

Our ref: PC/183

Your ref:

**PLEASE QUOTE OUR REFERENCE ON ALL CORRESPONDENCE**

10 June 2005

**Private & Confidential**  
Ms N Klosterkotter-Dit-Rawe  
Flat 3 Jefferson House  
11 Basil Street  
London  
SW3 1AX

See the page Royal Institution of Chartered Surveyors for the series of 'Get lost!' and ultimate GET LOST I received from the RICS following my complaint, incl. the last 2 sections for its attempt to gag me in 2008 = RICS IS A FERTILISER FOR MALPRACTICE

For subsequent events with MRJ see:

- Portner and Jaskel, incl my 3 June 2008 Witness Statement
- My Diary 13 July 2010 for the third MAJOR FRAUDULENT DEMAND 'from' MRJ

My 2 Feb 05 complaint is against Joan Hathaway, MRICS, and Barrie Martin, FRICS. While I also have a legitimate complaint against Brian Gale, MRICS, given the conduct of the RICS - I opted to not file one

Dear Ms Klosterkotter-Dit-Rawe

**Re: Your complaint against Martin Russell Jones and Brian Gale & Associates**

Thank you for your letter of 02 June 2005, the contents of which I note.

I would dispute most vehemently any suggestion that the RICS is not taking the matter seriously. Since you made us aware of your complaint, I have written to all members concerned on a number of occasions. Matters are proceeding, but I have had to chase for replies at times.

LIARS - like their members Joan Hathaway and Barrie Martin.

As you yourself stated in our telephone conversation, yours is not a straightforward matter. I have spent a number of days reviewing all your correspondence. This is to ensure that, if we are able to help, then we are in a position to fully understand your complaint and assimilate that to potential breaches of the Rules of Conduct.

Having reviewed your file, it does appear that in relation to a number of allegations that you have made that the appropriate arena is a court of law. When I say this, I am referring to your allegations of, amongst others money laundering and defamation. The RICS cannot take over the role of the Police or the courts. Should you decide to take this route with these allegations and there is a successful conviction, the RICS would then have the objective third party evidence required to place the matter before a Professional Conduct Panel (PCP).

And Andrew Ladsky's friends in the police and in the courts will also also ensure that no sanction is taken

Where you believe there has been a breach of your lease, which amounts to a breach of contract, this is again, a matter over which we do not have jurisdiction. If you wanted to pursue this matter through the courts and you were successful, again, this is something that we could look at.

I note your comments relating to the status of the Service Charge Residential Management Code (the Code). I personally do not disagree with your comments on why you cannot believe that it is not mandatory for all members. The RICS document Service Charge Residential Management Code is classified as a Guidance Note. The document is recommended to members as best practice but an RICS member is not, per se, in breach of RICS requirements if he does not comply with its recommendations.

I did not say that

The Management Code was approved by the Secretaries of State under the provisions of Section 87 of the Leasehold Reform, Housing and Urban Development Act 1993. I believe this is could be an explanation as to why the Code does not have the status of being a practice statement as the Secretaries of State approved it. It is therefore, outside of the

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control of the RICS. The Code can be used as a benchmark for disputes before, in effect, the Leasehold Valuation Tribunal (LVT). That Tribunal can, and will, as you are aware, consider allegations that a member has acted incorrectly by not following the recommendations of the Management Code. Any criticism of a member by the LVT will be considered on its merits by RICS to ascertain whether such criticism constitutes prima facie evidence of a breach of RICS regulations. It therefore follows, that the action of failing to follow the LVT determination is one that the RICS will look at.

I would also like to comment, that, without intending any criticism of the LVT, there might still be an outstanding issue over the 25.6% of the service charge that the LVT were unable to decide as to the reasonableness of it. The RICS does not have the standing to determine something that the LVT did not make a decision on nor can we compel the LVT to qualify a decision.

See London  
LVT  
Brian Gale

In terms of being able to comply with your request of a date by when you will hear of the RICS' determination by 16 June 2005, I am unable to do this. I will be pursuing your complaint as stated above, however, this could take some time. Should I deem the matter to have a sufficient weight of evidence to place it before the PCP for their consideration, I will inform you of this at the appropriate stage. In the mean time, I will contact you, when I have received replies from the members concerned for your comments.

I have written again to the members involved in your complaint to chase them for their comments and explanation on the aspects of the complaint that the RICS does have jurisdiction over. I will also be referring the matter to our Forensic Surveyor for his observations. Should I require any more information, I will revert to you.

If you have any queries, please do not hesitate to contact me on the telephone number below.

Yours sincerely



**Simon Love**  
**Conduct Manager (Complaints)**  
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