

4 April 2017

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By email: hello@pr4thepl.com

Dear Mr Ozturk

REG DOMINGO

Sonja Freeman of our firm has emailed you in relation to resolving the dispute between you and Mr Reg Domingo but in your communications to ACON since Friday 31 March 2017, you have asked specific questions relating to Mr Domingo which we respond to on behalf of Mr Domingo below (using your questions as headers).

- 1 **Why has ACON kept advertising with Evo Media despite being well aware of their corrupt and / or negligent business practices since 2013 when they launched a phoenix scam? I understand ACON did substantially drop its spend with Evo Media from about \$300,000 per year, but that it has continued to give large sums every month, including \$10,000 for the content marketing page 'Check Up'. Please see the below links to refresh your minds back to 2013:**
<https://www.crikey.com.au/2013/03/06/top-gay-publisher-in-crisis-claims-of-unpaid-super-unfair-dismissal/> /<https://www.crikey.com.au/2013/03/21/top-gay-publisher-on-life-support-as-ato-chases-cash/>
<https://mumbrella.com.au/liquidator-appointed-for-gay-publisher-152912>
- 1.1. Reg Domingo rejects the suggestion that he was a party to corruption or corporate misconduct. He was not an officer of Evo Media and was solely responsible for editorial and creative decisions with respect to the content of SX Magazine, Gay News Network and samesame.com.au.

- 2 Is ACON aware that is has been giving large amounts of money (largely from taxpayers via the government) for numerous years to an organisation to carry its advertisements in its print magazines, despite those magazines hardly ever being distributed or actually even printed? Sales staff have confirmed that at most only 1,000-2,000 SX magazines were ever printed in a week, rather than the 9,000 - 10,000 claimed to advertisers. This modus operandi was repeated for every other print title Evo Media owns, and sometimes no magazines were printed at all for the last four years. I personally warned ACON about this in 2013. Why is ACON paying money for advertising if hardly anybody ever sees the advertisements because the media organisation is wilfully not printing magazines, and thus not keeping its side of the bargain and hence engaging in business fraud? Is this an acceptable situation for ACON? Does ACON feel duped?**
- 2.1 Reg Domingo was not responsible for circulation, printing or distribution of any magazines. He did not have dealings with printers relating to print numbers or distributors relating to distribution outlets.
- 3 Does ACON not care about the many LGBTIQ employees who have been horribly treated by Evo Media director Mark Anthony, all the while giving Evo Media credibility they don't deserve by ACON announcing partnerships with Evo Media such as for the Honour Awards? Is ACON comfortable knowing that Evo Media employees are owed about \$500,000 or more in superannuation and all their attempts to claim it have been rebuffed by Evo Media?**
- 3.1 Reg Domingo himself is owed significant superannuation entitlements relating to his employment at Evo Media.
- 4 Is ACON aware that Mark Anthony has been illegally acting as company director of Evo Media against ASIC regulations? I note he made an appearance at the most recent Honour Awards.**
- 4.1 This question does not relate to Reg Domingo.
- 5 Is ACON aware that Mark Anthony recently sold a house for \$6 million and still refuses to pay his employees (both current and former) what they are legally owed in superannuation and entitlements?**
- 5.1 This question does not relate to Reg Domingo.

6 I note that Reg Domingo has been hired as ACON's new media and marketing manager recently after eight years with Evo Media in a senior management role. Did ACON do due diligence of Mr Domingo's knowledge of the corrupt practices at Evo Media? Again, it beggars belief that ACON is not aware of Mr Domingo turning a blind eye to the years of mistreatment of employees as well as being well aware that Evo Media consistently does not print or distribute its magazines. Will Mr Domingo continue to funnel public money to Evo Media in his new role despite being owed \$30,000 or so in superannuation himself from Evo Media? I have documentary evidence showing that Mr Domingo was owed \$13,000 in superannuation back in 2013 and hasn't been paid what he is owed since either for the last four years. I also understand that Mark Anthony has stopped responding to Mr Domingo's calls or emails.

6.1 This question alleges that Reg Domingo is corrupt and its contents disclose personal information about Mr Domingo that should not be disclosed. Further, Mr Domingo denies any criminal or civil liability and was not an officer of Evo Media.

6.2 Reg Domingo was responsible for the editorial and creative direction of content for various publications and, while he was a victim of mistreatment himself, he championed the rights of employees, raised employees' concerns with Director Dean Bell and has even made his own report to the Australian Taxation Office. He spoke to Mark Anthony on many occasions about these matters.

6.3 On several occasions, Mr Domingo had conversations with Mark Anthony about forgoing his own salary so that junior employees had priority. This happened on three occasions. Mr Domingo was advised that cash flow was "tight" on those occasions.

7 Is ACON worried about Mr Domingo being a party to a potential crime as he was well aware that Mark Anthony was acting illegally as company director of Evo Media. There are emails in my possession from Mark Anthony to Mr Domingo where Mark Anthony signs off as "company director". Does this not make Mr Domingo a party to a potential crime? As a journalist and senior employee of Evo Media in a senior management until recently, can Mr Domingo say he has acted ethically and responsibly? Did Mr Domingo make any official reports about misconduct to either ASIC or the ATO? If not, why not?

7.1 Mr Domingo has made a report to the Australian Taxation Office regarding conduct by Evo Media. Simply being a recipient of an email that purports to suggest that Mr Anthony is a company director does not make Mr Domingo complicit in criminal conduct. Indeed, should the evidence support a case that the perpetrator of any crimes or civil misconduct is Mr Anthony himself, then he should be the subject of your questions.

7.2 Mr Domingo never drafted, composed or authored Mark Anthony's email correspondence and never held himself out as being an agent of Mark Anthony.

- 8 Is ACON concerned that Mr Domingo was aware of consistent underpayment of staff wages as well as consistent late payments of wages but did nothing to protect or stand up for his staff? I have emails in my possession from a number of employees with Mr Domingo CCed in as well as Mark Anthony where staff are desperate to be paid (in February of this year) as they are going to be forced to default on their home mortgage because of severe and consistent underpayment and late payment of wages? Other employees detail severe mental stress and ill health caused by the actions of Evo Media in not paying them for months at a time. Did Mr Domingo not have any empathy for the difficult situation of so many of his staff? Again, consistent underpayment of staff wages and wages being paid late was a common feature in 2012 and 2013 prior to Evo Media's first phoenix scam, a time at which Mr Domingo was also editorial director.**
- 8.1 Mr Domingo championed the rights of workers and raised his concerns about delayed payment of salaries and entitlements on multiple occasions. He has made a report to the Australian Taxation Office himself and on occasion he asked Mark Anthony and Dean Bell to prioritise junior employees above Mr Domingo.
- 9 Can Reg Domingo provide an answer as to why he felt the need to spread malicious and defamatory lies about the only employee who acted ethically in 2013 when Evo Media (then known as Evolution Publishing) committed their first phoenix scam and were stealing employees superannuation? I have been informed Mr Domingo claimed that this employee (myself) was "bitter", a "troublemaker", "abusing people" and doing "illegal things" and that's why I was fired in 2013. I am also aware that Mr Domingo said similar defamatory and untrue things about me to organisations such as ACON. The truth of the matter is I had actually given my notice to quit a week before I was unfairly dismissed in 2013 for speaking up regarding the fraudulent behaviour taking place as I told Mr Domingo that I wanted no part in a phoenix scam or criminality or advertising scams. Will Mr Domingo provide an apology for these false claims he made to other employees and other organisations? Many of current and recent employees now believe Mr Domingo was never acting in their best interests and may in fact have been party to a number of fraudulent and criminal activities while Editorial Director at Evo Media. Will Mr Domingo apologise to all the employees he let down as Editorial Director at Evo Media, where he was essentially second-in-charge to Mark Anthony?**
- 9.1 Mr Domingo denies ever having engaged in publishing defamatory remarks about yourself and has offered to resolve your dispute with him on amicable terms.
- 10 Does ACON believe with the above knowledge it has about Mr Domingo's seeming lack of ethics that he is a suitable person to be in charge of spending government-derived money and representing the LGBTIQ community in a high-profile role?**
- 10.1 The suggestion that Mr Domingo is unethical is unhelpful and erroneous. He did everything within his power to support the junior staff at Evo Media and he has suffered detriment like many.

11 Is ACON afraid that some of its business practices may not be best-standard? What due diligence is performed on potential advertising and promotional partners? Is this not a worry for an organisation that depends on being propped up by taxpayers money? Is ACON worried about political fallout because of its seeming lax attitudes when it comes to spending funds which largely derives from NSW taxpayers and grants?

11.1 This question does not relate to Mr Domingo.

12 Is ACON aware that Evo Media was kicked out of its offices on 140 William Street in December 2016 for not being able to pay the rent, and then in February of this year was kicked out of its new offices on 130 Bourke Street after only a few weeks there, again for similar reasons?

12.1 This question does not relate to Mr Domingo.

13 Is ACON aware that Evo Media employees are being forced to work from home, and some of them have not been able to do their work because Evo Media has not been paying their wages either on time, or in full? I note that one employee recently had his home electricity connection cut off as Evo Media had not paid its employees their wages and he had no money to pay his bills. Other employees are close to defaulting on their mortgage and can't afford to pay for their children's needs.

13.1 This question does not relate to Mr Domingo.

14 Is ACON aware that Junkee Media is trying to regain its LGBTIQ title, www.SameSame.com.au after Evo Media failed to pay the instalments of the purchase sale (the total fee was \$80,000-\$100,000) after buying it in September 2015? Mr Domingo can provide more details about this if you are unaware.

14.1 This question does not relate to Mr Domingo.

15 Having the above knowledge in front of you once again, just like in 2013, will ACON continue to advertise or engage in a business relationship with Evo Media, or individuals such as Mark Anthony and / or Dean Bell who has been acting as the 'official' company director of Evo Media all the while Mark Anthony is illegally running the actual business?

15.1 This question does not relate to Mr Domingo.

16 Will ACON publicly call on Evo Media to pay all the superannuation and entitlements staff are owed? ACON positions itself as a bureaucracy charged as looking after the best interests of the LGBTIQ community, so does ACON feel it has a duty to speak up for the employees of Evo Media, 90% or more whom are LGBTIQ?

16.1 This question does not relate to Mr Domingo.

17 Does the LGBTIQ community and the many LGBTIQ employees who worked at Evo Media not deserve better from its so-called leaders and organisations such as ACON who have provided a cloak of respectability for the likely criminals who operate Evo Media? (not paying super is a federal crime, acting as company director against ASIC regulations is a crime). Again, I have documentary evidence as well as the testimony of many recent and current employees so I do not use the terms criminals and crime lightly.

17.1 Mr Domingo rejects any suggestion that he is a criminal or engaged in criminal conduct of any kind.

18 Exactly how much money or funds has ACON given to Evolution Publishing and then Evo Media in total over the last 10 years? My calculations put it in the millions. As you are a government funded body, I would imagine your record-keeping on this would be quite good.

18.1 This question does not relate to Mr Domingo.

19 Will CEO Nicolas Parkhill take responsibility for continuing to involve ACON in Evo Media's corporate shenanigans despite being warned in writing in 2013 about advertising fraud, circulation rorts, non-payment of superannuation and consistent non-payment of fortnightly wages? If Reg Domingo is afraid of holding his job, should Mr Parkhill also not have some questions to answer, considering he is the CEO and the "buck should stop" with him so to speak and he has been fully aware of what was possibly occurring at Evo Media for four years at the very least? Will Mr Parkhill resign over this scandal which the likes of ACON have helped enable?

19.1 This question does not relate to Mr Domingo.

20 I am also aware that senior ACON employees were just recently made aware (last month or so) of what was going on at Evo Media by its former national sale manager, Chris Neal, and yet ACON have seemingly still done nothing... Has ACON ever reported its concerns about Evo Media to regulators or to the government or other appropriate authorities?

20.1 This question does not relate to Mr Domingo.

Yours faithfully
DOWSON TURCO LAWYERS



Minh Huynh | Lawyer