



McDonald
Vague

business recovery partners

The Media Counsel Limited (In Liquidation)

Liquidators' Fourteenth Report (for the period from 22 April 2016 to 21 October 2016)

McDonald Vague Limited

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1 INTRODUCTION AND APPOINTMENT

Boris van Delden and Iain McLennan, Insolvency Practitioners of Auckland, were appointed jointly and severally as liquidators of The Media Counsel Limited ("the company") on 22 April 2010.

Pursuant to Section 255(2)(d) of the Companies Act 1993 ("the Act"), the liquidators herewith report on the progress of the liquidation. This fourteenth report should be read in conjunction with the liquidators' previous reports. This report is being sent to all shareholders and all creditors who have filed a claim in the liquidation.

A Statement of Realisations and Distributions is **attached**.

2 RESTRICTIONS

This report has been prepared in accordance with section 255(2)(d) of the Act. Whilst all care and attention has been taken in compiling this report, we do not accept any liability whatsoever to any party as a result of the circulation, publication, reproduction or use of this report.

We reserve the right (but are under no obligation) to review and, if we consider necessary, revise this report in respect of any information existing at the date of this report which becomes known to us after that date.

3 CONDUCT OF THE LIQUIDATION

Asset Realisations

3.1 GST Refunds (to 31 December 2009)

The liquidators have concluded the process of assessing the true GST refund. We filed the GST return and received a refund.

3.2 Accounts Receivable (as at 31 December 2009)

Debtor collection is complete.

3.3 Furniture and Fittings

The furniture and fittings have been realised. There is still some computer hardware of doubtful value to sell in due course, however this has been retained to assist investigations.

3.4 Litigation in Progress

The liquidators have continued to assist the Serious Fraud Office (“SFO”) when required, including giving evidence in the proceedings that the SFO have taken against Glenda Wynyard.

4 INVESTIGATIONS

The liquidators have completed their investigations into the books, records and affairs of the company. The liquidators have concluded that the reason for the company’s failure lies solely with the director’s action of removing funds from the company to fund her lifestyle.

On 23 March 2015, Ms Wynyard appeared in the Auckland District Court and was found guilty of 11 out of 13 Crimes Act charges laid by the SFO.

The 11 charges on which Ms Wynyard was found guilty were as follows:

- One charge of causing loss by deception;
- Six charges of theft by person in a special relationship; and
- Four charges of dishonestly using a document.

The charges were in relation to approximately \$1.8 million of payments to media suppliers and client invoices. Ms Wynyard redirected payments that were due to her accredited agency, to repay a debt under an invoice factoring facility. Ms Wynyard was also convicted of presenting cheques she knew would not be honored, and for providing false and misleading information to the Print Media Accreditation Authority in order to gain accreditation.

Ms Wynyard was acquitted on one count of causing loss by deception and one count of theft by person in a special relationship.

Ms Wynyard reappeared for sentencing on Friday, 24 April 2015. At the end of that hearing she appealed the decision on the above 11 charges.

The appeal decision was handed down on 17 December 2015 and the appeal was upheld in relation to seven of the eight convictions that Ms Wynyard had appealed. Ms Wynyard remained convicted of four of the original convictions and was sentenced to a fine of \$10,000 on 8 April 2016.

In the meantime Ms Wynyard appears to be working for a marketing company in Australia.

5 CREDITORS’ CLAIMS

5.1 Secured Creditors

There are no secured creditors.

5.2 *Preferential Creditors*

Total preferential claims for wages or salary, holiday pay and redundancy amount to \$236,069.

The Inland Revenue Department advised that it has a preferential claim for \$44,883 in respect of PAYE and GST. Following an assessment of the likely cost of challenging the Inland Revenue Department's right to those funds, the liquidators decided the employee creditors would not receive any benefit from the action if taken. Consequently we record that the Inland Revenue Department has received a distribution for this amount.

5.3 *Unsecured Creditors*

As at the date of preparing this report 98 unsecured creditors' claims have been received which total \$2,216,297. In the interests of minimising liquidators' fees, the liquidators will not attend to the formality of accepting or rejecting creditors' claims until such time as they are in a position to pay a distribution, except where the assessment of creditors' claims will assist in advancing the liquidators investigations.

6 SHAREHOLDER'S CURRENT ACCOUNT

Glenda Wynyard was adjudicated bankrupt on 19 August 2010. She was discharged on 8 September 2013. The liquidators filed an unsecured creditors' claim with the Official Assignee but no dividend was paid.

The liquidators continue to monitor potential avenues against trusts and other parties that benefited directly from the funds advanced by the company.

7 WORK IN PROGRESS

The company also overstated the work in progress at the time of liquidation. No work in progress has been commenced or completed by the liquidator.

8 LIQUIDATORS' FEES

Liquidators' fees incurred to the date of this report are \$129,388 excluding GST. \$75,645 of that sum has been paid. The fees are based on 557 hours of work undertaken as follows:

Work Category	\$
Appointment functions	9,059
Creditors' claims, enquiries and reports	14,893
GST refunds and investigations	25,643
Other asset realisations	5,354
Investigations	44,665
Management and administration	14,617

Disbursements including legal fees	15,157
Total	<u>\$129,388</u>

9 FUNDS / LIKELY OUTCOME

Given the limited recovery options the liquidators do not anticipate paying any significant distribution to unsecured creditors.

10 MATTERS DELAYING THE COMPLETION OF THE LIQUIDATION

The following matters are outstanding:

- Realise remaining small value assets;
- Complete the various recovery actions.

11 ESTIMATED DATE OF COMPLETION

Based on the above the liquidators presently propose to complete all outstanding matters with a view to retiring as liquidators as soon as practicable.

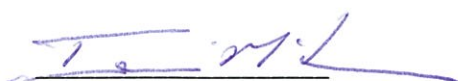
12 CONTACT DETAILS

Enquiries should be directed to Boris van Delden on DDI (09) 306 3342 or by email to bvandelden@mvp.co.nz.

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IAIN McLENNAN
LIQUIDATOR

DATED this 7th day of March 2017

Realisations and Distributions

The Media Counsel Limited (In Liquidation) 22 April 2010 to 21 October 2016

Realisations	Cash Received \$
Advance from McDonald Vague	90
Debtors Recovered	30,306
Interest Received	1,026
Sundry Income	43
Pre liquidation GST Refund	93,914
Sale of Business	2,548
Total Realisations	\$127,927
Payments	
Liquidators Fees	
Liquidators Fees	75,645
Disbursements	6,243
Total Liquidators Fees	\$81,888
Other Costs of Liquidation and Trading On	
Bank Fees	161
Legal Fees	525
Repairs & Maintenance	150
Residents Withholding Tax	320
Total Costs of Liquidation and Trading On	\$1,156
Distribution	
Inland Revenue Department - by way of set off	44,883
Total Distributions to Unsecured Creditors	\$44,883
Total Payments	\$127,926
BALANCE HELD	\$1

Note: the above figures are GST exclusive