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THE OFFICE OF THE  
**LEGAL SERVICES COMMISSIONER**

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**Private and Confidential**

Mr Symn Waters  
20 Newman Street  
NEWTOWN NSW 2042

Our ref: 31300,  
33870, 35468, 37622 & 39497  
Contact: Jim Milne

2 June 2015

Dear Mr Waters

**Solicitor Misconduct**

I acknowledge receipt of your letters dated 11, 14, 19, 28 and 29 May 2015.

Your suggestion my predecessors, my staff and/or I have engaged in corrupt conduct is insulting, offensive and without any factual basis. We will, nevertheless, of course respond to any inquiries the Independent Commission Against Corruption may choose to make.

This Office has been patiently responding to correspondence from you in relation to the decision on review for over 2 years, much of it covering the same ground. For example, the then Commissioner first dealt with your allegation that Mr Goldberg made false statements in the Application for Assessment of Solicitor/Client Costs, and in dealing with the Costs Assessor, in his letters of 10 and 21 January 2013. As noted in the Commissioner's letter of 21 January 2013, the making of an untrue statement would only be a disciplinary matter if it could be shown either that Mr Goldberg knew the statement was untrue, or that he had no proper basis for making it. Yet you continue to use the words "untrue", "false" and "dishonest" interchangeably when referring to the statements. A false statement is not necessarily made dishonestly. The Commissioner was not, and I am not, satisfied there is sufficient evidence to persuade the Tribunal that Mr Goldberg acted other than on instructions in making the statements, or that he knew such statements were false, untrue or baseless at the time he made them.

It is clear you do not, and will never, accept this Office's analysis of the relevant facts and circumstances, nor the decision on review. As such, it seems futile to continue to correspond with you in relation to that decision. Correspondence received after the date of this letter will, accordingly, be filed without acknowledgement to you.

Yours sincerely

John McKenzie  
**Commissioner**