

**COUNCIL FOR DEBT COLLECTORS
COUNCIL IN TERMS OF ACT 114 OF 1998**

Saakno: 8/6COS001/09;

In the matter

COUNCIL FOR DEBT COLLECTORS THE COUNCIL

and

COLLECTION SOLUTIONS PTY LTD

As represented by JUDITH JUNEROSE

THOKOZANI MADAVO RESPONDENT

**NOTICE IN TERMS OF REGULATION 7(8)(a) OF THE REGULATIONS
RELATING TO DEBT COLLECTORS, 2003**

WHEREAS: the Council for Debt Collectors received a complaint from Mr. Van de Luytgaarden;

AND WHEREAS: the Respondent is a registered debt collector with registration number 0003671/03.

NOW THEN TAKE NOTICE THAT: The Council for Debt Collectors (hereinafter called the Council) as per decision of the Executive Committee of the Council, on 31 July 2009 decided to charge the Respondent with the following improper conduct:

CHARGE 1

That during January 2009 the Respondent acted in contravention of Paragraph 7(1), 7A and 7(2) of the Code of Conduct read with Section 15(1)(f) of the Act, in that by attempting to recover a vehicle from the complainant the debt collector refused to furnish any documentation and made use of a method or technique or procedure aimed at deliberately humiliating or threatening the person of the debtor in that: :

During January 2009 Mr. S. Masikili an employee of the Respondent visited the business premises of the complainant at 11 Lukin Street, Olifantshoek in order to repossess a vehicle in the control of the complainant.

That Mr. Masikili was accompanied by a member of the SAPS, and it was alleged members of the Scorpions

The complainant was intimidated to hand over the keys to the vehicle to your employee, which he did.

That despite requests your employee refused to furnish any documentation giving him the right to repossess the vehicle

TAKE FURTHER NOTICE THAT:

- a. In terms of Regulation 7(9) you **must within 14 days from service of this notice**, reply in writing to the charge as set out above, by either admitting or denying the charge. Should you admit guilt the Council will deal with the matter as set out in Section 15(3) of the Debt Collectors Act 114 of 1998.
- b. Provide the Council, together with the above mentioned notice, with a physical address where you will accept service of process and notices in this matter.
- c. That failure to respond as requested above will not prohibit the Council from continuing with the process as set out in Regulation 7.

INVESTIGATION IN TERMS OF SECTION 15(2), ACT 114 / 1998
ONDERSOEK i.g.v ARTIKEL 15(2), WET 114/ 1998

1. Held at **Pretoria** on **09/11/2009**

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

Collection Solutions (Pty) Ltd

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 Skuldin-vorderaar(s) verskyn

Adv. Meyer

6. Charge(s) / Klagte(s)

As per chargesheet annexed hereto /

Soos per klagstaat hierby aangeheg.

7. Plea / Pleit:

Guilty as charged.

8. The proceedings are recorded by mechanical means/

Die verrigtinge word meganies opgeneem

9. Finding/Bevinding:

Guilty as charged.

10. Sentence / Vonnis:

1. The Respondent is in terms of section 15(3)(e) of the Debt Collectors Act, 1998 ordered to pay the Council an amount of R 1 000.00 for the costs incurred by the Council in connection with the investigation. This amount must be paid on or before 30 November 2009.

2. In terms of section 15(3)(c) of the Act the Respondent is fined R 10 000.00 of which R 5 000.00 is suspended for a period of five years on condition that the Respondent is not convicted of a contravention of section 15 of the Act which was committed during the period of suspension. The R 5 000.00 must be paid on or before 30 November 2009.