

30 May 2019

*Comments in red
by Sean Butler*

Mr Sean Butler

By email: sbutler@inet.net.au

Dear Mr Butler

**Butler Construction Pty Limited: Australian Small Business and Family Enterprise
Ombudsman (ASBFEO) matter**

- The full document was attached for context!!*
1. We refer to your email of 29 May 2019 sent to Maria Duta and me in relation to the case appraisal dated 24 May 2019 prepared by Mr Graham Rabe (**Appraisal**) provided to the parties under cover of email from Ruth Allen dated 28 May 2019. Your email also forwards, in the email thread, a copy of your email sent to the Commonwealth Bank of Australia. *CBA Fully Aware of what going on*
 2. Your email contains a number of statements that are inaccurate and misconstrue the opinions expressed in the Appraisal. *But they can't say why!!*
 3. We also note that your email contains a number of direct partial quotes from the Appraisal. Taken out of context, and without reference to the significant qualifications to Mr Rabe's conclusions, your recitation of extracts from the Appraisal is misleading and conveys defamatory imputations which, if published, would cause significant damage to FTI Consulting's reputation and brand. *Exactly - because TRUE*
 4. Although we have only recently been provided with the Appraisal and are currently preparing our comments for provision to the ASBFEO, it is the case that we take issue with a number of factual assumptions made by Mr Rabe in the Appraisal and, accordingly, a number of the inferences drawn in the Appraisal.
 5. In circumstances where:
 - (a) the ASBFEO:
 - (i) has requested that both parties provide any comments on the Appraisal;
 - (ii) has informed the parties (by Ms Allen's email of 28 May 2019) that the ASBFEO will now review the Appraisal in line with normal process; and
 - (iii) will, once that review is completed, consider whether it will take any further action or make any further recommendations in relation to the matter; and

FTI Consulting (Australia) Pty Limited

ABN 49 160 397 811 | ACN 160 397 811 | AFSL Authorised Representative # 001269325

Level 15 | 50 Pitt Street | Sydney NSW 2000 | Australia

Postal Address | PO Box R367 | Royal Exchange NSW 1225 | Australia

+61 2 8247 8000 telephone | +61 2 8247 8099 fax | fticonsulting.com

- (b) the Appraisal was prepared for the ASBFEO for the purpose of enabling it to perform its assistance function under the *Australian Small Business and Family Enterprise Ombudsman Act 2015* (Cth),

it is disappointing, and we consider that it is entirely inappropriate, that you now threaten to send the Appraisal to "several media outlets", in any way disclose the contents of the Appraisal or your interpretation of it, or make any public statement in relation to it or the matter generally which is currently the subject of the ASBFEO's ongoing process.

- 6. To proceed as you threaten would, in our view, undermine the ASBFEO's role and the process that you have requested it undertake to assist you. *Why?*
- 7. We hereby put you on notice not to disclose the Appraisal, its contents or your interpretation of it, or otherwise make any disparaging or defamatory comments or imputations about Taylor Woodings or FTI Consulting.
- 8. We reserve all of our rights.

Why if you have nothing to hide?

Yours faithfully
FTI Consulting



Mark Dewar
Senior Managing Director