

Wednesday, 20<sup>th</sup> December 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: *Complaint about Fiona Seaton - request for internal review***

I refer to the above and to your letter of 15<sup>th</sup> December 2017, which I received this day. I **attach** a duplicate of such for the benefit of those to whom this letter is copied.

I note the use of the word 'imputation' in your letter regarding the conclusion I was forced to reach in respect to improper handling of complaints by both your office and by the Law Society of NSW. 'Conclusion' or 'assumption' would be more suitable or appropriate words to use in the context of the matter.

***Fiona Seaton***

Let us firstly deal with my complaint about Fiona Seaton. As you well know, Fiona Seaton in a letter of 17<sup>th</sup> February 2017 to DG Thompson Lawyers, made several false statements and allegations about me and claimed, among other things, that I was a dangerous individual with a documented history of violence who had partaken in criminal activity as well as physically assaulting elderly women, and while also making improper financial benefit from an incorporated association.

Absolutely no evidence of the above claims was offered to the Law Society by Ms Seaton, nor indeed did the Law Society, despite my repeated requests, seek such documentation from Ms Seaton, which the Law Society is required to do.

During the ensuing 'investigation' by the Law Society regarding my complaint, evidence of fraudulent conduct on the part of Terence Goldberg came to the fore, which was once again duly ignored by both your office and by the Law Society of NSW.

As stated above, as well as in previous correspondences to you, proper procedures did not take place in relation to my complaint about Ms Seaton, with no real investigation being carried out with my complaints being summarily dismissed as 'misconceived or lacking in substance', when my complaints were anything but.

I also sought from your office evidence of the said documented history of violence or evidence of me being a 'dangerous individual', and yet none has been forthcoming.

In your letter received today, you state, regarding your refusal to carry out an internal review, "*My decision stands and the reasons for it are self explanatory*". Your reasons for such are not self-explanatory at all. I have never received a cogent explanation (or any explanation at all for that matter) for the dismissal of my complaints against Fiona Seaton. The fact remains that the Law Society dismissed my complaints without carrying out any form of investigation. That, quite clearly, requires an internal review by your office.

It could not be more obvious that your office and the Law Society of NSW have gone out of your respective ways to improperly dismiss my complaints. As we have previously seen, this is not isolated.

### *Terence Goldberg*

It has been repeatedly made known to you that Terence Goldberg of Turner Freeman Lawyers made dishonest statements in an Application for Assessment of Solicitor/Client Costs, which had the effect of creating a false debt against an incorporated association. Coincidentally, it is the same incorporated association as mentioned in Fiona Seaton's letter, as previously mentioned in this letter.

Your office has consistently made the claim that Terence Goldberg acted for both the four plaintiffs and the sixth defendant in the same proceedings, being Supreme Court proceedings 2009/00291458-001, knowing very well that such claim was false and also while such claim was unable to be true.

The Law Society and your office have repeatedly come up with straw man arguments and a long line of obfuscatory statements, which are clearly and obviously designed to confuse, bewilder, and complicate matters, when in fact the matter is simplicity in itself.

Given the Order as made by her Honour that each party is to pay their own costs, Terence Goldberg could only have sued Enmore Spiritualist Church Incorporated for his legal costs if the church had been his client.

Enmore Spiritualist Church Incorporated was the sixth defendant and an unrepresented party in those proceedings. Turner Freeman Lawyers acted for the four plaintiffs in the said proceedings.

If Enmore Spiritualist Church Incorporated had been Turner Freeman's client, it could not have been a defendant in such proceedings, nor could it have been an unrepresented party.

Enmore Spiritualist Church Incorporated was not, and could not have been, Turner Freeman's client. How much more simply can it be put?

Terence Goldberg's claim in the aforementioned Application for Assessment of Solicitor/Client Costs that he acted for Enmore Spiritualist Church Incorporated in the said proceedings is both false and fraudulent.

You know the above to be fraudulent, yet you have **never** sought of Terence Goldberg his reasons for making such false statements, yet in your letter of 2<sup>nd</sup> June 2015 you admit that such statements are false. In fact, in that letter, you state:

*"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."*

You are also aware of Terence Goldberg's other false statements in such Application for Assessment of Solicitor/Client Costs, such as claiming that her Honour had made 11 Orders when only one such Order had been made, and also Mr Goldberg's claim that there were only five defendants in the aforementioned proceedings, when in fact there were six.

Mr Goldberg's claim in such Application that there were only five defendants, of course, hides the fact from the assessor that Enmore Spiritualist Church Incorporated was the sixth defendant.

In your letter of 15<sup>th</sup> December 2017, you state that you will not be responding to *correspondence that seeks to reagitae complaints previously dealt with*. The issue at hand is, of course, and as can be plainly seen is that the said complaints were not dealt with; not properly anyway.

In previous letters to me, you have taken pains to repeatedly mention Mr Goldberg's commencement of APVO proceedings against me in the Local Court, Sydney. You have been provided with a transcript of those proceedings and you have knowingly denied that Terence Goldberg made perjurous statements in such proceedings, despite the fact that a number of Mr Goldberg's said statements are not only unable to be true, but are provably false.

A further complaint was made to your office regarding such, which you instantly dismissed claiming that I was attempting to reagitae previous complaints, knowing that your dismissal of such complaint was both improper and an abuse of your power as Commissioner.

Also, and which deserves mention, such transcript reveals that there was no reference whatsoever of any violent conduct on my part towards Mr Goldberg, nor even any threat of violence towards Mr Goldberg. Terence Goldberg brought such proceedings against me following complaints made to the NSW Police about Mr Goldberg's fraudulent conduct. I do not believe this to be any coincidence. Mr Goldberg did not repeat the allegations he

made against me in his application for a private APVO in the Court itself. Such speaks volumes.

It was also made known to you that Terence Goldberg attended an unlawful meeting of creditors at the offices of Jones Partners on 29<sup>th</sup> May 2014 when Turner Freeman was not a creditor of the association in question. Turner Freeman had been paid in full of the debt claimed on 20<sup>th</sup> December 2012, some 17 months previously.

You have, at no time, requested of Mr Goldberg the reasons for his improper and fraudulent attendance at this meeting of creditors.

You are also aware that in that meeting of creditors of 29<sup>th</sup> May 2014 that Terence Goldberg was the only attendee, which invalidates such meeting, with Mr Goldberg discussing the creation of a new entity.

You are aware that the remaining funds belonging to the association, which should be in the region of \$700,000, have made their way to the home address of two long-time acquaintances of Mr Goldberg, that is Mr Jon Adrian Lindsay and Ms Miranda McCarthy (aka Mandy Miami) at the address of 3/349 Bourke Street, Darlinghurst.

Such address is a one bedroom housing commission apartment and no entity exists at this address. Such entity is a sham entity and Mr Goldberg's actions are clearly deceitful. Such is constantly ignored by you and your office.

Further evidence of an unknown person having misled the Honourable Court by forging a Court stamp was made known to you, and yet, despite another member of your office seeking to investigate such, you shut down that complaint claiming that the evidence put before you was circumstantial and weak, and yet a simple telephone call to Waverley Local Court would have indeed made known to you that my complaint was clearly valid. Despite the ease of such, no person sought such validity.

There is a clear and obvious pattern of both your office and the Law Society improperly dismissing complaints. When such is raised with you, you attempt to menace using words such as 'imputation', which, of course, carries the inference of having been defamed. This is despite me stating quite clearly in all my letters that it was a conclusion I been forced to reach given the irregular behaviours I had repeatedly witnessed. On reading the above, such conclusion or assumption is very easy to reach.

Also, on reading all the above, what is clearer than anything else is your breathtaking audacity in claiming that no issues of misconduct exist, when those misconduct issues are as clear as crystal and are obvious to all sundry, as are the ensuing cover ups.

It is of note that I have always been truthful in my letters to you and your office, and yet the same is unable to be said of statements as made by you, with you having provided untrue statements on multiple occasions.

You continue to deny that misconduct issues have taken place despite overwhelming evidence of such, and with you being aware that all such evidence is being simultaneously provided to the Independent Commission Against Corruption. Your situation is clearly desperate.

Your office told a lie in the first instance by claiming that Terence Goldberg acted for the sixth defendant in the abovementioned Supreme Court proceedings when this was unable to be true. For whatever reason you continue to run with this lie, also knowing that such is unable to be true, and your carrying out of such must be deliberate.

I have put the specific question to you on a large number of occasions, seeking the basis for your claim that Terence Goldberg acted for both the four plaintiffs **and** the sixth defendant in the same Supreme Court proceedings, most specifically in my letter to you of 27<sup>th</sup> October 2016, and you refuse to answer this very simple and straightforward question, and you have so far refused to provide a response to such letter. I once more **attach** a copy of that piece of correspondence.

As demonstrated and substantiated on several occasions in numerous correspondences to you, Terence Goldberg acted for the four plaintiffs only in the proceedings in question.

It is, of course, of note that in your letter of 17<sup>th</sup> November 2017, you change your position and you state that Terence Goldberg acted for the individuals only in the matter, yet you have provided no reasons for such resilement, and you still have not sought of Mr Goldberg (despite such change in your position) as to why Mr Goldberg wrongly claimed to have acted for Enmore Spiritualist Church Incorporated as stated in an Application for Assessment of Solicitor/Client Costs, when such was patently untrue.

You state in your most recent letter that I allege that an inducement has been received. For the record, I have made no such allegation.

I allege with very good reason that the covering up of serious solicitor misconduct and solicitor fraud has taken place, and I explore reasons and possibilities for such wilful turning of a blind eye. There has to be an explanation, and none has been provided. In the absence of such, it is obvious that I am going to reach my own conclusions, and possibly the wrong conclusion, however, it is up to you to enlighten me, which you continually refuse to do.

The irony of the situation seems lost on you. Fiona Seaton makes unfounded allegations of a serious nature against me and you refuse to carry out an internal review into the wrongful dismissal of my complaints. You then incorrectly state that I make allegations of a serious nature and your letter to me carries an implied threat.

You and your office are out of control and the arbitrary nature of the dismissal of complaints as made to your office requires investigation by an outside authority.

We have recently seen how past misdemeanours have come to light regarding those who have behaved inappropriately, ie Harvey Weinstein, Don Burke, the Catholic Church, to name but a few. It is a clear display that inappropriate conduct does indeed 'catch up' with

the perpetrators of such. It may be something you wish to bear in mind as this matter is not simply 'going to go away'.

A fraud took place and must be rectified and no amount of denial is going to make it vanish. The question that does need answering though relates to your consistent denial of the fraud which took place, which is contrary to the facts.

I look forward to your response, which I expect to receive early in the coming new year and very shortly after your office reopens after the Christmas break.

As you have taken care to copy your letter of 15<sup>th</sup> December 2017 to the Law Society of NSW, a copy of this letter shall also be provided to the Society.

Also, a copy of this letter as well as your most recent letter to me shall be provided to the Independent Commission Against Corruption.

Yours faithfully

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

Symn Waters