

Tuesday, 28<sup>th</sup> November 2017

Mr John McKenzie  
Legal Services Commissioner  
Office of the Legal Services Commissioner  
Level 9, 75 Castlereagh Street  
Sydney NSW 2000

Dear Mr McKenzie

*Re: Terence Goldberg - fraud*

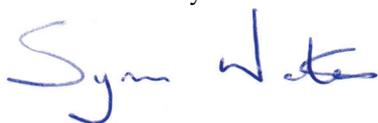
1. Given the large number of conflicting statements in various letters received from you which give the appearance of confusion on your part in relation to the conduct of Terence Goldberg of Turner Freeman Lawyers, let me explain the matter to you in a very brief summary.
2. In February 2009, the financial members of the Enmore Spiritualist Church Incorporated ("**the Church**"), at its annual general meeting, voted and resolved to name eight persons as committee members of the Church.
3. Those eight persons were Patricia Cleary, Caroline Allen, Matilda Vila, Miranda McCarthy (aka Mandy Miami), Wendy Hemington, Recy Kypri, Chorel Terelinck, and myself. Patricia Cleary retained her long-running position as president, however, lost her 25 year tenure as treasurer to Chorel Terelinck. I was voted in as the vice-president.
4. On inspection of the Church's finances, Chorel Terelinck, the new treasurer, discovered that certain anomalies existed. After much turmoil, this resulted in an audit of the Church's finances and it was discovered that over \$45,000.00 had been spent by Patricia Cleary in 'non-receipted expenditure' over the years of 2006, 2007 and 2008.
5. On closer inspection of the Church records, the finances for the years prior to 2006 showed a similar, if not identical, pattern of losses. Patricia Cleary refused to offer any explanation for her 'non-receipted expenditure'.
6. As you can imagine, the Church members became quite irate. Various meetings were held, with the culmination of a special general meeting of the financial members on

10<sup>th</sup> September 2009, and in which it was resolved to dismiss the entire committee. The members of the Church also resolved to remove Patricia Cleary as president of the Church.

7. The first four people as mentioned above in paragraph 3 of this letter (ie, Cleary, Allen, Vila and McCarthy), with Terence Goldberg as their legal representative, commenced proceedings in the Supreme Court of NSW with the main aim of declaring invalid the meeting of the members of the Church which took place on 10<sup>th</sup> September 2009.
8. The remaining committee members as mentioned in paragraph 3 above (Hemington, Kypri, Terelinck, and Waters) were named as the first to four defendants. Mr Norm Power, an ordinary member of the Church, was named as the fifth defendant.
9. As you are already aware, the Church itself was named as the sixth and last defendant. This naming of the Church as a defendant would have the effect of binding the Church into any decision made by the Court.
10. As you already know, the Church was an unrepresented party in the proceedings.
11. The said proceedings were heard before the Honourable Justice Bergin, then Chief Judge in Equity on 27<sup>th</sup> November 2009. Her Honour made one Order only, ie: *"Each party is to bear their own costs."*
12. The Church was not represented by Turner Freeman Lawyers and was therefore clearly and obviously not a client of Turner Freeman Lawyers.
13. If, as you have previously claimed, that Terence Goldberg acted for the Church and that the four plaintiffs brought about their action on behalf of the Church, the Church would have to have been a plaintiff in the matter.
14. On 23<sup>rd</sup> June 2010, Terence Goldberg, filed with the Supreme Court of NSW an Application for Assessment of Solicitor/Client Costs. In this document, Terence Goldberg makes the claim that he acted for the Church and that there were only five defendants in the proceedings. Both of these claims are false.
15. Despite the Church having been named as the sixth defendant in the aforementioned proceedings and clearly not being a client of Turner Freeman Lawyers, the Church was named as a Costs Respondent in the said Application for Assessment of Solicitor/Client Costs. This naming of the Church as a Costs Respondent is ostensibly fraudulent.
16. Having not been informed that the Church was in fact a defendant in the above proceedings, Assessor John Bartos, on 27<sup>th</sup> January 2011, issued a certificate of determination against the Church and Terence Goldberg's four clients in the amount of \$124,661.90.
17. On 15<sup>th</sup> February 2011, judgment was entered in the District Court of NSW in favour of Turner Freeman Lawyers and against Enmore Spiritualist Church Incorporated and Turner Freeman's four clients.

18. As you can see from the above, the matter is quite clear. Terence Goldberg misled the Court in order to create a debt which was not owed to his firm. For whatever reason, you consistently deny this to be case, despite the obviousness of the matter.
19. I also refer to and **attach** a copy of my letter to you of 27<sup>th</sup> October 2016. You have refused to provide any response to this letter. My letter to you of 27<sup>th</sup> October 2016 provided a copy of all Court documentation relating to the above, with that documentation providing unerring evidence that Terence Goldberg did not act for Enmore Spiritualist Church Incorporated.
20. Despite such, you stated again in correspondence of 7<sup>th</sup> August 2017 that Terence Goldberg acted for the Church in the said proceedings. That statement as made by you is false.
21. Also, you are aware that Terence Goldberg attended an unlawful meeting of creditors on 29<sup>th</sup> May 2014, despite Turner Freeman having been paid in full of the supposed debt owed to it on 20<sup>th</sup> December 2012. Terence Goldberg's attendance at such supposed meeting of creditors is clearly improper.
22. Terence Goldberg discussed the creation of a new entity at this unlawful meeting.
23. The remaining funds belonging to the Church have since made their way to the address of that new entity, which, coincidentally, is the given home address of two long-time acquaintances of Mr Goldberg.
24. Multiple frauds have clearly taken place and your office has taken every step necessary in attempting to cover up such. All the above has been personally made known to you on countless different occasions and your unfailing turning of a blind eye to such must be deliberate.
25. A copy of this letter shall be provided to the Independent Commission Against Corruption, and a copy of such shall also be placed in the public domain.
26. I look forward to your swift response.

Yours faithfully

A handwritten signature in blue ink that reads "Symn Waters". The signature is written in a cursive style with a large initial 'S' and a distinct 'W'.

Symn Waters