

RE: Aleacia correspondence

From: Bert Franzen <bertfranzen@electassociates.com.au>
To: Ahimsadhara Saraswati <ahimsadhara[REDACTED]>
Cc: Swami Haribodhananda <haribodhanand[REDACTED]>, Atma <yogarock@satyananda.net>, Poomamurti <pmc[REDACTED]>, Sarah Tetlow <sarahjtetlow[REDACTED]>, Suryamitra <suryamitra@satyananda.net>
Date: Wed, 26 Mar 2014 14:27:02 +1100

Pleasure Ahmsadhara.

I wouldn't put any of it in a letter. It helpful for us to know what our rights are but would communicate this at this time.

cheers

Bert

Bert Franzen

electAssociates | HR Consulting Specialists | Building 8 Level 2 | 49 Frenchs Forest Road | Frenchs Forest NSW 2086

T: 9454 7736 | M: [REDACTED] | F: 02 8088 6725 | 

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From: Ahimsadhara Saraswati [mailto:ahimsadhara[REDACTED]]
Sent: Wednesday, 26 March 2014 1:44 PM
To: Bert Franzen
Cc: Swami Haribodhananda; Atma; Poornamurti; Sarah Tetlow; Suryamitra
Subject: Re: Aleacia correspondence

Thanks Bert. How much of that should go in this first letter? I prefer to make it a letter that reaches out to start a relationship, not one that lays out all the cards. Such info could be raised by phone during a discussion and later put in writing.
 Ahimsa

On Wed, Mar 26, 2014 at 1:22 PM, Bert Franzen <bertfranzen@electassociates.com.au> wrote:
 Hello Haribodhananda

I've had a detailed discussion with my Legal Associate David Mendelsohn on the subject of our legal liabilities regarding restitution.

David advised the following:

1. The matter happened more than 30 years ago when the regulatory system for institutions and protection of children was very different and practically non-existent.
2. An individual, not the institution, was found responsible
3. Accordingly the victims may have some claim on the actual estate of the perpetrators of the illegal conduct, but
4. Not the institution itself as the institution was not found to have been in anyway involved.
5. As there were no regulatory provisions in place at that time with which the Institution was required to comply it is not possible to argue neglect of "duty of care"

I would appear that the restitution discussion in Aleacia's letter and also on the Facebook posts seems intertwined with the issues of people who donated money to the individual thinking it was going to the Satyananda institution. In this case both the Individual and the Satyananda Organisation were deceived.

My view is we should not go there, nor allude to restitution in anyway and make it clear that it is totally off the table and unrelated to our acknowledgement and recognition of the pain suffered.

Kind regards

Bert

Bert Franzen

electAssociates | HR Consulting Specialists | Building 8 Level 2 | 49 Frenchs Forest Road | Frenchs Forest NSW2086

T: 9454 7736 | M: **REDACTED** | F: 02 8088 6725 |   

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From: Swami Haribodhananda [mailto:haribodhananda@electassociates.com.au] **REDACTED**

Sent: Wednesday, 26 March 2014 11:59 AM

To: Bert Franzen

Cc: Ahimsadhara Saraswati; Atma; Poornamurti; Sarah Tetlow; Suryamitra

Subject: Re: Alecia correspondence

I think we also need to get a legal opinion on the letter as restitution is mentioned.

I would like to see something in writing as to where we stand.

Om

Hb

Sent from my iPhone

On 26 Mar 2014, at 11:51 am, "Bert Franzen" <bertfranzen@electassociates.com.au> wrote:

Dear Ahimsadhara

Please find attached with my modifications. I've suggested placing your personal history at the end as an annexure so it doesn't distract from your primary objective.

With regards to Alecia's letter. The only comment that concerns me is the last paragraph where she refers to restitution. We are not in a position to offer financial restitution and need to make this clear...maybe not in this letter however.

There is a big difference between acknowledgement, recognition and apologising; and restitution. It is interesting to note that the Stolen Generation Apology involved no restitution.

Kind regards

<image011.jpg>

Bert Franzen

electAssociates | HR Consulting Specialists | Building 8 Level 2 | 49 Frenchs Forest Road | Frenchs Forest NSW2086

T: 9454 7736 | M: **REDACTED** | F: 02 8088 6725 | [<image012.jpg>](#) [<image013.png>](#) [<image014.png>](#) [<image015.png>](#)

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From: Ahimsadhara Saraswati [mailto:ahimsadhara@electassociates.com.au] **REDACTED**

Sent: Wednesday, 26 March 2014 10:25 AM

To: Atma; Bert Franzen; haribodhananda@electassociates.com.au **REDACTED** Poornamurti; Sarah Tetlow; Suryamitra

Subject: Alecia correspondence

Hari Om,

attached is the letter received by Kriyatma (by registered post) and a draft reply. The last paragraph of Alecia's letter is my concern.

Thanks,

Ahimsa

<Dear Alecia.docx>