IN THE OFFICE OF THE OMBUD FOR FINANCIAL SERVICES PROVIDERS

PRETORIA

Case number: FAIS 02101/09-10/KZN/1

In the matter between:

MELANIE MARESCE WILLIAMS **COMPLAINANT**

and

SHEVGEM INVESTMENTS CC t/a RANDSURE BROKERS **1st Respondent**

JAMEY RANDALL **2nd Respondent**

DETERMINATION IN TERMS OF SECTION 28(1) OF THE FINANCIAL ADVIASORY AND INTERMEDIARY SERVICES ACT 37 OF 2001 ("THE FAIS ACT")

A. PARTIES

[1] The Complainant is Melanie Maresce Williams an adult female who resides in Dorpspruit, in KwaZulu-Natal.

[2] The Fist Respondent is Shevgem Investments CC, trading as Randsure Brokers, a closed corporation duly registered in terms of South African laws with its principal place of business situated at 1 Connor Road Chase Valley,

Pietermaritzburg. The First Respondent is an authorised financial services provider in terms of the FAIS Act with licence number 18857, represented by Jamey Randall (Randall), a member and key individual of the First Respondent.

[3] The Second Respondent is Jamey Randall, an adult male, and a key individual of the Fist Respondent, who shares the same address as the First Respondent.

[4] At all times material hereto, the second respondent rendered financial advice to the complainant's late father, Selwyn Ronald Smith, in his capacity as a representative and a key individual of the 1st respondent. In this determination, for the purposes of convenience, I refer to 1st and 2nd respondents as "the respondents".

Determination and its Reasons

[5] The facts of the present complaint are fully set out in the determinations of **Ethel Elouise Blessie v Shevgem Investments CC, FAIS No. 02202/09-10/KZN/1,** and in **Peggy Johanna Grantham v Shevgem Investments CC, FAIS No. 02201/09-10/KZN1**. For convenience, in what follows, I refer to these determinations simply as "the Blessie and Grantham determinations".

[6] The complainant was the daughter of the late Mr. Smith, and is the sister in-law of the second respondent.

[7] In all these matters, including the **Blessie Grantham's determinations**, the respondents rendered advice to Mr. Smith and the complainants, such as the present one, were recipients of debenture certificates alongside other beneficiaries of the late Mr Smith. I have already fully set out in the Grantham and Blessie determinations the facts and the basis of the respondents' liability.

[8] Accordingly, the facts as set out in the Blessie and Grantham determinations inevitably lead to the conclusion that the respondents failed to render financial services in accordance with the provisions of the FAIS Act. They are thus liable for the loss sustained by the complainant.

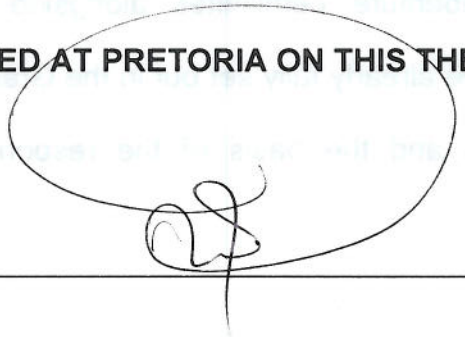
[9] For reasons already fully set out in the Blessie and Grantham determinations, I accordingly make the following order:

1. The complaint is upheld.
2. The first and second respondents are jointly and severally liable for the payment of the complainant's money.
3. The first and second respondents are jointly and severally liable, the one paying and the other one being absolved, and are ordered to pay to the complainant :

    3.1 The amount of R 100, 000.00

    3.2 Interest on the amount of R100, 000.00 at the rate of 15, 5% per annum from a date seven (7) days from date of this order to date of final payment.

DATED AT PRETORIA ON THIS THE 20th DAY OF AUGUST 2013.



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