



Emily McAlister &lt;emily@retirement.capital&gt;

## Re: Appointment of Scheme Administrator

1 message

gavin mccloskey &lt;gavinm@retirement.capital&gt;

14 April 2021 at 14:05

To: Paul Hyland &lt;paulh@expertrecruitment.com.au&gt;

Cc: Emily McAlister &lt;emily@retirement.capital&gt;

Paul, the document provided covers your requirements and I did ask you to mark up any changes you wanted to make. I spent a long time on this and also trying to help your position. I have also asked you to write into the engagement terms your requirements where you feel that I have overlooked anything. However, you are advising that this still does not add up.

I am disappointed on this Paul, because I thought we had an agreement that I prepare a terms of engagement that covers your requirements for you to authorise and despite this you are not willing to proceed. This has been regrettably a complete waste of my time.

Gavin

On Wed, Apr 14, 2021 at 1:33 PM Paul Hyland <paulh@expertrecruitment.com.au> wrote:

Sorry about spelling/grammar..... I should read my e mails that I send from my phone before I send them. I genuinely did feel that you would help finalise things Gavin but there are just too many worries for me.

What is sad is that you had negotiated everything that I asked for 7/8 years ago but I just don't see this all adding up to me receiving what you'd negotiated

I hope you understand and, once again, thanks for your efforts.

No idea what to do now but I'd given in before we spoke so I'll just have to go back to the future without what MD and ST effectively "stole" from my life

Paul  
Sent from my iPhone

Begin forwarded message:

**From:** Paul Hyland <paulh@expertrecruitment.com.au>  
**Date:** 14 April 2021 at 6:38:30 pm AWST  
**To:** gavin mccloskey <gavinm@retirement.capital>  
**Subject:** Re: Appointment of Scheme Administrator

Gavin

I went through part 1 of your e mail Attach (Schedule 2 seems heavy legal/technical) and have commented on many different parts.

I'm going to be blunt and say that I'm probably too sceptical about the lack of certainty that m pulling out. I don't want to because if you were able to square everything of it would change my life and I know I deserve my rightful share but I'm simply too worried and losing everything

I did think you were great when we spoke but things just don't add up  
Thanks anyway for your efforts  
Paul  
Sent from my iPhone

On 14 Apr 2021, at 6:03 pm, gavin mccloskey <gavinm@retirement.capital> wrote:

Paul, can you give me a call back when you are free - your mobile has not gone through to voicemail.  
Many thanks  
gavin

On Mon, Apr 12, 2021 at 2:06 PM Paul Hyland <paulh@expertrecruitment.com.au> wrote:  
00 61 404 706 579

Sent from my iPhone

On 12 Apr 2021, at 8:04 pm, gavin mccloskey <gavinm@retirement.capital> wrote:

Sure can you just give me your Australian number again as my Skype appears to have deleted this

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**From:** Paul Hyland <[paulh@expertrecruitment.com.au](mailto:paulh@expertrecruitment.com.au)>

**Sent:** Monday, April 12, 2021 2:02:49 PM

**To:** gavin mccloskey <gavinm@retirement.capital>

**Subject:** Re: Appointment of Scheme Administrator

You're 7 hours behind so maybe 9.00/10.00 UK time

Hope that suits.

I'm keen to get rid of my nervousness and hesitation after reading your papers

Sent from my iPhone

On 12 Apr 2021, at 7:24 pm, gavin mccloskey <gavinm@retirement.capital> wrote:

Hi Paul, It will have to be tomorrow - what time would suit you?

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**From:** Paul Hyland <[paulh@expertrecruitment.com.au](mailto:paulh@expertrecruitment.com.au)>

**Sent:** Monday, April 12, 2021 12:23:07 PM

**To:** gavin mccloskey <gavinm@retirement.capital>

**Subject:** Re: Appointment of Scheme Administrator

Gavin Hi

Please call me as soon as you can.

I e mailed you Friday and I've commented on the first part of your attachment (not on Schedule 2) and need a chat

Thanks

Sent from my iPhone

On 8 Apr 2021, at 7:06 pm, Paul Hyland <[paulh@expertrecruitment.com.au](mailto:paulh@expertrecruitment.com.au)> wrote:

Sorry Gavin

I'm just not comfortable.

I'm genuinely not being awkward as I want this to work but I firmly believe the appointment of you can form

Part of the Terms of Engagement

Sorry Gavin

Sent from my iPhone

On 8 Apr 2021, at 7:01 pm, gavin mccloskey <gavinm@retirement.capital> wrote:

Hi Paul,

There is some cross wires here.

We as the administrator undertake the fund split and reconciliation and your requirements which have been agreed by Stuart and Mark will be

reflected in our calculations. We cannot start the exercise unless we are appointed to do so and given the powers by the trustees to act as the scheme administrator to determine benefit split. Our figures are final and I assure you that they will include the payments to be made to you which you have requested and has been agreed by Stuart and Mark. The scope of the appointment reflects these requirements with specific reference to the various points raised within our appointment terms.  
Many tks  
Gavin

On Thu, Apr 8, 2021 at 12:35 PM  
Paul  
<[paulh@expertrecruitment.com.au](mailto:paulh@expertrecruitment.com.au)>  
wrote:

Hi Gavin

Thanks for the e mail. I'm sorry but I'm not going to agree to proceeding to appoint you as the Scheme Administrator (which, ultimately, I hope we do) until we have signed your Terms of Engagement which must include the points that I have already provided to you.

To me, there's no chronological need to appoint you until the Terms of Engagement are signed by all parties. You won't become the Scheme Administrator until the Terms have been agreed..... surely.

To move forward I am happy to reference the e mail that Stuart sent to me (dated 04/03/2021) in combination with my requirements that I have stated in numerous e mails to you directly.

These points include written confirmation that

- You, Gavin, can and will finalise all aspects of the work including finalising all financial figures up to and

including the  
Distributions to  
each Trustee and  
that "YOUR  
FIGURES ARE  
FINAL" and that  
MDST are not  
allowed to pull  
out once you  
have been  
appointed

- MD and ST  
will pay back  
(however which  
way you see as  
legal and  
appropriate) the  
49,000 GBP of  
unpaid rent

- MD and ST,  
again in an  
appropriately  
legal way that  
you see fit, pay  
26,000 GBP to  
me as the  
"agreed  
contribution" to  
my legal costs  
from over the  
last 13 years.  
Agreed by them  
and reconfirmed,  
by MD and ST, to  
you as per your  
conversation  
with them and  
your subsequent  
e mail to me  
dated Friday  
26/03/2021

- MD and ST  
accept that there  
has to be an  
appropriate  
adjustment (in  
either party's  
favour.....MDST  
or PH) if the  
transfer that was  
made to my  
Australian  
Pension was NOT  
the 98,000 GBP  
that MDST are  
suggesting.....As  
you know I have  
written to

Scottish  
Equitable/Aegon  
but as yet have  
had no reply)

- MD and ST  
accept that there  
may have to be  
an appropriate  
adjustment to  
the figure that  
they believe  
Barnett  
Waddingham  
owe to the  
Scheme

- It is  
explained where  
the Cash Balance  
that is stated in  
an e mail from  
Jeremy Linscott  
that you have  
already received  
(dated  
08/09/2008)  
is/has gone ??? If  
it cn't be  
substantiated  
then what do we  
do ????

Etc etc etc

I did make things clear, at the  
outset, that this MUST form part  
of the agreement and you  
reassured me by stating that you  
would include them in the Terms  
of Engagement which was a  
watertight reassurance.

I'm nervous based on their  
previous unscrupulous methods  
and hence will NOT proceed until  
the agreements above are  
written into the Terms of  
Engagement which logically can  
be done prior to you becoming  
the Scheme Administrator.

My nervousness is simple.....if  
we go back on what was  
discussed "and JUST TAKE THIS  
STEP" without written agreement  
then we may "JUST MAKE THE

NEXT STEP AND THE NEXT AND  
THE NEXT" .....until I'm left  
helpless. No can do Gavin sorry

I am otherwise broadly  
comfortable with the content of  
Stuart's a mail referenced above  
which settles my proportion of  
the Scheme BEFORE they go on  
to deal with HMRC

Regards

Paul

**From:** gavin mccloskey  
[mailto:[gavinm@retirement.  
capital](mailto:gavinm@retirement.capital)]  
**Sent:** Thursday, 8 April 2021  
3:13 AM  
**To:** Stuart Travis; Mark Doherty;  
Mark Church; Paul Hyland  
**Cc:** Emily McAlister; Stacy  
Lunnon  
**Subject:** Appointment of  
Scheme Administrator

Hi Everyone,

We are now in a position to  
proceed with our appointment as a  
scheme administrator and to  
undertake the formal  
reconciliation, reporting and fund  
splits. I have prepared an  
appointment letter and deed of  
appointment of scheme  
administrator.

Would you please look out for an  
email from  
[docusign@retirement.capital](mailto:docusign@retirement.capital)  
containing the online  
appointments for signature, we  
can then start the process at this  
end once everyone is happy to  
proceed with our appointment. We  
are taking on the responsibility of  
acting as a scheme administrator  
as this will allow us to deal directly  
with HMRC on the tax reporting for  
the scheme. I have copied in  
Stacy who will assist on the  
HMRC tax reporting side and also  
Emily who will help with  
administration oversight.

Many thanks

Gavin

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# Retirement .Capital



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