



EXHIBIT JJ 1

**BRENT ADRIAN
SIMONS**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193

Tel: (010) 214 to 0651

Email: inquiries@sastatecapture.org.za

Website: www.sastatecapture.org.za

INDEX: EXHIBIT JJ 1

Description	Pages
Affidavit of Brent Adrian Simons	01 to 13
Annexure "BAS01"	14 to 17
Annexure "BAS02"	18 to 20
Annexure "BAS03"	21 to 22
Annexure "BAS04"	23 to 42
Annexure "BAS05"	43 to 44
Annexure "BAS06"	45 to 57

SWORN AFFIDAVIT

I, the undersigned,

BRENT ADRIAN SIMONS

do hereby state under oath:

1. The facts deposed to herein are true and correct and are, save where the context indicates otherwise, within my personal knowledge.
2. This affidavit is submitted for purposes of providing evidence to the Commission of Inquiry into State Capture ("**the Commission**").

History of employment in the public sector

3. I have worked in Public Service for some 18 years. My history of employment with the South African Government is as follows:
 - 3.1. Prior to joining the Public Service in early 2000, I worked as the Western Cape spokesperson for the African National Congress.
 - 3.2. Between the period 2000 and 2005, I was employed as a Director: Media Liaison at the National Department of Provincial and Local Government under Minister Sydney Mufamadi.
 - 3.3. I then took up a post in the Western Cape as a Deputy Director in the Government Communications and Information System Department ("**GCIS**"). This was under the Director General ("**DG**") of GCIS, Mr Themba Maseko ("**Mr Maseko**").
 - 3.4. In 2010, Mr Maseko created a post as Chief Director: Training and Development, which I applied for. Mr Maseko was removed from GCIS in early 2011 (under circumstances dealt with below) and after various delays, towards the end of 2011, I was appointed to the post under the subsequent



12.m

DG, Mr Jimmy Manyi, who replaced Mr Maseko (an aspect also dealt with by me below).

- 3.5. In December 2013, I received a call informing me that Minister Collins Chabane ("**Minister Chabane**") wanted me to join him at the Office of the Presidency. During January 2014, I was seconded to the Office of the Minister in the Presidency and worked directly under Minister Chabane as a Chief Director.
- 3.6. After the elections and in around May or June 2014, Minister Chabane was transferred to the Department of Public Service and Administration ("**DPSA**") and at his request, I accompanied him to the DPSA. I remained working under Minister Chabane at the DPSA until his death in March 2015.
- 3.7. I subsequently worked under Minister Nathi Mthethwa, who was appointed as the Acting Minister of the DPSA, after Minister Chabane's death.
- 3.8. I resigned from the DPSA in January 2018 and took up a position as Parliament's Unit Manager: Information and Content Development.

Prior Submission

4. In 2017, I submitted an affidavit to the Secretary of Parliament and the Speaker of the National Assembly to refute the previous President, Mr Jacob Zuma's ("**Mr Zuma**") denial that he had used his position to secure government contracts for his family members.
5. I am a member of the African National Congress ("**ANC**") and the affidavit submitted by me in 2017 was submitted both in my capacity as a member of the ANC and pursuant to my legislative duty, as a public servant, to report corruption and nepotism.
6. In this respect, it is pointed out that the 2016 Public Service Regulations direct public servants to *"immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which*

is prejudicial to the interest of the public, which comes to his or her attention during the course of his or her employment in the public service."

7. As was stated by me in my submission to Parliament, I felt that *"I [could] no longer remain silent while the leader of our political party, who is also the serving President of our country, continues with his public lies in parliament!"*

Attempts to have Government contracts awarded to Mr Zuma's family members

8. On 14 March 2014, at the launch of the Solomon Mahlangu Scholarship Fund by the President in Sandton, I personally witnessed Mr Zuma introducing Mr Mqondisi Zuma ("**Mr Mqondisi**"), to Minister Chabane. That the introduction took place on this date is confirmed by the email sent between Government Departments and copied to me, dated 13 March 2014, which states:

"Minister [referring to Minister Chabane] is scheduled to address the GCIS Gauteng Post – SONA Youth Dialogue at Westcol campus in Randfontein tomorrow.

According to our Spokesperson, Minister will invite the audience to engage with him there-after. (Minister will join this event later than scheduled due to his attendance at the Launch of the Solomon Mahlangu Scholarship Fund in Sandton by the President)..."

A copy of this email is attached hereto as **Annexure "BAS 1"**.

9. I was standing next to Minister Chabane when this introduction took place. At the time, Mr Mqondisi was standing together with a group of people, who appeared to be business associates of Mr Mqondisi. Mr Zuma told Minister Chabane that Mqondisi was a member of his family and asked Minister Chabane to *"please assist"* Mr Mqondisi and his associates in furthering their various businesses with government. Both the Minister and I understood this instruction to mean that Minister Chabane should introduce Mr Mqondisi and his associates to the relevant government departments that they wished to do business with and assist them in securing contracts with those departments.



10. Two of the other individuals standing with Mr Mqondisi, who I later came to know were Mqondisi's business associates, were Mr Busa Zuma, who Mr Mqondisi referred to as his "*brother*," and Mr James Zwane.
11. Mqondisi is a young man who referred to Mr Khulubuse Zuma (Mr Jacob Zuma's nephew) as his "*father*", but I am not able to confirm whether this was in fact the case, or whether he simply regarded him as a father. I can, however, state that during the subsequent months following our introduction, I became 'friends' with Mr Mqondisi on the social chat network, 'Facebook,' and on this network I saw various pictures of Mr Mqondisi and Mr Busa Zuma together with Mr Khulubuse Zuma. I, thus, believe that both Mr Mqondisi and Mr Busa Zuma were part of Mr Jacob Zuma's family.
12. Following the introduction, Minister Chabane directed Mr Mqondisi and his business associates to me, informing them that I would be their main point of contact with him (Minister Chabane).
13. My instruction from Minister Chabane was to introduce Mr Mqondisi and his business associates to various government officials in the departments with which they wished to do business. This I was told was a perfunctory exercise, but we had to be seen to be assisting Zuma's family in their attempts to secure government contracts for their various businesses and thus, complying with the wishes of the President. However, Minister Chabane also gave me a clear instruction to "*keep them away from the Ministry*".
14. Pursuant to these instructions, I referred Mr Mqondisi and his business associates to various government officials and also attended various meetings with Mr Mqondisi to determine what it was that they needed. The details hereof are contained within this affidavit further below. At the same time, I kept Mr Mqondisi and his business associates away from the Ministry as instructed by Minister Chabane.
15. From my meetings with Mr Mqondisi and his associates, it became clear to me that their objective was to secure funds and contracts from the National Youth Development Agency ("*NYDA*"), GCIS and the DPSA.



Z. M.

16. The deals they were interested in related to:

- 16.1. GCIS advertising contracts and the purchasing (by GCIS) of their Public Information Terminals;
- 16.2. Obtaining a single service provider contract to supply airtime and cellular phone deals to the DPSA and all other government departments;
- 16.3. A multi-million rand advertising contract with GEMS (the Government medical aid scheme); and
- 16.4. Various NYDA contracts. The NYDA is a South African youth development agency, which was reporting to the Minister in the Presidency at the time.

17. Mr Mqondisi and his business associates sought to secure these contracts through a company named 'Wintelligent' as well as through other companies that are unknown to me. I was aware that at the time, Wintelligent had a R36 million lawsuit against the NYDA which was reported in a Times Live news article published on their website in 2011 as follows:

"Youth body sued for R36m - 13 March 2011

Two young entrepreneurs have slapped the National Youth Development Agency with a R36-million lawsuit after it allegedly reneged on an agreement to fund their Howzit project. Samuel Tsolo, 27, and James Zwane, 25, the owners of software company Wintelligent Technology, filed papers in the Johannesburg High Court yesterday. By late yesterday afternoon, the sheriff of the court had served summons on the NYDA. Its chairman, Andile Lungisa, who is also the deputy president of the ANC Youth League, declined to comment. - Times Live website"

18. Mr Mqondisi wanted the Office of the Presidency to assist in resolving the dispute between Wintelligent and the NYDA, but Minister Chabane was not interested in becoming involved.



19. However, following upon the introduction by Mr Zuma, Mr Chabane did address a letter dated 24 March 2014 to Mr James Zwane of Wintelligent Technology wherein he stated that the Ministry of the Presidency supported its 'Howzit' technology. 'Howzit' was the name of a project pursued through Wintelligent Technology, which Mr Mqondisi was proposing should be used by Government Departments. The letter states:

"Our recent engagement and discussion at the Launch of the Mahlangu Scholarship Fund refers...Thank you for your presentation on "HOWZIT"...In this regard we support the efforts of the Wintelligent Technology..."

20. This letter was sent to me via email on 26 March 2014 from Mr Ntshakga Mokgawa, from the Ministry of Performance Monitoring and Evaluation at the Presidency. It was then forwarded by me to Mr Mqondisi and Mr Zwane. A copy of the email and letter is attached hereto as **Annexure "BAS 2"**.
21. Following upon this, Mr Mqondisi addressed an email to me on 02 April 2014, copied to Mr Zwane and Mr Archie Zondo from Wintelligent, requesting a meeting to discuss the Howzit project and their other business projects, stating that:

"We would kindly request to meet with yourselves on 4 April 2014 at Michelangelo Towers, Parc Ferme restaurant from 10am to discuss:

- 1. Howzit and Connect2.gov project*
- 2. and other Digital solutions..."*

A copy of this email is attached hereto as **Annexure "BAS 3"**.

22. After this meeting, Mr Zwane addressed an email dated 07 April 2014 to me and copied to Mr Mqondisi, titled 'Wintelligent Technology: Howzit Project', attaching a business proposal titled '*Business of Wintelligent Technology CC*'. Mr Zwane wished me to facilitate a meeting with Donald Liphoko, who was the Acting CEO of GCIS at the time, in order "*to get Letter of support for howzit*". A copy of the email and business proposal is attached hereto as **Annexure "BAS 4"**.



Z.m

23. On 08 April 2014, Mr Mqondisi addressed a further email to me, which was copied to Mr Zwane and Mr Busa Zuma, requesting that I facilitate a meeting between him and his business associates and the decision makers at the Independent Communications Authority of South Africa ("ICASA") (whom Mqondisi introduced as his brother) to discuss their application for a licence required by them for their "advertising on voice call concept", 'adcall' which states:

"Dear Brent,

There is something we forgot to mention on Friday during our meeting. We had a chat with the minister regarding our application for an Icasa license for the advertising on voice call concept, "adcall". The minister was willing to assist us secure a meeting with decision makers at Icasa who could help us fast track the application. we also wanted to negotiate more favorable rates as we will be giving calls for free to the public.

Can you assist us in securing a meeting with them? ...

Regards Mqondisi"

A copy of this email is attached hereto as **Annexure "BAS 5"**.

24. Apart from this, I had several meetings with Mr Mqondisi and his business associates detailed below. Unfortunately, I no longer have the electronic diary in my possession from whence I obtained the dates of these meetings.

- 24.1. On 29 May 2014, I attended a meeting at Sandton with Mr Mqondisi and Mr Busa Zuma. Mr Mqondisi informed me that he wished to:

- 24.1.1. secure a contract with GCIS to place one-stop Public Information Terminal machines at all Thusong Service Centres throughout the country; (Thusong Service Centres are the one-stop service delivery centres for Government Departments); and
- 24.1.2. secure advertising space for advertisements by Government Departments on these terminals.

[Signature]
2.m

25. On 30 September 2014 and 06 October 2014, I attended meetings with Mr Mqondisi, Mr Zwane and several other business associates of theirs to discuss *"the concept of offering discounted cell phone packages to government employees"*. The objective of this proposal was to make them the major service provider for cell phone and airtime contracts within National Government.
26. The group wanted to pursue this venture utilising a Zuma family linked youth Empowerment Company in which Mr Mqondisi had an interest. I am not aware of the name of the empowerment company.
27. I also recall that on one occasion in 2014, on a date I cannot now recall, I met a female official from GEMS in Pretoria. I cannot recall this official's name, but I recall that she was from the communications department within GEMS. The purpose of the meeting was to provide her with a proposal given to me by Mr Mqondisi to enter into a communications contract with GEMS to the value of approximately R300 million.
28. I remember that the official became very nervous as she sensed that it would be required of her that she sanction the proposed contract in view of Mr Mqondisi's association with the then President. However, I reassured her that she was not obliged to award a contract to the proposers, as Minister Chabane only wanted it to be seen that we were facilitating contact between the proposers and Government Departments.
29. Ultimately, despite these introductions, to my knowledge, no government contracts were awarded to Mr Mqondisi and his business associates or any of his associated companies. I believe this to be as Mr Chabane was prepared to facilitate the introductions but refused to use his weight to secure contracts with the various government departments that Mr Mqondisi and his associates wished to do business with.
30. Needless to say, this did not please Mr Mqondisi or his business associates and they believed that this was because I had refused them access to Minister Chabane.

Threats involving Khulubuse Zuma

31. Mr Mqondisi directly threatened to inform the then president, Mr Zuma, and Mr Khulubuse Zuma about what he termed my *"delaying tactics"*.
32. I also received verbal threats that I was going to 'be dealt with'. Mr Mqondisi would say words along the lines of *"Khulubuse is becoming impatient; don't let him come to a meeting and deal with you"*.
33. On one occasion, towards the latter part of Minister Chabane's tenure at the Ministry of the Presidency, Mr Mqondisi phoned me and asked to meet. I informed him that I was on the way to the Johannesburg Oliver Tambo International Airport and asked him to meet me at a coffee shop near the International Departures section, which he subsequently did. At the meeting, Mr Mqondisi informed me that Mr Khulubuse Zuma wanted to meet Minister Chabane to determine what progress had been made on the possible contracts to be awarded to them. When I stated that the Minister was not available and that we were travelling to South Sudan and Nairobi in Kenya, Mr Mqondisi informed me that Mr Khulubuse Zuma would *"sjambok me"* as a result of the lack of progress.
34. On the trip following the meeting held with Mr Mqondisi at the coffee shop at OR Tambo airport, Minister Chabane and I arrived one evening at the Intercontinental Hotel in Nairobi where we were staying, to find Mr Khulubuse Zuma waiting for Minister Chabane at the Hotel.
35. Whilst travelling in Kenya, Minister Chabane always stayed at the same Intercontinental Hotel, whilst in Nairobi, which must have been known to the Zuma family. Minister Chabane refused to meet with Mr Khulubuse Zuma.
36. I cannot recall the exact date of this occurrence. However, it was on one of the last trips I went on with Minister Chabane, before he passed away in March 2015.

The removal of Themba Maseko

37. During my tenure with Minister Chabane, I grew to respect him as he fundamentally believed that government was responsible for the betterment of

all South Africans. He was a very gregarious person by nature. We became very close friends and he would often confide in me.

38. During our trips together, Minister Chabane would often visit me at the Hotels where I stayed or drive in the vehicle with me. On occasion, he instructed his police escorts to either drive ahead or behind us as he drove with me from Beaufort West to Cape Town.
39. One of the things that Minister Chabane confided in me about was the removal of Mr Themba Maseko from GCIS on the instructions of the then President, Mr Zuma.
40. I was in Australia with Minister Chabane at the time when he received a telephone call to say that the Public Protector was going to release a report on the Nkandla investigation (the investigation that had been in the press into the expenses/ upgrades to Mr Zuma's home at Nkandla).
41. Minister Chabane penned a short response on behalf of Mr Zuma advising that the President would not respond to the report in detail and that, if the Public Protector recommended that certain Ministers be reprimanded, the Presidency would comply and reprimand them.
42. Minister Chabane also informed Mr Zuma that if there was any amount recommended to be paid back by him (Mr Zuma), he would raise funds to enable him to do so. This note was typed on the response to Mr Zuma on his statement to be issued, placed in brackets and clearly marked "not for publication".
43. However, we then received the subsequent statement issued by the Presidency and GCIS, where we noted that Mr Zuma had failed to heed Mr Chabane's advice as to how to respond to the report from the Public Protector, and instead responded with an attack on the Public Protector.
44. When this occurred, and whilst still in Australia, Minister Chabane was visibly upset and told me that he was becoming concerned that the country and ANC were moving in the wrong direction. He then told me that when Themba Maseko was the DG in GCIS, the department was being well managed. However, he had

been personally phoned by the former president, Mr Zuma, and instructed to remove Mr Maseko from his position and replace him with Mr Jimmy Manyi ("Mr Manyi").

45. The Minister told me that he did not want Mr Manyi as the DG at GCIS because of the problems caused by him at the Department of Labour after it had been publicised that Mr Manyi had attempted to secure contracts for his private company.
46. Minister Chabane told me that he tried to persuade the President to reconsider, but he refused and he was forced to remove Mr Maseko.
47. Although this was prior to my appointment in the office of Mr Chabane, I understand that as a result of the President's instruction, Mr Maseko was transferred to the DPSA in early 2011.
48. Director Generals of Government Departments are employed on 5-year contracts and when Mr Manyi replaced Mr Maseko, he was still within his 5-year contract. When this term ended, in around October / November 2013, Minister Chabane refused to renew or extend his term. The Minister informed us of this decision at a special GCIS Management Committee meeting.
49. Minister Chabane informed me personally that Mr Zuma was very angry with him over his refusal to extend/ renew the contract of Mr Manyi.
50. Shortly before the April 2014 elections, I drafted a letter for Minister Chabane for the attention of the President informing him that Mr Manyi was to be removed from the Media Development and Diversity Agency Board as he was occupying a position reserved for a GCIS representative, whilst he no longer worked for GCIS.
51. DG's are usually appointed after interviews by a panel comprising of Ministers and other officials, where-after a memorandum is sent through by DPSA recommending the candidate to Cabinet who then either supports/ approves or rejects the proposed appointment.

Z.m

52. The DPSA has put in place guidelines regarding the appointments of DG's and Deputy Director General's ("DDG") requiring that candidates need to have a certain amount of years' experience and qualifications before they could be appointed.
53. However, as ultimately, the decision is made by Cabinet, the appointments are political and on occasion the DPSA guidelines and recommendations are overruled. An example of this is what happened with the appointment of Minister Steve Tshwete's son, Mr Mayihlome Tshwete ("**Mr Mayihlome**")
54. Mr Mayihlome followed Minister Gigaba when he went to the Department of Home Affairs and Minister Gigaba wanted to appoint him as the DDG of Communications in that Department. The DPSA, however, did not support his appointment, as he did not have the required experience and qualifications for the post. We at the DPSA submitted a memorandum to Cabinet to this effect indicating that he did not qualify to be appointed;
55. After the Cabinet meeting to discuss Mr Mayihlome's appointment, Minister Chabane informed me that the submitted memorandum had been overruled and Mr Mayihlome was subsequently appointed.

Threatened disciplinary charges against me

56. On a Sunday in or around June 2015, I sent an open Facebook post to a friend which questioned why Mr Zuma, as the President of our country, was at the centre of most cases involving corruption in South Africa.
57. The message was then circulated and on the Monday, I was called in by a visibly upset Minister Nathi Mthetwa, who accused me of undermining the President.
58. I was then posted to an office with no responsibilities where I remained for 8 to 9 months doing nothing; I was informed that no DPSA DDG wanted to work with me, as a result of my treasonous actions.
59. I was told that disciplinary steps were going to be taken against me and was informed that there was a draft charge sheet circulating within DPSA and a person in the Department of Public Enterprises under Minister Lynn Brown was



Z. M.


working on the charge sheet. A copy of this charge sheet was leaked to the Media and I managed to obtain a copy, which is attached hereto as **Annexure "BAS 6"**.

60. I engaged the services of a firm of attorneys and was informed that the charge sheet was defective as it stated that my 'employer' was the President of the Republic of South Africa. Reference was also made to the African National Congress when I was being charged as a public servant.
61. The charge sheet also refers to my derogatory comments regarding King Goodwill Zwelithini, after he made comments referring to immigrants as 'cockroaches' and inciting xenophobia.
62. I was, however, never formally charged for these alleged offences and returned to work at the DPSA until I resigned in January 2018.

I know and understand the contents of this declaration.


I have no objection to taking the prescribed oath.

I consider the oath binding on my conscience.

 9/8/19
Brent Adrian Simons

I hereby certify that the deponent has acknowledged that he knows and understand the contents of this affidavit, which was sworn to before me and signed in my presence in the Western Cape on this 09 day of August 2019 at Hermsburg




Full Name: Z. MTHINI
Address: 61 MAIN ROAD
HERMSBURG

Annexure BAS01



----- Forwarded message -----

From: **Mike Louw** <Mike@po.gov.za>

Date: Thu, 13 Mar 2014, 16:20

Subject: FW: Programme for Post SoNA Dialogue.doc

To: Sean Phillips (Sean@po-dpme.gov.za) <Sean@po-dpme.gov.za>

Cc: Caroline Mangwane <Caroline@po-dpme.gov.za>, Brent Simons <Brent@po.gov.za>, brent2708@gmail.com <brent2708@gmail.com>

Dear Dr Phillips,

Minister is scheduled to address the GCIS Gauteng Post – SoNA Youth Dialogue at Westcol campus in Randfontein tomorrow.

According to our Spokesperson, Minister will invite the audience to engage with him thereafter. (Minister will join this event later than scheduled due to his attendance at the Launch of the Solomon Mahlangu Scholarship Fund in Sandton by the President)

Could you kindly arrange for representation from your office.

The contact is Brent Simons (brent@po.gov.za / brent2708@gmail.com) 076 315 7330. Mr Simons will also be able to provide speech in this regard.

Sincere apologies for the late request.

Thanking you in anticipation

Michael Louw

The Presidency

Ministry: Performance Monitoring and Evaluation

Z.m

tel: +27 12 300 5200

cell: +27 82 373 1968

fax: +27 12 300 5779

e-mail: mike@po.gov.za

web: www.thepresidency.gov.za

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Brent Simons
Sent: 12 March 2014 10:48 AM
To: Mike Louw
Cc: Noki Modise
Subject: Programme for Post SoNA Dialogue.doc

The programme for Friday

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

Z.m



Thusong Service Centre



Government Services

WESTCOL POST SONA DIALOGUE **11:00 to 14:00**

Programme Director: Peter Gumede

1. Opening and Welcome: **College Principal**
2. Introduction of delegates &
Purpose of the session: **Gaynor Marshall (GCIS)**
3. Keynote Address: **Minister Collins Chabane**
4. Q & A session
5. Summary of the session: **Francis Mahlangu**
6. Vote of Thanks: **Tshidi Mokoka**

Lunch!!! Lunch!!! Lunch!!! Lunch!!!Lunch!!!Lunch!!!



Z.m

Annexure BAS02



----- Forwarded message -----

From: **Brent Simons** <brent2708@gmail.com>

Date: Wed, 26 Mar 2014, 17:39

Subject: Fwd: Wintelligent Technology:Howzit Project

To: <james@wintelligent.co.za>, <mqondisi@wintelligent.co.za>

Please find attached

----- Forwarded message -----

From: "Ntshakga Mokgawa" <Ntshakga@po.gov.za>

Date: 26 Mar 2014 16:10

Subject: Wintelligent Technology:Howzit Project

To: "Brent Simons" <Brent@po.gov.za>, "Brent Simons (brent2708@gmail.com)" <brent2708@gmail.com>

Cc:

Regards

Ntshakga Edward Mokgawa

Ministry of Performance Monitoring and Evaluation, The Presidency

Tel: [+27 12 300 5334](tel:+27123005334)

Fax: [+27 12 300 5770](tel:+27123005770)

www.thepresidency.co.za

Email: Ntshakga@po.gov.za

This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail. Views and opinions expressed in this e-mail are those of the sender unless clearly stated as being that of The Presidency

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

2.m





**MINISTER IN THE PRESIDENCY: PERFORMANCE MONITORING AND EVALUATION
REPUBLIC OF SOUTH AFRICA**

Private Bag X1000, Pretoria, 0001; Tel: 012 300 5200 / 021 464 2100

24 March 2014

Mr James Zwane
Wintelligent Technology
CK 2008/154704/23

Email: james@wintelligent.co.za

Dear Mr Zwane,

WINTELLIGENT TECHNOLOGY: HOWZIT PROJECT

Our recent engagement and discussion at the Launch of the Solomon Mahlangu Scholarship Fund refers.

Thank you for your presentation on "HOWZIT", your interactive, web-based customer-targeted Billboard for digital advertising. It is indeed encouraging to find our young people making in-roads in the area of digital advertising.

In this regard we support the efforts of the Wintelligent Technology through their HowzitProject which will not only benefit our youth, but the community at large.

Yours sincerely,

OHM COLLINS CHABANE, MP

Minister in The Presidency for Performance Monitoring and Evaluation

cc: Mr Obed Bapela – Deputy Minister in The Presidency for Performance Monitoring and Evaluation

Annexure BAS03



----- Forwarded message -----

From: Mqondisi Zuma <mqondisi@wintelligent.co.za>

Date: Wed, 2 Apr 2014, 11:02

Subject: Meeting Request

To: Brent Simons <brent2708@gmail.com>

Cc: James Zwane <james@wintelligent.co.za>, Archie Zondo <archie@wintelligent.co.za>

Dear Brent,

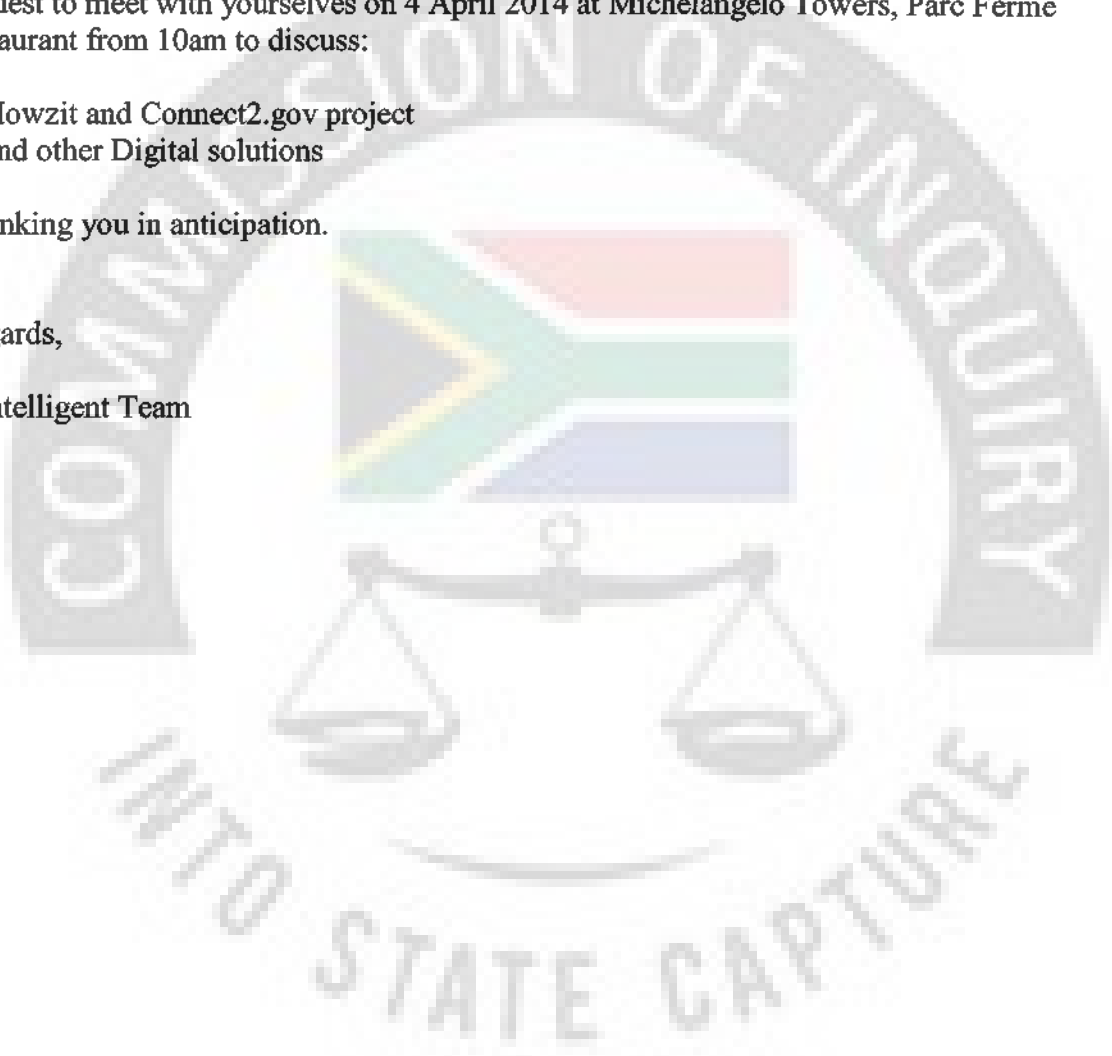
I trust that this email will find you well. Pursuant to our last engagement we would kindly request to meet with yourselves on 4 April 2014 at Michelangelo Towers, Parc Ferme restaurant from 10am to discuss:

1. Howzit and Connect2.gov project
2. and other Digital solutions

Thanking you in anticipation.

Regards,

Wintelligent Team



Z.m




----- Forwarded message -----

From: **James Zwane** <james@wintelligent.co.za>

Date: Mon, 7 Apr 2014, 18:22

Subject: Meeting notes

To: Brent Simons <brent2708@gmail.com>, Mqondisi Zuma
<mqondisi@wintelligent.co.za>

Dear Brent,

Please find attached the biz plan and see below notes from our meeting

To do for wintelligent

Send Biz plan

Send Rates

Identify sites and get letters

To do for Brent

Meet Donald from GCIS to get Letter of support for howzit

Talk to Donald about meeting Wintelligent

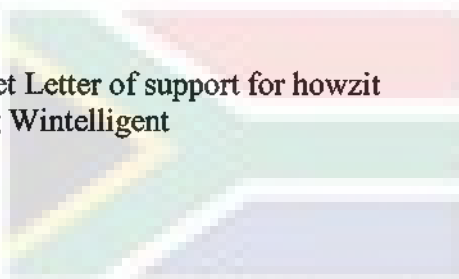
Rates

R2000 per screen per month

There will be 200 Screens to begin with.

Regards

James



Z.m

BUSINESS OF WINTELLIGENT TECHNOLOGY CC



Handwritten signature and initials.

Customer retention.....	28
Legal/Regulatory.....	29

Private & Confidential

This document serves to guide the directors of Wintelligent Technology to grow the business venture with the assistance of a financial institution. This plan is confidential and will only be used by those individuals and organisations stipulated by Wintelligent Technology cc. Other than those designated individuals the following does apply:

This document is confidential and has been made available to the individual to whom it is addressed strictly on the understanding that its contents will not be disclosed or discussed with any third parties except for the individual's own professional advisers. This plan is strictly for information only and does not constitute a prospectus or an invitation to subscribe for shares. Projections in the plan have been compiled by the promoters for illustrative purposes and do not constitute profit forecasts. The eventual outcome may be more or less favourable than that portrayed.

For further information please direct all queries or comments through to Wintelligent Technology cc.

Tel: 011326 3664 or e-mail to james@wintelligent.co.za


Z.m

Business Details

Business Name	Wintelligent Technology
Type of Business	Close Corporation
Industry Sector	ICT, Digital Advertising Media
Status of Business	Start-up
Members	S.J Zwane, S Tsolo,
Physical Address	280 Oak Avenue, Randburg Johannesburg 2194
Postal Address	280 Oak Avenue, Randburg Johannesburg 2194
TeleFax	011 326 3664
Mobile	0760847080
E-mail	james@wintelligent.co.za
Registration Details:	
Close Corporation Reg. No.	2008/154704/23
VAT Registration No.	4800163471
Accounting Officers details:	
Name	MM Masilela
Address	PO Box 13443 The Tramshed 0126
Contact No	
Practice No	08083151
Date Prepared	March 2014

Executive Summary

Introduction

Detailed within this plan are strategies built solely for the purpose of market dominance and perseverance. This includes study of the conglomerated market and industry research, an analysis of the institutions marketing mix, comprehensive financial projections and options and many more analysis of different aspects of business.

Company Description

Wintelligent Technology, a close corporation, provides Information Communication Technology (ICT) solutions, Digital advertising, and Social media services.

Wintelligent Technology brings to the advertising industry products and services that are related to digital marketing, direct marketing and online advertising. The company operates from Johannesburg and intends to expand to other provinces and also to the rest of the continent. The company offers services based on the latest cutting edge planning strategies and expertise that will pedestal the business to compete effectively in this challenging and yet profitable industry.

Company Background

Wintelligent Technology is an equal opportunity business making its expertise and its products available to the public. The business will be offering range of services ranging from digital advertising space, interactive solutions and software development.

Vision

To be a leader in the online and digital marketing industry in South Africa by providing advertisers with innovative and reliable channels to reach the market effectively and efficiently.

Mission

To develop and provide innovative and effective IT solutions, driven by the

connect like minded businesses and people making it easier to create partnership with private companies.

Connect.gov.za © will become the standard for other governments throughout the world making South Africa its pioneer.

How it works

Connect.gov.za: How it works

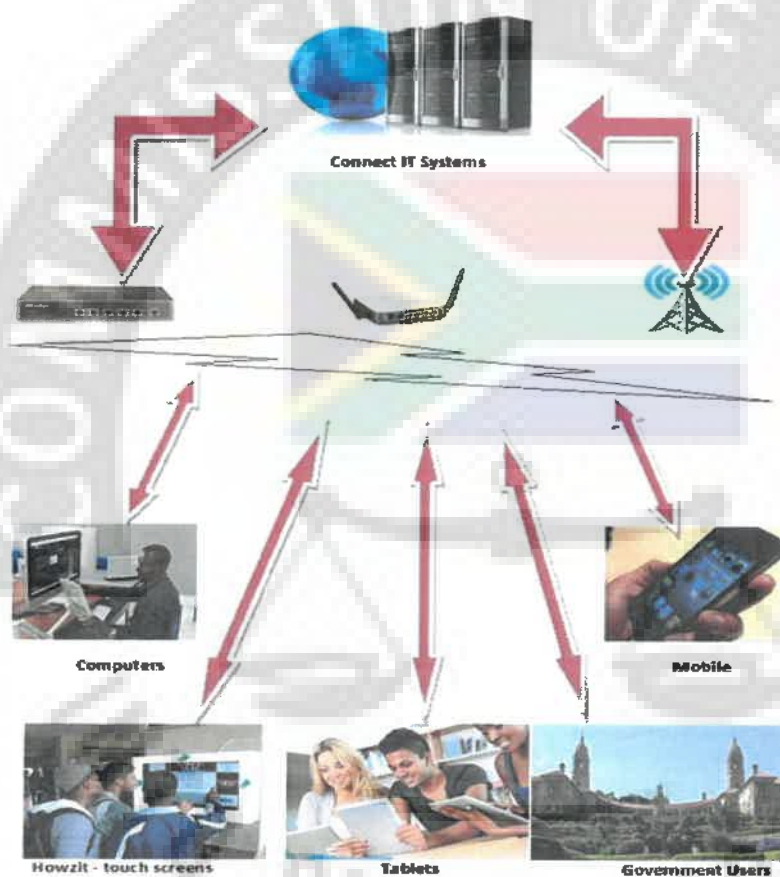


Figure 1.1 Illustration of how Connect.gov.za © works

- The government social media application as the centre of attraction will be accessible on different internet devices.
- In order for people to be able to communicate with government, users in government departments, organizations, business, labour and people in general will create accounts on the Connect.gov.za ©

website just like they would normally do on other social media sites like Facebook and Twitter.

- Different government departments will have their pages added on the site, and people would then be able to connect to the specific departments.
- The site has a live feed that allows any member of the government to view a query posted on the site and also respond to it when required.
- Users can send social messages to each other, post articles, events, announcements, complaints, comments on their pages.
- All user activities taking place on the site will then be recorded and stored on a database system for future reference.

SCREENSHOT - CONNECT.GOV.ZA ©

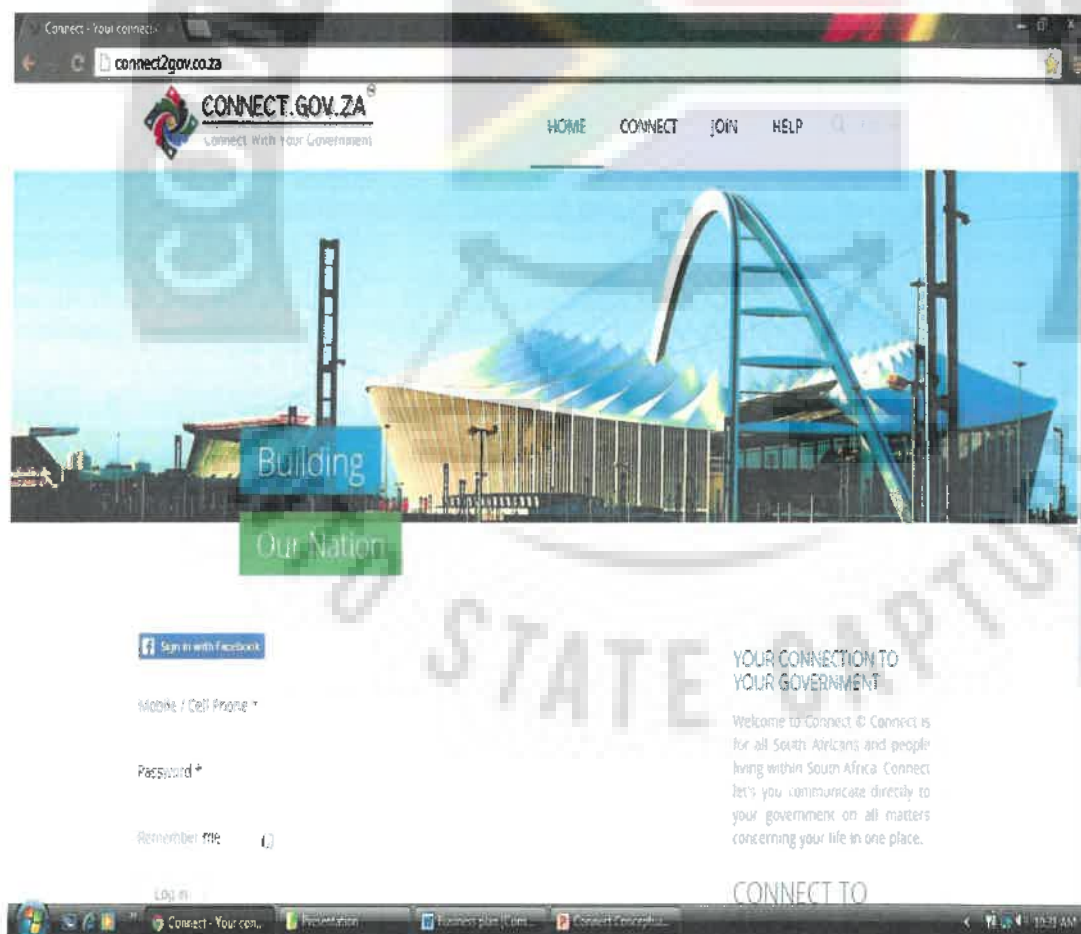


Figure 1.2

Z.m

What is HOWZIT©

HOWZIT© is complete solution/product that runs in-house developed interactive social media application with digital advertising space. The software runs on touch screens or any other digital touch advertising screens like the ones usually seen in the malls. The HOWZIT© application has an internet browser in the centre and other apps which runs the web content and uses the bordering space around for advertising purpose.

The websites show pictures, videos, streaming and information, and allow the user to chat. While the user enjoys the internet sites, flash, still pictures, animation and video adverts run on the extreme top, right, left and bottom side of the application.

The Technology

Software

A developed social media application allows for the capturing of the users details by getting the cookies of every user as they input their information into the social network site. The application is web based which means easier remote updating, deployment and monitoring.

Hardware

Hosted development, testing and production servers will be used to run the software and database.

HOWZIT© requires LCD touch screens and thin clients/interface cards which serves as a computer, enable end users to interact directly.

Wireless networking on the screens will be configured to provide internet connectivity for both the end users and IT.

HOWZIT© at University of Johannesburg (UJ)**Figure 1.3****Strategic and Planning Elements**

Z. m

Objectives

The business will aim to meet the following objectives:

- Secure long term advertising contra



Z. an 

Business Operations

Operational Requirements

Office equipment

- 26 seater call centre
- 10 x laptops for the personnel
- 1 x touch screen for use by IT personnel
- 2 x in-house midrange server
- Networking equipment
- Office furniture

IT Personnel

A group of highly skilled Developers and Graphic designers will be involved with the designing and developing the content.

Skilled IT technicians who understand the architecture and products will be employed on a full-time basis for support.

HOWZIT© equipment

- 200 x Touch Screen LCD Screen
- 200 x media player/thin clients (small computers)
- 200 x Wireless internet modems
- 200 x IP65 Enclosures
- 200 x network cables
- 200 x UPS

Operation Schedule

The office will be operational from 08:00 - 17:00 on week days.

Standby support will be available after hours x 7 days a week.

Connect.gov.za © will be available online for use 24 hours a day.

Howzit will be accessible only during open times of the respective rented building space.

Zm

A

Insurance

The business will take out sufficient comprehensive insurance cover for all equipment as well as the premises that the business will be operating from.

Suppliers

- Jlss
www.jlss.co.za
- Lumin Vision
www.luminvision.co.za
- Brightspace
www.brightspacemedia.co.za
- Internet Solutions
www.is.co.za/Pages/default.aspx
- Communica
www.communica.co.za

Market Description and Marketing Plan

Industry Analysis and Market Overview

South Africa has over 14 million people using the internet: this is according to research done by the Digital media and marketing association. (DDMA, 2013) Online is the fastest growing medium of advertising in South Africa. According to AdDynamix, South Africa's online display media market grew by 15% between 2011 and 2012, and from R753m to R864m. Its growth out paces that of outdoor and radio, which are growing at 12% and 10% respectively. (BERNARIUSZ, 2013)

PWC reported that they expected the number of mobile internet users to reach 32,3m in 2017 and the internet advertising market is forecast to generate revenues of R3,7bn in 2017. This growth is attributed to the growing number of people using smart phones and LTE penetration (NewsCentral Media, 2013)

2.02

Affiliations and Networking

The marketing team will ensure that they form long and productive relationships with clients and associations that will in the long run benefit the business. Examples of such include advertising agencies and marketing professionals.

SWOT Analysis

In the instance of Wintelligent, the SWOT analysis will clearly match the business resources and capabilities to the competitive environment in which it operates.

Strengths

- We have developed a unique and strong concept
- The directors have strong experience and knowledge of IT, marketing and entrepreneurship.
- We have established good networking and sound relationships with partners, key industry players, and decision makers.
- The business will have quality processes and procedures.
- The services offered are competitively priced.

Weakness

- The directors have limited understanding about the advertising industry.

Measures that will be implemented to mitigate these weaknesses include:

- Using the right personnel team to service the market effectively
- benchmarking the satisfaction levels of the deliverables.

- Applying the right business principles with the help of a qualified business consultant who will assist to establish a competitive edge in the market place.
- Enrolling in industry related short courses in order to receive some form of qualification needed to effectively run the business.
- Working closely with well established advertising agencies.
- Gaining maximum exposure and getting involved in life cycle of the projects



2. in



Advertising: An extensive and aggressive advertising campaign will be embarked upon in the year of operation. The objectives of the advertising campaign will be to inform the target market of the business offerings. Media to be used will include social media website like Twitter and Facebook.



7.2



Human Resource Plan


Management

The leadership of Wintelligent is composed of competent and dedicated like-minded business people with diversified and combined experience in excess 30 years, and are well equipped with skills and expertise that are required to successfully grow the business to be successful and sustainable. The management possesses extensive experience in the ICT industry as IT Services Managers (ITSM), Project managers, IT Infrastructure specialists/architects, System Administrators, Software developers, Technicians and Sales.

The team has been involved in various projects in sectors such as Retail, Telecommunications, Government, Mining and Transport, among others.

That exposure gave them the opportunity to gain invaluable experience of running a successful business, the importance of delivering quality service, decision making especially during mission critical issues, and last but not least, relationship management.

2. m



Structure



Wintelligent Technology is positioned as an advertising company within the advertising industry. The entity will advertise its services directly to potential target markets through media advertising and brand advertising through printed T-shirts, caps and promotional items at various events.

Sales objectives:

- Generate awareness
- Increase sales revenue
- Increase customer base

The business will use the following channels to achieve its further sales objectives:


- Website
- Telemarketing
- Database

Z. m

The business will have an impact in the locality in which it operates by:

- Creating jobs
- Increasing market competitiveness
- Transferring skills to local employees



Z.m. 

business will register as an employer for PAYE, VAT, SDL and income tax purposes as prescribed by the South African Revenue Service.

The company is currently exempted for UIF however the employees will be registered with the Department of Labour, and make contributions on behalf of employees for Unemploy





----- Forwarded message -----

From: Mqondisi Zuma <mqondisi@wintelligent.co.za>

Date: Tue, 8 Apr 2014, 11:58

Subject: Icasa application

To: Brent Simons <brent2708@gmail.com>

Cc: James Zwane <james@wintelligent.co.za>, Busa Zuma <busa@wintelligent.co.za>

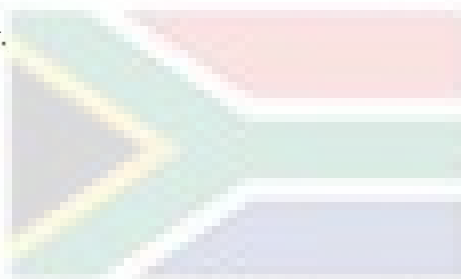
Dear Brent,

There is something we forgot to mention on Friday during our meeting. We had a chat with the minister regarding our application for an Icasa license for the advertising on voice call concept, "adcall". The minister was willing to assist us secure a meeting with decision makers at Icasa who could help us fast track the application. we also wanted to negotiate more favorable rates as we will be giving calls for free to the public.

Can you assist us in securing a meeting with them?

looking forward to your reply.

Regards
Mqondisi



2. an 



**IN THE DISCIPLINARY HEARING FOR THE DEPARTMENT OF PUBLIC SERVICE
AND ADMINISTRATION HELD IN PRETORIA**

IN THE MATTER BETWEEN

**THE STATE, AS PER
THE DEPARTMENT OF PUBLIC SERVICE
AND ADMINISTRATION**

THE EMPLOYER

AND

MR BRENT ADRIAN SIMONS

THE EMPLOYEE

CHARGE SHEET

**IN THIS CHARGE SHEET, ANY REFERENCE TO THE EMPLOYER, WILL MEAN THE HEAD
OF STATE, THE HONOURABLE PRESIDENT OF SOUTH AFRICA, MR. JACOB ZUMA.**

Count 1.

You are guilty of violating and or contravening an Act, to wit –

**Section 195. (1).(a) of the Constitution Act 108 of 1996, in dealing with Basic Values and
Principles governing Public Administration, states that –**

**Public Administration must be governed by the democratic values and principles enshrined in the
Constitution, including the following principles,**

"A high standard of professional ethics must be promoted and maintained."

**In that during the period April 2015 to April 2016, you embarked on a smear campaign to
tarnish the reputation of your Employer by consistently posting on social media, derogatory
and or defamatory utterances of a criminal nature amounting to hate speech, which is in
conflict with the high standard of professional ethics that a Senior Manager of the State
employed at the Department of Public Service and Administration is expected to promote.**

Confidential

1

2. in

Count 2.

You are guilty of violating and or contravening an Act, to wit –

Chapter 2 - dealing with the Prevention, Prohibition, and Elimination of Unfair Discrimination, Hate Speech and Harassment of The Promotion of Equality and Prevention of Unfair Discrimination Act no 4 of 2000 at Section 10, states with regard to the Prohibition of Hate Speech that: 10. (1) Subject to the proviso in section 12.

No person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to

- (a) be hurtful;**
- (b) be harmful or to incite harm;**
- (c) promote or propagate hatred.**

In that during the period April 2015 to April 2016, you deliberately published / communicated words on a social media platform, clearly intended to be hurtful, harmful and or capable of inciting harm, and or promoting / propagating hatred in contravention of the above-mentioned Act, despite having been notified on or about 30 July 2015, that such behaviour is not acceptable and despite having acknowledged and appreciated in writing the possible consequences of same on said date, to the head of department, you still went out and posted the following post:

**"ZUMA HAS NO SHAME !!
HE just screwed the entire nation on national tv.
You are corrupt and should have resigned!
You are a disgrace Mr Zuma.
You are a national embarrassment!
You are a liar!
You are not my leader !
You are not my President !
A Special NGC must be called to forcefully remove you from office."**

Count 3.

In this regard, you intentionally, failed to failed to carry out a lawful order or routine instruction without just or reasonable cause, to desist from what you were doing, when you were informed on 30 July 2015, In the presence of Mr Nkosinathi Dlamini, of the DPSA's Labour relations Unit, that this behaviour is unacceptable and for that reason you were being transferred out of the Ministry pending further investigation.

Z. an

The context within which you were addressed on this unacceptable behavior emanated from a whistle-blowing to the Acting Minister of the DPSA in April 2015 wherein it was alleged that you had acted in contravention of sections 5.2 and 5.4 of the DPSA's Policy on acceptable usage of the electronic mail, by:

1. Violating section 5.2. (a) of the policy by acting in a manner, when posting on social media platforms, which when reasonably construed clearly constitute a common law criminal offence of "crimen injuria" which relates to unlawfully and intentionally impairing the dignity and privacy of another.
2. Violating Section 5.4. (a) of the policy by distributing material which you as the user knew, when judged within the context, was likely to advocate hatred that is based either on race or ethnicity, or

In terms of section 5.4. (b) is likely to be regarded as lewd or obscene by any person who is likely to be exposed to such e-mail.

3. And in so doing, acting in a manner contrary to the provisions of section 5.2.(b) of the policy, by exposing the government of the republic of South Africa or any functionary thereof, namely, the DPSA, to criminal and or civil liability (in the form of a Defamation of Character law suite), and

Acting in a manner, which reasonably construed "is intended to bring the government or any function thereof, namely the DPSA, into disrepute.

The nature of these violations arises from a posting that you made on social media that

- (i). the Tradition Leader of the Zulu Nation, namely, his Majesty King Goodwill Zwelethini, was a "stupid".
- (ii). You further insulted him by accusing him publically of desecrating the graves of former struggle icons like "Ashley Kriel, Solomon Mahlangu, Coline Williams, Anton French, OR Tambo, Walter Sisulu, Albert Lithuli, Nelson Mandela and many others who died to ensure democracy and freedom." by *plasing* on them.
- (iii) On 16 July 2015, you called for the downfall of your Employer by propagating the war cry # Zuma must fall #, being interpreted as your Employer must fall.

Confidential

3

[Handwritten signature]
R. M.

Count 4.

You are guilty of violating and or contravening an Act, Regulation and or Legal Obligation, alternatively the Public Service Code of Conduct, as outlined in the Public Service Regulations 2016 and the SMS Handbook, alternatively Public Service Policy as articulated in the attached preface to this charge sheet,

In that you refused to refrain from party political activities in the workplace, by insisting on making lewd and obscene utterances about a political party, namely the National Executive Committee of the ANC, on social media in further contravention of the DPSA's email policy, section 5.4.(b), by posting that:

"The current ANC NEC has their heads so far up Zuma's backside we can call them Zumastriche"

First Alternative to Count 4.

You are guilty of violating the section in Annexure A of the Ministerial Determination: Chapter 7 of the SMS Handbook 1 /12 / 2003 - Disciplinary Code and Procedures for Senior Management Service (SMS) Public Servants, relating to a directive to all Senior Managers by the Minister of the DPSA, that no SMS employer may misuse his position in the public service to prejudice the interest of a political party.

You are therefore charged for violating this section of the Disciplinary Code and Procedure when you posted on social media that:

"The current ANC NEC has their heads so far up Zuma's backside we can call them Zumastriche"

Second Alternative to Count 4.

You are guilty of violating section 12 (f) of Part 1 of Chapter 2 of the Public Service Regulations 2016, read in conjunction with Chapter 2 of the Public Service Regulations 1 of 2001, The Public Service Code of Conduct, when you "Abused your position in the public service to promote or prejudice the interest of any political party or interest group; by stating on social media that,

"The current ANC NEC has their heads so far up Zuma's backside we can call them Zumastriche"

Handwritten signature and initials, possibly 'Zuma' or similar, with a large '4' written above it.

Count 5

You are guilty of violating a Regulation and or Legal Obligation, alternatively the Public Service Code of Conduct, as outlined in the Public Service Regulations 2016 and the SMS Handbook, alternatively Public Service Policy as articulated in the attached preface to this charge sheet,

In that on or about 11 February 2016, you deliberately and or intentionally,

- failed to failed to carry out a lawful order or routine instruction without just or reasonable cause, alternatively**
- disregarded, in terms of your common law obligations, a lawful and reasonable instruction, from a competent authority, without just cause,**

by once again propagating wrongful behavior by continuing to post on social media, words against your Employer, that based on one or more of the prohibited grounds, could reasonably be construed to demonstrate a clear intention to be harmful or to incite harm, or promote or propagate hatred against him.

In this regard you openly alluded to your Employer, as being a "corrupt leader" who is "threatening the national democratic revolution" and the person responsible for the "increase in community service delivery protests".

You deliberately did this inspite of having been confronted and addressed by senior officials of the Department in or around July 2015, on the unacceptability of such behavior as a Senior Manager within the employee of the State and more particularly, as the face and voice of the Ministry in the media, at that time given your as the spokesperson for the Minister.

The context within which you were addressed on this unacceptable behavior emanated from a whistle-blowing to the Acting Minister of the DPSA in April 2015 that you had acted in contravention of sections 5.2 and 5.4 of the DPSA's Policy on acceptable usage of the electronic mail, by:

- 1 Violating section 5.2. (a) of the policy by acting in a manner, when posting on social media platforms, which when reasonably construed clearly constitute a common law criminal offence of "crimen injuria" which relates to unlawfully and intentionally impairing the dignity and privacy of another.**

Confidential

5

Zan

- 2 Violating Section 5.4. (a) of the policy by distributing material which you as the user knew, when judged within the context, was likely to advocate hatred that is based either on race or ethnicity, or

In terms of section 5.4. (b) is likely to be regarded as lewd or obscene by any person who is likely to be exposed to such e-mail.

- 3 And in so doing, acting in a manner contrary to the provisions of section 5.2.(b) of the policy, by exposing the government of the republic of South Africa or any functionary thereof, namely, the DPSA, to criminal and or civil liability (in the form of a Defamation of Character law suits), and

Acting in a manner, which reasonably construed "is intended to bring the government or any function thereof, namely the DPSA, into disrepute.

The nature of these violations arises from a posting that you made on social media that

(i). the Tradition Leader of the Zulu Nation, namely, his Majesty King Goodwill Zwelethini, was a "stupid".

(ii). You further insulted him accusing him publically of desecrating the graves of former struggle icons like "Ashley Kriel, Solomon Mahlangu, Coline Williams, Anton French, OR Tambo, Walter Sisulu, Albert Lithuli, Nelson Mandela and many others who died to ensure democracy and freedom." by "pissing" on them.

(iii) On 16 July 2015, you called for the downfall of your Employer by propagating the war cry # Zuma must fall #, being interpreted as your Employer must fall.

Count 6.

As a result of your deliberate and intentional violation of a clear instruction to desist from continuing with this type of gross misconduct and unacceptable behavior, you have violated the express and or implied fiduciary obligations of your contract of employment as well as section 5.4.(b) of the DPSA e-mail policy, by acting in a manner that if reasonably construed is intent on bringing into Serious Disrepute, the Reputation of the Department of Public Service and Administration on 11 February 2016, by perpetuating the prohibited behavior.

Z. u. n.

Count 7

You are guilty of violating and or contravening an Act, Regulation and or Legal Obligation, alternatively the Public Service Code of Conduct, as outlined in the Public Service Regulations 2016 and the SMS Handbook, alternatively Public Service Policy as articulated in the attached preface to this charge sheet,

When you, on or about 17 February 2016, deliberately and or intentionally,

- Failed to carry out a lawful order or routine instruction without just or reasonable cause, alternatively
- disregarded a lawful and reasonable instruction, from a competent authority, without just cause,

by once again perpetuating postings on a social media platform, words against your Employer, that based on one or more of the prohibited grounds, could reasonably be construed to demonstrate a clear intention to be harmful or to incite harm, or promote or propagate hatred against him.

In this regard you once again openly criticized your Employer, of "causing harm to the good image and reputation of the country".

As indicated before, the only reasonable inference that can be drawn from your actions are that they were done deliberately as you had around July 2015, already been confronted and addressed by senior officials of the department on the unacceptability of such behavior, given that you are a Senior Manager and more particularly, were known in the Media as the face and voice of the Ministry having been the spokesperson for the Minister.

Count 8

You are guilty of violating and or contravening an Act, Regulation and or Legal Obligation, alternatively the Public Service Code of Conduct, as outlined in the Public Service Regulations 2016 and the SMS Handbook, alternatively Public Service Policy as articulated in the attached preface to this charge sheet,

In that on or about 17 February 2016, you refused to refrain from party political activities in the workplace, by insisting on making comments about a political party on social media, which may be perceived by a reasonable person as not:



1. "promoting the unity and well-being of the South African nation in performing of your official duties" ;
2. serving the public in an unbiased and impartial manner in order to create confidence in the public service particularly since you are employed as the face and voice of the Department,
3. being polite or helpful, specifically with respect to those loyal followers of the head of state, whether as fellow employees or members of the public,
4. being respectful to the Employer and seen as protecting the dignity of the Head of State, in his other capacities, as he is entitled to under the Constitution.
5. action that is in conflict with or infringes on the execution of your official duties; and
6. tantamount to you not dealing fairly, professionally and equitably with all other employees or members of the public, irrespective of their political persuasion.

In this regard you opening criticised the political party, by "downgrading" their President of the ANC (your Employer) "to junk status" and further claiming that,

"As president of the ANC he has not only caused harm to the good image and reputation of our party but to our people and country."

It is further the submission of the Employer in this regard that your actions herein may be perceived by a reasonable person as either misusing your position in the public service to promote or to prejudice the interest of that political party, alternatively abusing your position in the public service to promote or prejudice the interest of that political party or interest group given that this was uttered during an election year.

Count 9

As a result of your deliberate and intentional violation of a clear instruction to desist from continuing with this type of gross misconduct and unacceptable behavior, you have violated the express and or implied fiduciary obligations of your contract of employment as well as section 5.4.(b) of the DPSA e-mail policy, by acting in a manner that if reasonably construed is intent on bringing into Serious Disrepute, the Reputation of the Department of Public Service and Administration on 17 February 2016, by perpetuating the prohibited behavior.



Zim

Count 10.

You are guilty of violating and or contravening an Act, Regulation and or Legal Obligation, alternatively the Public Service Code of Conduct, as outlined in the Public Service Regulations 2016 and the SMS Handbook, alternatively Public Service Policy as articulated in the attached preface to this charge sheet,

In that on or about 26 February 2016, you refused to refrain from party political activities in the workplace, by insisting on making comments about a political party on social media, which may be perceived by a reasonable person as not:

- 7. "promoting the unity and well-being of the South African nation in performing of your official duties";**
- 8. serving the public in an unbiased and impartial manner in order to create confidence in the public service particularly since you are employed as the face and voice of the Department,**
- 9. being polite or helpful, specifically with respect to those loyal followers of the head of state, whether as fellow employees or members of the public,**
- 10. being respectful to the Employer and seen as protecting the dignity of the Head of State, in his other capacities, as he is entitled to under the Constitution.**
- 11. action that is in conflict with or infringes on the execution of your official duties; and**
- 12. tantamount to you not dealing fairly, professionally and equitably with all other employees or members of the public, irrespective of their political persuasion.**

In this regard, you had gone onto a social media platform, and called the president of the ANC, who is currently your Employer, as the Head of State, a "Fool " inspite of having been told by seniors in the Department, on or around July 2015, that such behaviour is unacceptable.

It is further the submission of the Employer in this regard that your actions herein may be perceived by a reasonable person as either misusing your position in the public service to promote or to prejudice the interest of that political party, alternatively abusing your position in the public service to promote or prejudice the interest of that political party or interest group given that this was uttered during an election year.

Count 11.

As a result of your deliberate and intentional violation of a clear instruction to desist from continuing with this type of gross misconduct and unacceptable behavior, you have violated the express and or implied fiduciary obligations of your contract of employment as well as section 5.4.(b) of the DPSA e-mail policy, by acting in a manner that if reasonably construed is intent on bringing into Serious Disrepute, the Reputation of the Department of Public Service and Administration on 26 February 2016, by perpetuating the prohibited behavior.

Count 12.

You are guilty of Gross Misconduct as a result of violating the provisions of the Public Service Code of Conduct, as outlined the SMS Handbook,

in that after the court made a ruling on a pending litigation matter, relating a case involving the office of the Public Protector, you once gain violated the Code of Conduct by committing a Common Law offence, which is tantamount to an act or treason and or sedition,

By publically on a social media platform, threatening your Employer, by proclaiming that

"You are no longer worthy of serving our (ANC or Country) President.

GO OR BE FORCED OUT."

And,

In another posting of this nature, as eluded to in Count 2 above that:

ZUMA HAS NO SHAME!! HE just screwed the entire nation on national tv. You are corrupt and should have resigned! You are a disgrace Mr Zuma. You are a national embarrassment! You are a liar! You are not my leader! You are not my President!

"A SPECIAL NGC MUST BE CALLED TO FORCEFULLY REMOVE YOU FROM OFFICE."

Count 13.

You are guilty of **Gross Misconduct** as a result of violating the provisions of the **Public Service Code of Conduct**, as outlined the regulations and SMS Handbook, as articulated in the attached preface to this charge sheet,

When you **prejudiced the administration, discipline or efficiency of a department, office or institution of the State**, by not serving the public in an unbiased and impartial manner in order to create confidence in the public service;

This you did by once again unacceptably posting the following lewd and or obscene comment on a social media platform in contravention of section 5.4 (b) of the DPSA's e - mail policy.

"The Court only made a finding on whether it was correct or wrong to drop the charges against Zuma! It found the decisions made then was wrong.

The NPA – managed by a ZUMA CLOWN – will now have to decide to reinstate charges against out corrupt President or not – Not the Court.

The question remains: for how long will the ANC and some of its members defend this corrupt Zuma ?"

Your comments contained herein do not:

- **"promote the unity and well-being of the South African nation in performing of your official duties";**
- **Are not polite or helpful, specifically with respect to those loyal followers of the head of state, whether as fellow employees or members of the public,**
- **Are not respectful to the Employer or perceived as protecting the dignity of The Employer as the current Head of State, in his other capacities, as he is entitled to under the Constitution;**

Instead , it is submitted, they can clearly be construed as discouraging confidence in the Public Service and in particular the office of the National Prosecuting Authority and Ministry of Justice, and can therefore be described as action that is in conflict with or infringes on the execution of your official duties.

Z.m 

Count 14

As a result of your deliberate and intentional violation of a clear instruction to desist from continuing with this type of gross misconduct and unacceptable behavior, your actions above in count 13 have led to a violation of the express and or implied fiduciary obligations of your contract of employment as well as section 5.4.(b) of the DPSA e-mail policy, as they display the behavior of an employee which if reasonably construed, is intent on bringing into Serious Disrepute, the Reputation of the Department of Public Service and Administration, by perpetuating the prohibited behavior.

The Employer will contend that the charges above if proven individually and or cumulatively, have materially adversely impacted on the employment relationship and has led inherently to a total breakdown of trust in the employer-employee relationship.