

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

Inquiry Number: 8/6 DMSA 02/07

In the matter between:

**THE COUNCIL FOR DEBT COLLECTORS THE COUNCIL  
and**

**DMS ADMINISTRATORS (PTY) LTD 1ST RESPONDENT  
WILLEM JOHANNES VAN DER WAAL 2nd RESPONDENT  
NOTICE BY THE COUNCIL FOR DEBT COLLECTORS IN TERMS OF  
REGULATION**

**7(8)(a) OF THE REGULATIONS RELATING TO DEBT COLLECTORS, 2003**  
**WHEREAS** the First Respondent is a private company duly registered with the Registrar of Companies & Close Corporations on 10 November 1998 with registration number 1998/022284/07 and further duly registered with the Council for Debt Collectors on 11 August 2003 with registration number 0004275/03

**AND WHEREAS** the Second Respondent is a director of the First Respondent and Whose registration with the Council for Debt Collectors was approved on 29 August 2007 under registration number 0023619/07

**AND WHEREAS** allegations of improper conduct in terms of Section 15(2) read with Regulation 7(2) were submitted to the Council for Debt Collectors (herein after referred to as "the Council") by Hendrik Johannes Kaltwasser, Steven Zondani Macheve, MC Sequeira and Mohamed Adiel Ali Mohamed

**NOW THEN TAKE NOTICE THAT:**

Members of the Executive Committee of the Council on 24 March 2009 and 25 June 2009 resolved that charges of improper conduct, as indicated below, be preferred against the Respondents.

**TAKE FURTHER NOTICE THAT:**

In terms of Regulation 7(9) you must furnish the Council **within 14 days of service of this notice** with a written admission or denial of the charges. Upon admission of the charge/s, the Council shall deal with the matter as contemplated in Section 15(3) of the Act (Act 114 of 1998).

**CHARGE 1 (Kaltwasser)**

The Respondents are guilty of contravening Section 15(1)(g) read with Sections 1, 14, 15, 19(1) and 23 of the Debt Collectors Act (Act 114 of 1998) and further read with Regulations 1, 7, 8 and Annexure B, issued in terms of Regulation 11 of the Regulations Relating to Debt Collectors, 2003 and read further with Schedules 1, 2(2), 2(3), 7(1), 7A(a) and (c) of the Code of Conduct, published under Government Notice R. 663 on 16 May 2003.

IN THAT the Respondents, being debt collectors (as defined) and being vicariously liable for the conduct of the company, its directors and servants collected or attempted to collect an amount other than-

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- (a) the capital amount of a debt due and interest legally due and payable thereon for the period during which the capital amount remains unpaid; and
- (b) necessary expenses and fees prescribed by the Minister in the Gazette after consultation with the Council

in respect of the account of HJ Kaltwasser, by overcharging as indicated below :-

<b>Date</b>	<b>Item</b>	<b>Amount charged</b>	<b>Chargeable amount</b>
10 Feb 07	Phone call	R 37.05	R 12.60 (+vat)
10 Feb 07	Arrears letter January	R 84.36	R 12.60 (+reg+vnt)
10 Mar 07	Phone call	R 37.05	R 12.60 (+vat)
10 Mar07	Arrears letter February	R 84.36	R 12.60 (+reg+vnt)
10 Jul 07	Phone call	R 37.05	R12.60 (+vat)
10 Aug 07	Arrears letter January	R 84.36	R 12.60 (+reg+vnt)
31 Aug 07	Interest		R 9.00
10 Sep07	Final Demand August	R 245.10	R 12.60 (+reg+vnt)
31 Aug07	Interest		R 14.06
10 Oct07	DMS Arrears Recovery	R 590.00	R 133.04 (+vat)
10 Oct07	Hand over fee September	R 245.10	R 0.00
10 Oct 07	Deed search September	R 119.70	R 0.00
	<b>Total:</b>	<b>R 1 587.19</b>	<b>R 221.24</b>