

INVESTIGATION IN TERMS OF SECTION 15(2), ACT 114 / 1998

ONDERSOEK i.g.v ARTIKEL 15(2), WET 114/ 1998

1. Held at Cape Town on **06 / 04 / 2009 and 08 / 06 / 2009**
Gehou te _____ op _____ / _____ / 20 _____

2. Investigating Committee (Sect 15(2) and Reg 7(1)(a))
Ondersoek Komitee (Art 15(2) en Reg 7(1)(a))

Chairman / Voorsitter **Adv. J. Noeth SC**

Member / Lid _____

Member / Lid _____

3. Particulars of Debt Collector(s) charged /
Besonderhede van Skuldinvorderaar(s) aangekla

1) **Brunello Property Management CC** **First Respondent**

2) **GW Howell** **Second Respondent**

4. Person appointed to lead evidence (Reg 7(8)(b)) **Adv. A. Cornelius**
Persoon aangestel om getuienis te lei (Reg 7(8)(b)) _____

5. Particulars of person(s) appearing on behalf of Debt Collector(s) /
Besonderhede van persone wat namens Skuldinvorderaar(s) verskyn

1) **Mr. Hein Von Lieres**

6. Charge(s) / Klagte(s)
As per chargesheet annexed hereto /
Soos per klagstaat hierby aangeheg.

7. Plea / Pleit:
Not guilty both counts.

8. The proceedings are recorded by mechanical means/
Die verrigtinge word meganies opgeneem
9. Finding/Bevinding:
Guilty both counts.
10. Sentence / Vonnis:
- 1) **In terms of section 15(3)(e) of the Debt Collectors Act, 1998 the respondents are jointly and severally ordered to pay the Council for Debt Collectors an amount of R 2 942.00 in respect of the costs incurred by the Council in connection with the investigation. This amount must be paid to the Council on or before 8 July 2009.**
 - 2) **The respondents are in terms of section 15(3)(c) jointly and severally fined an amount of R 10 000.00 which is suspended in total for a period of three years on condition that the respondents are not during the period of suspension again convicted of a contravention of section 15 of the Debt Collectors Act, 1998.**
 - 3) **In terms of section 15(3)(f) of the Act the respondents are jointly and severally ordered to make a calculation of the costs as reflected in charge 1 of the charge sheet to establish whether any of the costs have been recovered from Mr. Irvine and if so how much of this amount must be returned to Mr. Irvine. Proof of such calculation as well as the refund, if any, must be submitted to Adv Cornelius of the Council on or before 8 July 2009.**

ADV JJ NOETH SC
Chairman / Voorsitter

08/06/2009
Date / Datum