

## David Berlusconi

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**From:** David Berlusconi  
**Sent:** Thursday, 31 January 2019 2:13 PM  
**To:** Chris Williams  
**Cc:** Wes Dawson; Michael Clements  
**Subject:** RE: Customer Complaint Lolomanaia Holani  
**Attachments:** Andrew Bryant - Outcome - 31.01.19.docx

Hi Chris,

Please find the attached letter. Have a read and let me know if it's ok. If all goes well with your meeting with him today, let me know and I will email him this tomorrow.

If there are any issues which crop up, then we may need to revisit this before we send it. Otherwise I will email it tomorrow if all is as is.

Regards.

David Berlusconi  
Human Resources Manager  
**Australian Automotive Group Pty Limited**  
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**From:** Chris Williams  
**Sent:** Thursday, 31 January 2019 12:11 PM  
**To:** David Berlusconi  
**Cc:** Wes Dawson; Michael Clements  
**Subject:** RE: Customer Complaint Lolomanaia Holani

Thanks David

If we can amend with the correct employee details – Andrew Bryant.

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**From:** David Berlusconi  
**Sent:** Thursday, 31 January 2019 12:04 PM  
**To:** Chris Williams  
**Cc:** Wes Dawson; Michael Clements  
**Subject:** RE: Customer Complaint Lolomanaia Holani

Hi Chris,

Just further to the below, maybe if you approach him and say when he gets back from leave, HR wants to meet with him regarding a serious customer complaint.

If he asks what the complaint is about, maybe just say it's quite serious and if he wishes to reply now rather than wait until he gets back, that is fine but have another person with you who will coöperate your version of events in terms of what he say's.

After the meeting, just say you will let HR know his responses and they will get back to him after looking further into it. Tomorrow I can email him the attached warning (assuming everything checks out OK and there are no skeletons in the closet. As you know, the meeting is only a fact finding meeting and not a meeting where a warning is issued or a decision is finalised.

Let me know if you want to go down this path.

I am heading off the BGF in a moment and will emails when I get there.

Regards.

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**From:** David Berlusconi  
**Sent:** Thursday, 31 January 2019 10:43 AM  
**To:** Chris Williams  
**Cc:** Wes Dawson; Michael Clements  
**Subject:** RE: Customer Complaint Lolomanaia Holani

Hi Chris,

It may be serious enough to warrant a warning but there is still a legal process that needs to be followed. For example at least 24 hours notice in writing is what is required to get him to attend the meeting to give him an opportunity to respond.

This appears to have been miss managed at an operational level for some time and if HR issues him a warning without following basic pricipals, then he will have evidence to implicate AAG.

If we don't want to wait, perhaps simply draft up warning in house and issue it him without involving HR and then send it to me and I will add it his file. Or Michael Clements can sign off on this by replying to this email and I can draft something up today and email it to him without following the formalities.

I am at Power Ford at the moment and will be at BGF and Chullora after that but I can can draft up a warning and email it out (or pop around) depending on what time I get out of Chullora today.

Regards.

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**From:** Chris Williams  
**Sent:** Thursday, 31 January 2019 9:31 AM  
**To:** David Berlusconi  
**Cc:** Wes Dawson; Michael Clements  
**Subject:** RE: Customer Complaint Lolomanaia Holani

David

This is not something Andrew is able to deny. A customer was properly qualified and introduced. Andrew has made the decision himself that the customer did not have the borrowing capacity and failed to take a deposit or even submit an application. This is my concern and what warrants a 1<sup>st</sup> warning at a minimum.

This customer mentioned that he had 4 children & his income on paper did not stack up so Andrew has dismissed the customer and his borrowing capacity. If Andrew had asked the right questions and dug a little deeper he would have realised the customers children are over 18 and self dependent.

The following day Luke has taken the time to ask the proper questions, submit an app which has been approved and we have sold a car. This is cut and dry, at a minimum he should be properly qualifying a customer and submitting application, to not do so is a gross dereliction of duty.

I really want something done about this prior to Andrew going on leave tomorrow.

Thanks.

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David Berlusconi  
**Sent:** Wednesday, 30 January 2019 11:52 AM  
**To:** Chris Williams  
**Cc:** Wes Dawson  
**Subject:** RE: Customer Complaint Lolomanaia Holani

Hi Chris,

At the moment it is only an allegation by the customer which Andrew will no doubt deny. So we need something a little more substantive for example, did another staff member hearing him talk to the customer on the day who can corroborate this? If we issued a warning on this basis alone, it would be considered a breach of the Act (assuming of course Andrew denies engaging in this conduct).

Keep in mind if it's performance related (e.g. not meeting targets or KPI's) we can go down that path.

Wes, I tried calling but got your voice mail. Can you give me a buzz on this person when you get a chance. I went through his HR records and there is no indication of any issues.

Regards.

David Berlusconi  
Human Resources Manager  
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**From:** Chris Williams  
**Sent:** Wednesday, 30 January 2019 11:03 AM  
**To:** David Berlusconi  
**Cc:** Wes Dawson  
**Subject:** FW: Customer Complaint Lolomanaia Holani

Hi David

As per the email below, Brookvale has a Business Manager I need you to talk to.  
Discussions with sales staff & Wes Dawson have led me to believe Andrew Bryant has been of concern for some time now though we have not done anything due to the old "it is too hard to find a replacement".

The email below shows evidence of Andrew dismissing a customer and questioning his ability to finance with us. If it was not for the customer bringing this to our attention this deal would have been lost. Luckily Luke our 2<sup>nd</sup> BM rang the customer when back at work the following day, apologised for Andrews actions, submitted a finance application and guess what – Approved and we have sold and delivered a car.

In my short time here [when Luke is on a RDO] I have noted salespeople holding onto their deals until Luke returns. The sales team have no confidence in Andrew or his ability, with a belief & evidence of lost deals [as above] when he is involved.

Andrew is on a month's leave from this Friday and I was really hoping you would have time to sit with a supply a warning prior to his leave.

Thanks.

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**From:** Luke McClelland  
**Sent:** Wednesday, 30 January 2019 10:16 AM  
**To:** Chris Williams  
**Subject:** Customer Complaint Lolomanaia Holani

Hi Chris,

John and Darcy have brought to my attention a complaint from a customer who visited us on Sunday 20<sup>th</sup> Jan to purchase a vehicle and the customer required finance for the purchase.

The customer did not purchase the car or leave an application and when he was leaving the dealership he pulled Darcy outside to let him know that he was not happy with how Andrew handled his finance enquiry. The customer stated that Andrew was not helpful and every question he asked Andrew it was a flat out no into what options were available for him.

Darcy encouraged the customer to return on my next working day to see what I could do for him.

I met with the customer, took a deposit on the car and then worked the application to see what we could do with his on paper income.

The customer is married with 4 non dependent children. The customer receives income legitimately and also cash as well as his wife received cash. His four non dependent children work and contribute to the household through share of rent.

So after obtaining a deposit from the customer and a price reduction on the car to get the customer to service on his payslips alone the deal auto approved.

The income and expenses we verified by Macquarie.

I delivered this car and the finance is now settled.

Thank you

**Luke McClelland**  
**Senior Business Manager**

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Thursday, 14 February 2019

Andrew Bryant  
20 Ralston Road  
Palm Beach, NSW, 2108

Dear Mr Bryant

**REFERENCE: Outcome of disciplinary meeting**

The purpose of this letter is to formally advise you that we have reached a conclusion regarding allegations of misconduct that was recently brought to our attention.

It was alleged that on or around 20 January 2019, you engaged in misconduct whilst in the workplace specifically, you made contact with a customer who you determined, did not have the borrowing capacity required, to finance a vehicle. Subsequently you then failed to take a deposit or submit an application.

You were presented with these allegations on 31 January 2019, and given the opportunity to address them in a formal environment. However you elected and wished to respond to them at that time.

You acknowledged that you did speak to the customer in question and your decision was partly based on the fact that the customer had four children resulting in his income not meeting the minimum requirements for finance.

Our investigations showed that the customer’s children were in fact over the age of 18 and had the appropriate questions been asked, it would have become apparent that, the children were also self-dependent and the customer could have indeed, met the finance approval threshold.

As a Business Manager there is an expectation that you use your skills to determine not only the needs and expectations of clients in order to assist them in financing a vehicle, but also make all reasonable attempts to exhaust all avenues to achieve this goal. By not asking all reasonable questions such as the children’s age and status, I am forced to conclude based on the evidence and balance of probabilities that the allegations have been substantiated and for this reason, the Australian Automotive Group has elected to issue you a formal warning on this matter.

A record of this will be placed on your personnel file and we remind you that it is important you not only achieve your monthly targets, but also ensure you explore every reasonable avenue to find ways to meet our customers’ expectations and finance needs. You are any are placed on notice that any further misconduct may lead to disciplinary action leading up to and including dismissal.

If you have any enquiries in relation to this matter, please feel free to speak to your manager or myself.

Yours sincerely

David Berlusconi  
Human Resources Manager