

375 Proceedings for offences

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011,—

(a) a charging document may be filed at any time in respect of an offence against section 373(4); and

(b) the limitation period in respect of an offence specified in section 373(1) or (2), or section 374 of this Act ends on the date that is 3 years after the date on which the offence was committed.

(4) Nothing in sections 377 to 380 affects the liability of any person under any other Act, but no person shall be convicted of an offence against any of those sections and a provision of any other Act in respect of the same conduct.

1. Offence Section 83(5)(a) and section 373(1)

Offender: Muse on Allen

On the 14th day of April 2015, 8 May 2015, 19 May 2015, 8 June 2015 on request from shareholder Jozsef Gabor SZEKELY Failed to issue a statement which sets out his rights as to the class of shares held by the shareholder, the total number of shares of that class issued by the company, and the number of shares of that class held by the shareholder and his rights, privileges, conditions, and limitations, including restrictions on transfer, attaching to those shares and relationship of the shares held by the shareholder to other classes of shares

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 14th day of April 2015, 8 May 2015, he requested from the company directors for the company to provide him with the statement of rights as set out in section 83 of the companies act. The information was not provided.

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to supply the information . The request was again ignored.

To date the shareholder has not been provided with the information requested

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

2. Offence Section 83(5)(b) and section 374(1)

Offenders: Samuel Raymond NORTH, Malcolm Leslie NORTH

On the 14th day of April 2015, 8 May 2015, on request from shareholder Jozsef Gabor SZEKELY Failed to issue a statement which sets out his rights as to the class of shares held by the shareholder, the total number of shares of that class issued by the company, and the number of shares of that class

held by the shareholder and his rights, privileges, conditions, and limitations, including restrictions on transfer, attaching to those shares and relationship of the shares held by the shareholder to other classes of shares

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 14th day of April 2015, 8 May 2015, he requested from the company directors for the company to provide him with the statement of rights as set out in section 83 of the companies act. The information was not provided.

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to supply the information . The request was again ignored.

To date the shareholder has not been provided with the information requested

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

3. Offence Section 83(5)(b) and section 374(1)

Offender: Janine Ann CORKE

On the 18th day of May 2015, on request from shareholder Jozsef Gabor SZEKELY Failed to issue a statement which sets out his rights as to the class of shares held by the shareholder, the total number of shares of that class issued by the company, and the number of shares of that class held by the shareholder and his rights, privileges, conditions, and limitations, including restrictions on transfer, attaching to those shares and relationship of the shares held by the shareholder to other classes of shares

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 8 May 2015, he requested from the company directors for the company to provide him with the statement of rights as set out in section 83 of the companies act. The information was not provided.

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to supply the information . The request was again ignored.

To date the shareholder has not been provided with the information requested

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

4. Offence Section 84(6)(a) and section 373(1)

Offender: Muse on Allen

On the 19 December 2012, at Wellington did transfer shares in breach of section 84 (2) and (4) in that 21 shares belonging Jozsef Gabor SZEKELY were transferred to Samuel Raymond NORTH without a signed transfer form .

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records.

Evidence: Page 6 and page 90

5. Offence Section 84(6)(a) and section 373(1)

Offender: Muse on Allen

On the 24 February 2013, at Wellington did transfer shares in breach of section 84 (2) and (4) in that 49 shares belonging Jozsef Gabor SZEKELY were transferred to Samuel Raymond NORTH without a signed transfer form .

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records.

Evidence: Page 11 and page 90

6. Offence Section 84(6)(b) and section 374(1)

Offenders: Debbie Vivien NORTH, Samuel Raymond NORTH

On the 19 December 2012, at Wellington did transfer shares in breach of section 84 (2) and (4) in that 21 shares belonging Jozsef Gabor SZEKELY were transferred to Samuel Raymond NORTH without a signed transfer form .

Penalty : A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records.

Evidence: Page 6 and page 90

7. Offence Section 84(6)(b) and section 374(1)

Offender: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

On the 24 February 2013, at Wellington did transfer shares in breach of section 84 (2) and (4) in that 49 shares belonging Jozsef Gabor SZEKELY were transferred to Samuel Raymond NORTH without a signed transfer form .

Penalty: A person convicted of this offence is liable to a fine not exceeding \$5,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records.

Evidence: Page 11 and page 90

8. Offence Section 216(2)(a) and section 373(2)

Offender: Muse on Allen

On the 14th day of April 2015, 8 May 2015, 19 May 2015, 8 June 2015 on request from shareholder Jozsef Gabor SZEKELY Failed make records as described in section 216 of the companies act available for inspection by the shareholder as described in section 217 of the act

Penalty : A person convicted of this offence is liable to a fine not exceeding \$ 10,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 14th day of April 2015, 8 May 2015, he requested from the company directors the right of inspection as set out in section 216 of the act companies act. He was not granted access to the company records

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to provide him inspection rights, the request was again ignored.

To date the shareholder has not been given right of inspection under this section

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

9. Offence Section 216(2)(a)and section 374(2)

Offender: Samuel Raymond NORTH, Malcolm Leslie NORTH

On the 14th day of April 2015, 8 May 2015, on request from shareholder Jozsef Gabor SZEKELY Failed make records as described in section 216 of the companies act available for inspection by the shareholder as described in section 217 of the act

Penalty : A person convicted of this offence is liable to a fine not exceeding \$ 10,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 14th day of April 2015, 8 May 2015, he requested from the company directors the right of inspection as set out in section 216 of the act companies act. He was not granted access to the company records

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to provide him inspection rights, the request was again ignored.

To date the shareholder has not been given right of inspection under this section

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

10. Offence Section 216(2)(a)and section 374(2)

Offender: Janine Ann CORKE

On the 18th day of May 2015, on request from shareholder Jozsef Gabor SZEKELY Failed make records as described in section 216 of the companies act available for inspection by the shareholder as described in section 217 of the act

Penalty : A person convicted of this offence is liable to a fine not exceeding \$ 10,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited. He is acknowledged as a shareholder in court documents and in company accounts. His name has been removed from the on line companies register and his rights as a shareholder have been denied.

On the 14th day of April 2015, 8 May 2015, he requested from the company directors the right of inspection as set out in section 216 of the act companies act. He was not granted access to the company records

When counsel was appointed for the company the request was made again on 19 May 2015 and 8 June 2015 for the company to provide him inspection rights, the request was again ignored.

To date the shareholder has not been given right of inspection under this section

Evidence: page, 33, 37, 64, 68, 74, 90, 109, & pages 117 -121

11. Offence Section 90(2) and section 373(2)

Offenders: Debbie Vivien NORTH, Samuel Raymond NORTH

On the 19 December 2012,at Wellington failed to take reasonable steps to ensure that the share register is properly kept and that share transfers are promptly entered on it in accordance with section 84.

Penalty : A person convicted of this offence is liable to a fine not exceeding \$10,000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records.

Evidence: Page 6 and page 90

12. Offence Section 90(2) and section 373(2)

Offender: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

On the 24 February 2013,at Wellington failed to take reasonable steps to ensure that the share register is properly kept and that share transfers are promptly entered on it in accordance with section 84.

Penalty: A person convicted of this offence is liable to a fine not exceeding \$10000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records. This share transfer did not comply with the provisions of section 84 of the act .

Evidence: Page 11 and page 90

13. **Offences relating to company records**, as we have been denied access to the records we have not established if the following provisions have been breached.

- a. Section 87(4)(a) (which relates to the obligation to keep a share register):
- b. (Section 88(5)(a) (which relates to the place where the share register must be kept):
- c. Section 189(5)(a) (which relates to company records):
- d. Section 195(3)(b) (which relates to the place where accounting records must be kept):

14. Offence Section 214(10) and section 374(2)

Offender: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

On the 21 October 2013, at Wellington filed an annual return which failed to comply with schedule 4 as prescribed in that the major shareholder of the company as identified by the companies accounts was excluded from the annual report

Penalty: A person convicted of this offence is liable to a fine not exceeding \$10000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records. This share transfer did not comply with the provisions of section 84 of the act.

The directors admitted that his shares were removed in error but did nothing to correct the annual return there by breaching (h) and (i) of schedule 4 of the companies act 1993

Evidence: Page 6, 33, 37, 74 90 .

15. Offence Section 214(10) and section 374(2)

Offender: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

On the 09 October 2014, at Wellington filed an annual return which failed to comply with schedule 4 as prescribed in that the major shareholder of the company as identified by the companies accounts was excluded from the annual report

Penalty: A person convicted of this offence is liable to a fine not exceeding \$10000

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced to 49% and conflicted with the share capital which was actually recorded in the company records. This share transfer did not comply with the provisions of section 84 of the act.

The directors admitted that his shares were removed in error but did nothing to correct the annual return there by breaching (h) and (i) of schedule 4 of the companies act 1993

Evidence: Page 11 , 64, 68,74 109 .

16. Offence Section 377 and section 373(4) False statements

17. And/or 379 Falsification of records section 373(4)

Offender: Debbie Vivien NORTH,

On 21 October 2013 Wellington being a director muse on Allen limited made a report, namely the annual return that relates to the affairs of the company that was false in that it excluded a shareholder, knowing this to be false

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced over two transaction to 0% while still being shown on the company accounts as having equity in the company . The defendant Vivian North filed an annual report alleging that his share holdings were nil . The defendant was engaged in litigation in the High court at the time and acknowledged through her solicitor that the shareholder had been removed from the register in error

Evidence: page 33,37 ,90 ,109,122

18. Offence Section 377 and section 373(4) False statements

19. And/or 379 Falsification of records section 373(4)

Offender: Debbie Vivien NORTH,

On 09 October 2014 at Wellington being a director muse on Allen limited made a report, namely the annual return that relates to the affairs of the company that was false in that it excluded a shareholder, knowing this to be false

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced over two transaction to 0% while still being shown on the company accounts as having equity in the company . The defendant Vivian North filed an annual report alleging that his share holdings were nil. The defendant was engaged in litigation in the high

court at the time and acknowledged through her solicitor that the shareholder had been removed from the register in error .

Evidence: page 33,37 ,90 ,109,124

20. Offence Section 377 and section 373(4) False statements

21. And/or 379 Falsification of records section 373(4)

Offender: Samuel Raymond NORTH, Malcolm Leslie NORTH ,

On 21 October 2013 Wellington being a director muse on Allen limited authorises the making of a report, namely the annual return that relates to the affairs of the company that was false in that it excluded a shareholder, knowing this to be false

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced over two transaction to 0% while still being shown on the company accounts as having equity in the company . The defendants consented to the filing of an annual report alleging that his share holdings were nil . The defendants were engaged in litigation in the High court at the time and acknowledged through their solicitor that the shareholder had been removed from the register in error but made no attempts to correct the register.

Evidence: page 33,37 ,90 ,109,122

22. Offence Section 377 and section 373(4) False statements

23. And/or 379 Falsification of records section 373(4)

Offender: Samuel Raymond NORTH, Malcolm Leslie NORTH

On 09 October 2014 at Wellington being a director muse on Allen limited made a report, namely the annual return that relates to the affairs of the company that was false in that it excluded a shareholder, knowing this to be false

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

Jozsef Gabor SZEKELY is a majority shareholder of Muse on Allen Limited holding 70 % of the shares. His shareholding was reduced without his consent and without a signed share transfer form. His on line share holdings were reduced over two transaction to 0% while still being shown on the company accounts as having equity in the company . The defendants consented to the filing of an annual report alleging that his share holdings were nil . The defendants were engaged in litigation in the High court at the time and acknowledged through their solicitor that the shareholder had been removed from the register in error but made no attempts to correct the register.

Evidence: page 33,37 ,90 ,109,124

24. Offence Section 379(1)(b) Falsification of records and section 373(4)

Offender: Dianne Jones

On or about the 10th October 2013 at Wellington being an employee of muse on Allen limited with intent to deceive made a false entry in accounting records belonging to the muse on Allen in showing share equity of Jozsef Gabor SZEKELY but not recording him in the books as a shareholder , and recording Samuel North as 100% share holder

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

On 10 October 2013 the defendant Jones signed accounts for the Muse of Allen. She had prepared the share equity records and had recorded Jozsef Szekely as having contributed 64,118 and Samuel North as contributing \$5235 in the company as shareholders. Despite this she recorded the company as having only one share holder holding 100% of the shares and this person being Samuel North.

Evidence: pages 81 90

25. Offence Section 379(1)(b) Falsification of records and section 373(4)

Offender: Dianne Jones

On or about the 28th July 2014 at Wellington being an employee of Muse on Allen limited with intent to deceive made a false entry in accounting records belonging to the muse on Allen in showing share equity of Jozsef Gabor SZEKELY but not recording him in the books as a shareholder , and recording Samuel North as 100% share holder

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

On 28 July 2014 the defendant Jones signed accounts for the muse of Allen. She had prepared the share equity records and had recorded Jozsef Szekely as having contributed \$64,118 and Samuel North as having a deficit in share contributions of -\$6420 in the company as shareholders. Despite this she recorded the company as having only one share holder holding 100% of the shares and this person being Samuel North.

Evidence: pages 100 109

26. Offence Section 194(1)(a) Failing to keep accurate accounts and section 374(3)

Offenders: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

at Wellington Being the directors of the Muse on Allen limited failed to keep accurate accounts for the period 27 July 2012 to 31 March 2013 by consenting to a false entry in the accounting records

showing share equity of Jozsef Gabor SZEKELY but not recording him in the books as a shareholder instead falsely recording Samuel North as 100% share holder

Penalty: A person convicted of this offence is liable to a fine not exceeding \$50,000:

Summary of facts;

The defendants have accepted and used accounts prepared by their accountant which recorded Jozsef Szekely as having contributed share holdings of \$64,118 and Samuel North as contributing \$5235 in the company. Despite this the defendants accepted and used the accounts which showed Samuel North as being the holder holding 100% of the shares despite knowing that this was an error

Evidence: pages 33. 37 81 90

27. Offence Section 194(1)(a) Failing to keep accurate accounts and section 374(3)

Offenders: Samuel Raymond NORTH, Debbie Vivien NORTH, Malcolm Leslie NORTH

at Wellington being the directors of the Muse on Allen limited failed to keep accurate accounts for the period 1 April 2013 to 31 March 2014 by consenting to a false entry in the accounting records showing share equity of Jozsef Gabor SZEKELY but not recording him in the books as a shareholder instead falsely recording Samuel North as 100% shareholder despite having admitted to his being an error

Penalty: A person convicted of this offence is liable imprisonment to a fine not exceeding \$200,000:

Summary of facts;

The defendants have accepted and used accounts prepared by their accountant for the year ended 31 march 2014 which recorded Jozsef Szekely as having contributed share holdings of \$64,118 and Samuel North as having a deficit in share contributions of -\$6420 in the company . Despite this the defendants accepted and used the accounts which showed Samuel North as being the holder holding 100% of the shares despite admitting on 27 January 2014 to this as being an error

Evidence: pages 100 109 , 33, 37

28. Offence Section 380 (a) and section 373(4) Fraudulent use of company property

Offender: Samuel Raymond NORTH

Between 11 January 2013 and... at Wellington being a director muse on Allen limited fraudulently applied property of the company for his own use.

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

In 2012 Jozsef Gabor SZEKELY and the defendant were 70/30 shareholders of the muse on Allen. In two share transfers the defendant fraudulently acquired the shareholding of Jozsef Gabor SZEKELY and obtained control over the company by removing Jozsef Gabor SZEKELY as a director.

The defendant then claimed the company to be his own despite the accounts showing him to hold minority share contributions in 2013 and a deficit in share equity in 2014.

Although acknowledging the shareholding in court documents and attempting to hold SZEKELY responsible for the losses which had been incurred in the company while he was excluded from any rights in the company, the defendant used the company extensively for self-promotion, accolades and income.

While claiming that the company was insolvent the defendant acquired BMW X3 2007 Registration HYE837 through the company in February 2015 which he used for his own use.

Evidence: page 6,11 90 109 126-148 149-152

29. Offence Section 380(4) Carrying on business fraudulently and section 373(4) and section 72 of the crimes act 1961

Offender: Samuel Raymond NORTH, Malcolm Leslie NORTH, Janine Ann CORKE

From about 27 May 2015 being a director of Muse Of Allen Limited attempted to incur a debt while it was known to them that the company was insolvent and the director's failure to prevent the further debt was dishonest

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

Summary of facts;

On 27 May 2015 the directors of Muse on Allen engaged legal counsel to negotiate a settlement with Jozsef Gabor SZEKELY for the court proceedings CIV-2013-485-9825. The proceedings were stalled to facilitate settlement. A Low ball offer was made but was declined when Director Malcolm North advised that there were Liquidation proceedings for the company before the court and that the company was expected to be liquidated on 6 July 2015 .CIV 2015 485 4180 for a sum of about \$24,000 .

30. Offence Section 380 (4) (a) & (b) (i) Carrying on business fraudulently and section 373(4)

Offenders: Samuel Raymond NORTH, Malcolm Leslie NORTH

From 10 October 2014 being a director of Muse Of Allen Limited incurred debts while the company was known to them to be insolvent and at the time of incurring the further debts the director's failure prevent the debt was dishonest

Penalty: A person convicted of this offence is liable imprisonment for a term not exceeding 5 years or to a fine not exceeding \$200,000:

The end of year final accounts were provided by the accountant on 10 October 2014 , the accounts showed losses grossly in excess of share equity ,this was recognised by the directors by taking court action against the only paid up shareholder for the losses .

There is clear evidence that the company was insolvent from at least 31 March 2014 since that time the company has continued to trade and also purchased a 2007 BMW station wagon valued at about 26,000 in February 2015.