](mailto:megjordi@gmail.com)

#### HEALTH AND FITNESS

**Anxiety, Stress and Phobias**, Yips? Complimentary health healing at the root cause. Call Christine 082 568 2288.

#### PERSONAL

**To my darling husband** Jacques, I love you always. Karin.

**Tim McSeveny** please contact Trem Edwards on 031 768 1295 to provide some important information.

**My ou liefie**. As requested. Love A.

**Keep up** the good work Noseweek. ER.

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## PAYMENT & TERMS FOR SMALLS & BOXED ADS

### SMALLS ADS

Smalls ads need to be booked and paid for online

Go to [www.noseweek.co.za](http://www.noseweek.co.za) to book

The deadline is 1st of the month prior to publication

Ads are prepaid at R150 plus VAT for up to 15 words, thereafter R15 per word plus VAT

Please note that Multiple(Long term bookings) are now available online

### BOXED ADS

Boxed ads are 6cm(1 column) wide, and are charged at R250 per cm (Length) plus VAT

Payment is due within 30 days of invoicing

Please contact [ads@noseweek.co.za](mailto:ads@noseweek.co.za) to book or phone Adrienne 021 686 0570

### DISCLAIMER

Although noseweek does reject obviously questionable ads, it can't run checks on every ad that appears in the magazine. The magazine doesn't endorse the products or services advertised and readers are urged to exercise normal caution when doing business with advertisers.



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