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## BOARD NOTICE

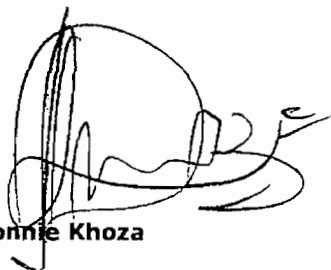
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### NOTICE 13 OF 2009

## **CONSTRUCTION INDUSTRY DEVELOPMENT BOARD**

### **THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 38 OF 2000**

The Construction Industry Development Board has in terms of Regulation 29 of the Construction Industry Development Regulations, 2004, (as amended), Regulations No 692 of 9 June 2004 (as amended) conducted hearings against the following contractors and is publishing the findings and sanctions imposed by the Investigations Committee:



**Ronnie Khoza**

**Chief Executive Officer: Construction Industry Development Board**

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Vince Homes CC - Johannesburg	113053	2004/015133/23	Guilty of requesting a CIDB employee to create fictitious financial statements and/or a fictitious track record as contemplated in regulation 11(2) of the CIDB regulations and that you paid the CIDB employee R10 000.00 to create the fictitious financial statements and/or fictitious financial track record, which you intended to use in your application to amend your category status to a higher grading designation on the CIDB register of contractors, in contravention of section 19(2) of the CIDB Act, No 28 of 2000, read with regulation 10(6)(a) of the CIDB regulations.

**Sanction imposed by CIDB Board**

Effective Date: 20 January 2009

The Board orders:

1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate:
  - Vince Homes CC (with registration 2004/015133/23 and CRS number 113053) and any other legal entity of which Mr MV Motimele (ID 630703 5659 088) and Mrs M Motimele are the **only** directors or members individually or together, as per the Registrar of Companies and Close Corporations' database, be **prohibited** to procure or attempt to procure any construction-related work falling within the ambit of the CIDB's mandate, for a period of **twelve (12) calendar months**, from the effective date of the sanction, **which is the date on which your attorney is notified of this sanction**, and
  - Vince Homes CC (with registration 2004/015133/23 and CRS number 113053) and any other legal entity of which Mr MV Motimele (ID 630703 5659 088) and Mrs M Motimele (ID 620423 0779 086) are the **only** directors or members individually or together, as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced or **was procured prior** to the effective date of this , sanction; and
2. That Vince Homes CC's grading designation of 6GBPE as per the CIDB register of contractors be downgraded to 3GBPE with immediate effect.
3. That, Vince Homes CC must pay a fine of R60 000.00 (sixty thousand rand) in no more than six instalments during the period of prohibition mentioned in **paragraphs 1 above**, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

Please note the following proviso set by the Board, pertaining to the period referred to in **paragraph 1** and the payment of the fine:

- That the periods of prohibition will continue to be effective beyond **twelve (12) calendar months** from the effective date of this sanction, in the event that Vince Homes CC fails to settle the full fine on or before the date that the period of **twelve (12) calendar months** lapses, in which case the prohibitions will remain effective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/ Corporation Registration Number	Nature of complaint
P E Construction – KwaZulu-Natal	131053	1988/017170/23	Guilty of paying a CIDB employee an amount of R5000.00 to assist with your application for registration on the CIDB register of contractors in contravention of section 19(2) of the CIDB Act, No 38 of 2000, read with regulation 10(6)(a) of the CIDB regulations and the code of conduct.
<b>Sanction imposed by CIDB Board</b>			
<p>Effective Date: 20 January 2009</p> <p>The Board orders:</p> <ol style="list-style-type: none"> <li>1. That PE Construction's (with CRS number 148898) grading designation of 7GBPE as per the CIDB register of contractors be cancelled and removed from the CIDB database with immediate effect, and</li> <li>3. That, PE Construction (CRS number 148898) or any other legal entity of which Mrs Jugraanee Bhika (ID 580509 0123 081) is a member or director as per the Registrar of Companies and Close Corporations' database, be barred from applying for registration on the CIDB register of contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations for a period of <b>twelve (12) calendar months</b>, which period will commence on the effective date of this sanction, which is the date upon which this notice is forwarded to your last known address per registered post, and</li> <li>4. That, PE Construction must pay a fine of R50 000.00 (fifty thousand rand) in no more than ten instalments during the period mentioned in <b>paragraphs 2 above</b>, in terms of sub-regulation 29(20)(e) of the CIDB regulations.</li> </ol> <p>Please note the following proviso set by the Board, pertaining to the period referred to in <b>paragraph 2</b> and the payment of the fine:</p> <ul style="list-style-type: none"> <li>▪ That the barring period will continue to be effective beyond <b>twelve (12) calendar months</b> from the effective date of this sanction, in the event that PE Construction fails to settle the full fine on or before the date that the period of <b>twelve (12) calendar months</b> lapses, in which case the barring period will remain effective until the fine has been paid in full.</li> </ul>			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Sebenzile Communications CC	148898	1998/041556/23	Guilty of presenting a SARS Tax Clearance Certificate that is not authentic, or not containing true, authentic information, with your application for registration on the CIDB's register of contractors, in contravention of section 19(2) of the CIDB Act, no 38 of 2000, read with Regulation 30(1)(a) of the CIDB Regulations.
<b>Sanction imposed by CIDB Board</b>			
<p>Effective Date: 20 January 2009</p> <p>The Board orders:</p> <ol style="list-style-type: none"> <li>1. That Sebenzile Communications CC (with registration number 1998/041556/23 and CRS number 148898 grading designation of 4CEPE as per the CIDB register of contractors be cancelled and removed from the CIDB database with immediate effect, and</li> <li>2. That, Sebenzile Communications CC (with registration number 1998/041556/23 and CRS number 148898) or any other legal entity of which Mr Dumisani Clement Xolo (ID 610416 5600 085) is a member or director as per the Registrar of Companies and Close Corporations' database, be barred from applying for registration on the CIDB register of contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations for a period of <b>sixty (60) calendar months</b>, which period will commence on the effective date of this sanction, which is the date upon which this notice is forwarded to your last known address per registered post, and</li> <li>3. That, Sebenzile Communication CC must pay a fine of R60 000.00 (sixty thousand rand) in no more than twelve instalments during the period mentioned in <b>paragraphs 2 above</b>, in terms of sub-regulation 29(20)(e) of the CIDB regulations.</li> </ol> <p>Please note the following proviso set by the Board, pertaining to the period referred to in <b>paragraph 2</b> and the payment of the fine:</p> <ul style="list-style-type: none"> <li>• That the barring period will continue to be effective beyond <b>sixty (60) calendar months</b> from the effective date of this sanction, in the event that Sebenzile communications CC fails to settle the full fine on or before the date that the period of <b>twelve (12) calendar months</b> lapses, in which case the barring period will remain effective until the fine has been paid in full.</li> </ul>			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Nchamobu Moakeweng Civil CC – Pretoria	Not registered	2002/033225/23	Guilty of presenting a forged CIDB certificate to Department of Public Transport, Roads and Work: Mogale City Local Municipality, in order to be awarded work from them, in contravention of section 18(2) of the CIDB Act, No 38 of 2000, and that you have attempted to carry out construction works or a portion thereof under a public sector contract, whilst not being a registered contractor of the Board.

**Sanction imposed by CIDB Board**

Effective Date: 20 January 2009

The Board orders:

1. That, Nchamobu Moakeweng Civil CC (with registration number 2002/033225/23) and any other legal entity of which Ms MC Marota (ID 610202 1152 085) and Ms B Marota (ID 860614 0638 087) are the only directors or members, as per the Registrar of Companies and Close Corporations' database, be barred from applying for registration on the register of contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations, for a period of **twenty four (24) calendar months**, which period will commence on the effective date of this sanction, which is the date on which this notice is forwarded via registered post to your last known postal address, and
2. That, Nchamobu Moakeweng Civil CC (with registration number 2002/033225/23) and any other legal entity of which Ms MC Marota (ID 610202 1152 085) and Ms B Marota (ID 860614 0638 087) are the only directors or members, as per the Registrar of Companies and Close Corporations' database, are prohibited to commence with, procure or attempt to procure any construction related work falling within the ambit of the CIDB's mandate, from the effective date and during the period referred to in **paragraph 1** above, and
3. That, Nchamobu Moakeweng civil CC must pay a fine of R25 000.00 (twenty five thousand rand) in no more than five instalments during the period of prohibition mentioned in **paragraphs 1 and 2 above**, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

Please note the following proviso set by the Board, pertaining to the period referred to in **paragraph 1 and 2** and the payment of the fine:



- That the periods of prohibition will continue to be effective beyond **twenty four (24) calendar months** from the effective date of this sanction, in the event that Anomp Investments CC fails to settle the full fine on or before the date that the period of **twenty four (24) calendar months** lapses, in which case the prohibitions will remain effective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Anomp Investments CC – Umtata	104456	1999/055025/23	Guilty of supplying the CIDB with financial statements as contemplated in regulation 11(2) of the CIDB regulations, containing inaccurate and/or false information in order to mislead the Board, and that you knowingly associated yourself with conduct of a CIDB employee, which was not conducive with the code of conduct, in that you did not behave transparently, honestly and you failed to discharge your duties with integrity during your application to amend your category status to a higher grading designation and different class of works on the CIDB register of contractors. Your action as aforementioned was in contravention of section 19(2) of the CIDB Act, No 38 of 2000, read with sub regulations 8(4) and 10(6)(a) of the CIDB regulations and the code of conduct.
<b>Sanction imposed by CIDB Board</b>			
<p>Effective Date: 20 January 2009</p> <p>The Board orders:</p> <ol style="list-style-type: none"> <li>1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate: <ul style="list-style-type: none"> <li>▪ Anomp Investments CC (with registration 1999/055025/23 and CRS number 104456) and any other legal entity of which Mr Andile Nontso (ID 650928 5075 085) is the <b>only</b> director or member, as per the Registrar of Companies and Close Corporations' database, be <b>prohibited</b> to procure or attempt to procure any construction-related work falling within the ambit of the CIDB's mandate, for a period of <b>twelve (12) calendar months</b>, from the effective date of the sanction, <b>which is the date on which you receive this notice</b>, and</li> <li>▪ Anomp Investments CC (with registration 1999/055025/23 and CRS number 104456) and any other legal entity of which Mr Andile Nontso (ID 650928 5075 085) is the <b>only</b> director or member, as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced or <b>was procured prior</b> to the effective date of this sanction; and</li> </ul> </li> </ol>			

2. That Anomp Investments CC (with registration number 1999/05502523 and CRS number 104456) and any other legal entity of which Mr Andile Nontso (ID 650928 5075 085) is the only director or member, as per the Registrar of Companies and Close Corporations' database, be barred from applying for an amendment of its grading designation on the CIDB register of contractors to a higher grading designation or a different class of construction works listed in Schedule 3 of the CIDB regulations, for a period of 12 (twelve) calendar months, which period will commence from the effective date of this sanction; and
3. That Anomp Investments CC's grading designation of 3GBPE as per the CIDB register of contractors be downgraded to 2GBPE with immediate effect, and
4. That Anomp Investments CC's grading designation of 2CEPE as per the CIDB register of contractors be cancelled and removed from the CIDB database with immediate effect, and
5. That, Anomp Investments CC must pay a fine of R50 000.00 (fifty thousand rand) in no more than five instalments during the period of prohibition mentioned in **paragraphs 1 and 2 above**, in terms of sub-regulation 29(20)(e) of the CIDB regulations.  
Please note the following proviso set by the Board, pertaining to the period referred to in **paragraph 1 and 2** and the payment of the fine:
  - That the periods of prohibition will continue to be effective beyond **twelve (12) calendar months** from the effective date of this sanction, in the event that Anomp Investments CC fails to settle the full fine on or before the date that the period of **twelve (12) calendar months** lapses, in which case the prohibitions will remain effective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Mahlodi Lerutla Business Enterprise CC - Mpudulle	103300	2000/022634/23	Guilty of presenting forged financial statements and/or false information to the CIDB in your application to amend your category status to a higher grading designation on the CIDB register of contractors, in contravention of section 19(2) of the CIDB Act, No 28 of 2000, read with regulation 10(6)(a) of the CIDB regulations.

**Sanction imposed by CIDB Board**

Effective Date: 20 January 2009

The Board orders:

1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate:
  - Mahlodi Lerutla Business Enterprise CC (with registration 2000/022634/23 and CRS number 103300) and any other legal entity of which Mr Karanyane Barnard Lerutla (ID 670919 5383 088) is the **only** director or member as per the Registrar of Companies and Close Corporations' database, be **prohibited** to procure or attempt to procure any construction-related work falling within the ambit of the CIDB's mandate, for a period of **twelve (12) calendar months**, from the effective date of the sanction, **which is the date on which your attorney is notified of this sanction**, and
  - Mahlodi Lerutla Business Enterprise CC (with registration 2000/022634/23 and CRS number 103300) and any other legal entity of which Mr Karanyane Barnard Lerutla (ID 670919 5383 088) is the only director or member as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced or **was procured prior** to the effective date of this , sanction; and
2. That Mahlodi Lerutla Business Enterprise CC's grading designation of 4CEPE as per the CIDB register of contractors be downgraded to 1 CEPE with immediate effect. Please take note of the Board's ruling that any future application to amend the category status (**after the prohibition period referred to in paragraph 3 below lapsed**) of Mahloni Lerutla Business Enterprise in accordance with paragraph 3 hereunder, should be considered by the CIDB with utmost caution, and
3. That, Mahlodi Lerutla Business Enterprise CC and any other legal entity of which Mr Karanyane Barnard Lerutla (ID 670919 5383 088) is the only director or member

as per the Registrar of Companies and Close Corporations' database, be barred from applying for an amendment of category status to a higher grading designation or registration in a different class of works on the registrar of contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations for a period of **twelve (12) calendar months**, which period will commence on the effective date of this sanction; and

4. That, Mahlodi Lerutla Business Enterprise CC must pay a fine of R30 000.00 (thirty thousand rand) in no more than three instalments during the periods of prohibition mentioned in **paragraphs 1 and 3 above**, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

Please note the following proviso set by the Board, pertaining to the periods referred to in **paragraph 1 and 3** and the payment of the fine:

- That the periods of prohibition will continue to be effective beyond **twelve (12) calendar months** from the effective date of this sanction, in the event that Mahlodi Lerutla Business Enterprise CC fails to settle the full fine on or before the date that the period of **twelve (12) calendar months** lapses, in which case the prohibitions will remain effective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Irwing 623 CC - Mthatha	111357	2002/010871/23	Guilty of presenting a forged CIDB registration certificate and a forged SARS Tax Clearance Certificate, containing inaccurate and/or false information to the CIDB in your application to amend your category status to a higher grading designation on the CIDB register of contractors, in contravention of section 19(2) of the CIDB Act, No 28 of 2000, read with regulation 10(6)(a) of the CIDB regulations.

**Sanction imposed by CIDB Board**

Effective Date: 20 January 2009

The Board orders:

1. That Irwing 623 CC (with registration number, 2002/010871 and CRS number 111357 ) and any other legal entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID number 570921 5206 088) are the only member or director, or any other entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID number 570921 5206 088) together are the only directors or members, as per the Registrar of Companies or Close Corporations database, be prohibited from applying for an amendment of its category status to a higher grading designation or registration in a different class of works on the register of contractors, as listed in Schedule 3 of the CIDB regulations, for a period of **twelve (12) calendar months**, which period will commence from the effective date of this sanction, which is the date on which you receive this notice; and
2. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate:
  - Irwing 623 CC and any other legal entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID 570921 5206 088) are the sole director or member or any other entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID number 570921 5206 088) together are the only directors or members, as per the Registrar of Companies and Close Corporations' database, are prohibited to procure or attempt to procure any construction-related work falling within the ambit of the CIDB's mandate, for a period of **twelve (12) calendar months**, which period will commence from the effective date of the sanction, and
  - Irwing 623 CC and any other legal entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID 570921 5206 088)

are the sole director or member or any other entity of which Mr Dumisani Boltina (ID number 631201 5490 082) and Mr Mfingwana Siyabonga (ID number 570921 5206 088) together are the only directors or members, as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced or was procured prior to the effective date of this sanction.

3. Irwing 623 CC must pay a fine of R15 000.00 in no more than five instalments during the period of prohibition referred to in **paragraphs 1 and 2** above, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

Please note the following proviso set by the Board, pertaining to the prohibition periods referred to in **paragraph 1 and 2** and the payment of the fine:

- That the mentioned periods of prohibition will continue to be effective beyond **twelve (12) calendar months**, from the effective date of this sanction in the event that Irwing 623 CC fails to settle the full fine on or before the date the period lapses, in which case the prohibitions will remain effective until the fine has been paid in full.

Notice of publication in terms of Construction Industry Development Board Regulation 29(21) of the findings and sanctions imposed by the Investigations Committee at regulatory hearings held in Pretoria.