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GENERAL NOTICE

NOTICE 227 OF 2009

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE IN TERMS OF SECTION 10(2)(b)(i) OF THE DEBT COLLECTORS ACT, 1998 (ACT NO. 114 OF 1998)

I, Mohamed Enver Surty, Minister of Justice and Constitutional Development, acting under section 10(2)(b)(i) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), hereby-

- (a) Publish the applications of M van den Ordel, W C Viljoen, S Lira and L S Moloi, as set out in the Schedule, in which they request to be exempted from the disqualification contemplated in section 10(1)(a)(i) of the said Act on the grounds that the circumstances relating to the commission of their offences were of such a nature that the relevant convictions should not disqualify them from exercising the occupation of debt collector; and
- (b) invite, within 21 days from the date of this publication, representations in respect of the applications to be lodged with the Director-General: Justice and Constitutional Development. Representations shall be marked for the attention of the Directorate: Legal Process and –
 - (i) if forwarded by post, be addressed to –
The Director-General: Justice and Constitutional Development
Private Bag X81
Pretoria
0001
 - (ii) if delivered by hand, be delivered at –
Room 226
2nd Floor
Pretmed Building
Pretorius Street
Pretoria

M E SURTY,
Minister of Justice and Constitutional Development

SCHEDULE
(See attached applications)

FORM 2
REGULATIONS RELATING TO DEBT COLLECTORS, 2002
APPLICATION FOR EXEMPTION

[Regulation 3 (1)]

I, **Martin van den Ordel** (full names and surname), a director trading as **Active Debt Services** (name of close corporation), hereby apply to be exempted from the disqualification contemplated in section 10 (1) (a) (i) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and in support of this application submit the following information:

1. Identity number or date of birth: **7408095092084**.
2. Nationality: **South African**.
3. Residential address: **64 Church Road, Walmer, Port Elizabeth**. Postal code: **6070**.
4. Telephone number: **(041) 581-2825**.
5. Postal address: **P.O. Box 6160, Walmer, Port Elizabeth**. Postal code: **6070**.
6. Work address: **214 Cape Road, Greenacres, Port Elizabeth**. Postal code: **6057**.
7. Telephone number: **(041) 373-0030**.
8. E-mail address: **mvdo@intekom.co.za**.
9. Cellular number: **082 324 0191**.
10. Fax number: **(041) 374-1735**.
11. Full particulars of offence(s) of which violence, dishonesty, extortion, or intimidation is an element, convicted of in the preceding 10 years:
Offence: **Fraud**.
Date convicted: **20 January 2005**.
Sentence: **Fined R6 000,00 or 18 months' imprisonment and a further 12 months' imprisonment conditionally suspended for 5 years**.
12. The above-mentioned conviction(s) should not be a disqualification for exercising the occupation of debt collector as the circumstances relating to the commission of the offence(s) were as follows:

An account was handed over to me from a furniture company for collection of an outstanding debt via garnishee order.

The Section 58 consent to judgement was completed and handed to my field worker to obtain the debtor's signature.

The arrangement with my field worker was that he would be paid a sum of monies for every signed Section 58 he returned to my office. He was also told to clearly explain to each debtor what they were signing; the instalment required each month and the total outstanding balance on the account.

The document in question was returned signed to my office and was checked by myself and then submitted to the court. The court in turn issued judgement and a garnishee order. These documents were then sent to the sheriff to be served on the employer of the said debtor.

At this stage my field worker was remunerated for his work done.

I then received a telephone call from the debtor in question informing me that she had not signed any documents. I explained to her that my field worker had assured me she had signed the documents but that I would suspend the garnishee order until such time as the matter had been fully investigated.

An Inspector from the Police Force then called at my offices to inform me that a charge of fraud was being laid against me by the debtor.

I was unable to locate my field worker and then gave an affidavit claiming I had no knowledge of the fraudulent signature.

My attorney advised me to plead guilty due to our inability to locate the field worker and in the hope that this would lighten my sentence.

It was certainly not my intention to defraud the debtor in question or any other debtor and my first action upon hearing from the debtor was to suspend the garnishee order. The debtor in question has never suffered any financial losses due to the above actions.

I sincerely hope that an exemption for disqualification would be kindly looked upon in light of the above facts.

FORM 2
REGULATIONS RELATING TO DEBT COLLECTORS, 2002
APPLICATION FOR EXEMPTION

[Regulation 3 (1)]

I, **Wietz Cornelius Viljoen** (full names and surname), *a director/member of/sole proprietor trading as — (name of *company/close corporation/business) hereby apply to be exempted from the disqualification contemplated in section 10 (1) (a) (i) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and in support of this application submit the following information:

1. Identity number or date of birth: **6606075044089**.
2. Nationality: **South African**.
3. Residential address: **801 Dockside, Buitengracht Street, Cape Town**. Postal code: **8000**.
4. Telephone number: —.
5. Postal address: **As per par. 3**. Postal code: —.
6. Work address: **Josdel Property No. 125 (Pty) Ltd, Unit 305, The Colosseum, 3 St. George's Mall, Cape Town**. Postal code: **8000**.
7. Telephone number: **(021) 425-1100**.
8. E-mail address: **wv.josdelp125@telkomsa.net/life@wietz.co.za**
9. Cellular number: **079 260 4410**.
10. Fax number: **086 688 7673**.
11. Full particulars of offence(s) of which violence, dishonesty, extortion, or intimidation is an element, convicted of in the preceding 10 years:
Offences: **3 counts of fraud**.
Date convicted: **14 June 2005**.
Sentence: **The counts were taken as one for the purpose of sentence and he was sentenced to R50 000,00 or 3 years' imprisonment and a further 7 years' imprisonment conditionally suspended for 5 years. He was also ordered to pay an amount of R426 191,60 as compensation.**
12. The above-mentioned conviction(s) should not be a disqualification for exercising the occupation of debt collector as the circumstances relating to the commission of the offence were as follows:

Between 1996 and 2005, I was practising as an attorney and conveyancer. During the said time I was attending to property transfers where fictitious buyers were involved. It was my responsibility as conveyancer to ensure the correct identity of buyers, in which instance I was grossly negligent.

I entered into a plea bargain with the National Prosecution Authority, Absa Bank and the Law Society and I was sentenced for fraud, forgery and uttering on 14 June 2005. With the plea bargain I accepted full responsibility for the circumstances surrounding the property transfers. I will only be in a position to re-apply for admittance as an attorney in June 2010.

The sentence has affected my life on all levels being: emotionally, socially, my credibility and financially. The effects (and regrets) of my actions will probably stay with me for the rest of my life. Apart from emotional and financial strain, it has reduced my chances of employment drastically.

For this reason, I am applying to the Minister for exemption in terms of section 10(2) (a) of the Debt Collectors Act, 1998, to enable me to obtain work as a debt collector. It will give me the opportunity to start re-building my life, self esteem, and re-establish myself in a career where I can utilise my legal background.

I have requested registration as an officer of a registered debt collection company and will act under supervision of one of the Directors, who is also my brother. I will not be handling any funds, but will only be required to negotiate terms with debtors, and in this regard will strictly adhere to the provisions as per the Debt Collectors Act, 114 of 1998.

I undertake further to always act within the prescribed code of conduct to ensure that I will not be found guilty of improper conduct as specified in clause 15 of the said Act.

Your consideration in this regard will be highly appreciated.

FORM 2
REGULATIONS RELATING TO DEBT COLLECTORS, 2002
APPLICATION FOR EXEMPTION

[Regulation 3 (1)]

I, **Stella Lira** (full names), a member of **In-quest Investigations** (name of *company/close corporation), hereby apply to be exempted from the disqualification contemplated in section 10 (1) (a) (i) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and in support of this application submit the following information:

1. Identity number or date of birth: **8009230279088**.
2. Nationality: **South African**.
3. Residential address: **1 Alistair Court, Claremont, Johannesburg**. Postal code: **2093**.
4. Telephone number: **(011) 673-5327**.
5. Postal address: **1 Alistair Court, Claremont, Johannesburg**. Postal code: **2093**.
6. Work address: **135 Wilson Street, Fairlands**. Postal code: **2170**.
7. Telephone number: **(011) 476-9229**.
8. E-mail address: **stella@in-quest.co.za**.
9. Cellular number: **076 901 4007**.
10. Fax number: **(P Geyer, Fax: 086 697 3055)**.
11. Full particulars of offence(s) of which violence, dishonesty, extortion, or intimidation is an element, convicted of in the preceding 10 years:
Offences: **Robbery, kidnapping**.
Date convicted: **3 December 2004**.
Sentences: **5 years' imprisonment on count 1 and 3 years' imprisonment conditionally suspended for 3 years on count 2**.
12. The above-mentioned conviction(s) should not be a disqualification for exercising the occupation of debt collector as the circumstances relating to the commission of the offence were as follows:

I Stella Lira with ID 8009230279088 residing at No 1 Alistair Court Lundeon Crescent Claremont hereby admit that I was arrested 8 years ago for assault and kidnapping.

It happen in August 2000.

Three friends come to fetch me to go clubbing but the vehicle they were fetching me with was hijacked. We got arrested on our way to the club and was charged for assault and kidnapping why I don't know because I was not present when the crime was committed and was under the influence of alcohol, but could not prove it as the guys didn't want to talk the truth. I was awaiting trail for 4 years and got sentence to 5 years correctional supervision. I had to serve 10 months of the sentence and the rest outside doing community service.

I have learned a hard lesson and will never forget it. I don't trust anybody and say no to crime. I hate crime and always speak to the youth about it that it does not pay and it is unhumanly to hurt another person in anyway. I regret is everyday of my life why did I get into the car that night.

But it did change my life for the better!! I don't drink anymore and don't hang out with friends anymore, and are very much responsible than before

This has effect my life negative and positive because I have a criminal record of a crime I did not commit, but it thought me to respect life in every aspect and to understand the danger of hanging out with the wrong people. And now I can teach people not to do crime because if effect our entire county.

FORM 2
REGULATIONS RELATING TO DEBT COLLECTORS, 2002
APPLICATION FOR EXEMPTION

[Regulation 3 (1)]

I, **Lebohang Sylvia Moloi** (full names), a member of **In-quest Investigations** (name of *company/close corporation) hereby apply to be exempted from the disqualification contemplated in section 10 (1) (a) (i) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and in support of this application submit the following information:

1. Identity number or date of birth: **8005010464080**.
2. Nationality: **South African**.
3. Residential address: **600 Sebezo Street, Rockville (Soweto)**. Postal code: **1818**.
4. Telephone number: **078 326 2302/(011) 476-9229**.
5. Postal address: **Same as residential address**. Postal code: **—**.
6. Work address: **135 Wilson Street, Fairlands**. Postal code: **2030**.
7. Telephone number: **083 735 3751**.
8. E-mail address: **in-quest@mweb.co.za/sylvia@in-quest.co.za**.
9. Cellular number: **078 326 2302**.
10. Fax number: **086 697 3055 (P. Geyer Fax No.)**.
11. Full particulars of offence(s) of which violence, dishonesty, extortion, or intimidation is an element, convicted of in the preceding 10 years:
 - Offences: **43 counts of fraud**.
 - Date convicted: **17 September 2003**.
 - Sentences: **60 days' imprisonment of which 30 days' imprisonment were conditionally suspended for 5 years on each of the 43 counts**.
12. The above-mentioned conviction(s) should not be a disqualification for exercising the occupation of debt collector as the circumstances relating to the commission of the offence were as follows:

This event took place in my working environment between me and my colleagues. I was still young, from high school to being a receptionist. My duties at that company were to attend to clients who needed driver's licenses, answering the phone and responsible for all the administration involved as it were a sole proprietor.

In my job I've met different people who were my colleagues and were older than me. I do know that I had my own family difficulties with finances. I was introduced into a "system" they used to make extra money for myself. I was influenced to do fraud and I went with their plan as I also needed extra money for my family. I was the breadwinner at home as well as a single mother who is looking after a family of six people.

The defrauding of my company and betraying my boss led me into prison. When I was sentenced, I felt a very deep pain because I had to go to a place where I was even unable to see my child, a place where your rights are restricted, a place where you don't have anyone to call your mother or father. I then realize that crime does not pay. I had to pay for what I've did. I had to endure the situation and the circumstances I had to go through.

I have learnt so many things and the fact that if I do not have something at that time I do not have it, if I can't afford something at that time I should leave it for a later stage. I have learnt that committing a crime especially with your employer could put anyone in a bad situation.

I went to prison and lost my job at the same time. I felt alone and all the people who were involved were no longer my friends. I have learnt that I need to be happy with what I have and for the time I have it for. A job is something that need to be respected as well as the people who gave you're the job or else I might find myself being unemployed for ever and ever suffer to support my family and my child. Life is tough there and does not with anyone to be there and pray to God to help me not to go to that place again.

I have been given a second chance and I really want to make the best out of it. I really want to make the best out of it. I want to build a career out of myself and be able to be strong and do what I want without the influence of others. I trust that committing a crime is a word that will not cross my mind ever again so help me God.
