

MEDIA RELEASE

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The National Consumer Tribunal finds Mr. Clark Gardner, a director of Summit Financial Partners (Pty) Ltd, guilty of contravening the National Credit Act and his conditions of registration as a debt counsellor

The National Consumer Tribunal (“Tribunal”) has found Mr. Clark Gardner (“Mr. Gardner”), a director of Summit Financial Partners (Pty) Ltd, guilty of contravening the National Credit Act 34 of 2005 (“the Act”) and his conditions of registration as a debt counsellor.

This follows an investigation of complaints against Mr. Gardner by the National Credit Regulator (“NCR”) related to his activities as a debt counsellor. The Tribunal found Mr. Gardner guilty of contraventions related, amongst others, to –

- (a) failing to –
 - (i) make determinations whether consumers are over-indebted;
 - (ii) inform consumers of the consequences of applying for debt review;
 - (iii) update the records of consumers relating to debt review;
 - (iv) notify credit providers and credit bureaus that consumers have applied for debt review; and
 - (v) perform debt counselling functions personally.
- (b) over-charging of fees to consumers who applied for debt review; and receiving payments from consumers who applied for debt review at the commencement of the debt review process;
- (c) using misleading and deceptive advertisements offering debt repayment reductions of up to 50% and free debt counselling services when his services were not free.

The Tribunal imposed an administrative fine of R500 000.00 on Mr. Gardner.

Furthermore, the Tribunal ordered Mr. Gardner to appoint an independent auditor to audit his consumer files dating back 3 years in order to identify, amongst others, consumers who were overcharged fees by him. The auditors’ report must be given to the NCR once completed, and Mr. Gardner will refund consumers identified by the auditors as having been overcharged.

Ends

About The National Credit Regulator

The National Credit Regulator (NCR) was established in terms of the National Credit Act 34 of 2005 (the Act) and is responsible for the regulation of the South African credit industry. The NCR is mandated with the registration of Credit Providers, Credit Bureaus, Debt Counsellors, Payment Distribution Agents, and Alternative Dispute Resolution Agents; and monitoring their conduct in compliance with the National Credit Act as amended. The National Credit Regulator offers education and protection to consumers of credit in promotion of a South African credit market that is fair, transparent, accessible and dynamic.

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