



## Three arrested over another real estate fraud attempt

Three people have been arrested and charged by South African Police in connection with the attempted fraudulent sale of a home in Western Australia.

Please see the joint media release below for further information.

The arrests are a timely reminder of the need for agents to be alert during property transactions, particularly when acting as property managers for overseas sellers. You should be aware that criminals use many of the same methods in their fraud attempts, including:

- Contacting an agency via email or phone to request that all future correspondence be sent to a new email address and all contact be made via a new phone number.
- The use of poor English and poor grammar which was not apparent in other correspondence from the owner in question.
- Supplying a signature which does not match the copy of an owner's signature held on agency files.
- Supplying photocopies of a fraudulent passport, driver's licence or other proof-of-identity document. These fraudulent documents may feature identical identification photos despite being issued several years apart.

When a property owner residing overseas wants to change their contact details, agents should verify the request by contacting the owner via the address the agency has on file (**both email and physical**). Signatures and photocopies of documents should be carefully scrutinised, while noticeably poor English should raise a red flag. Undertaking these checks will help minimise the chance of a fraud attempt being successful.

Commissioner for Consumer Protection Anne Driscoll reminds agents, sales representatives and property managers of the need to have documented processes in place to prevent the possibility of homes being sold without the owner's permission. This should include some form of regular internal cross-checking to confirm the procedures are being consistently applied by all staff.

Criminals often start real estate frauds by targeting the property management sections of agencies, so there must be risk management practices in place to detect these frauds early.

The Department's proactive review of agents will continue to include checks to ensure appropriate client identity verification processes are prepared and being followed by all staff.

Agents, sales representatives and property managers could place their licences or registrations at risk if they fail to comply with the strengthened *Code of Conduct for Agents and Sales Representatives 2011*.

The Department's guidance notes on property scams are available at:

<http://www.commerce.wa.gov.au/consumer-protection/advice-agents-property-scams>

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## ***Joint Media Statement***

**Western Australia Police, Australian Federal Police and Consumer Protection**

4 July 2014

### **Three arrested over another real estate fraud attempt**

Three people have been arrested and charged by South African Police in connection with the attempted fraudulent sale of a home in Western Australia.

Two Nigerian men and a South African woman were arrested in Johannesburg on 2 July 2014. The arrests follow a five month intensive investigation by the Major Fraud Squad of the Western Australia Police, with the assistance of the Australian Federal Police (AFP) who worked closely with the South African authorities.

Those charged are: Asanda Zimkhitha Cwayi (28), a South African woman; Magnus Ikechukwu Kamah (38), a Nigerian man; and Nbususi Sunday Okeke (34), also a Nigerian man. All suspects are charged with fraud, forgery and uttering. They are due to appear in Court on 4 July 2014.

It will be alleged that the Mandurah real estate agency (south of Perth), which was managing the Greenfields property on behalf of its South African owner, received an email from the offenders in mid-February 2014 pretending to be the real owner and successfully changing the contact email address the agency had on file. Two weeks later, a request to sell the property was received; agreements were signed with forged signatures and exchanged electronically. The property was then put on the market.

It will be further alleged that, in March 2014, an offer was made on the property and accepted by the pretend owner. As a result of the offer, documents were sent by the agency to the real owner's address in South Africa by post. While the email address had been changed, the physical address on file was not. The real owner alerted the agent that the sale was not authorised and the Police were contacted.

Major Fraud Squad Detectives were able to work with the agency, a local settlement agent and Police in South Africa to identify and apprehend the offenders.

In August 2013, Ntuen Promise Ekenmini was arrested in Nigeria over a separate fraud attempt when he collected documents related to a supposed settlement of a home in Falcon, also near Mandurah, which was owned by a South African. It's alleged Ekenmeni used a fake driver's licence in the name of the real owner as identification when collecting the documents at an international courier office in Lagos.

Detective Senior Sergeant Dom Blackshaw of the Major Fraud Squad (WA Police) said the recent arrests in South Africa were yet another victory in the fight against international fraud.

"This successful outcome could not have been made possible without the excellent support and cooperation of the AFP and local authorities in South Africa," Det Snr Sgt Blackshaw said.



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“This spirit of cooperation means that offenders who attempt these frauds can’t hide behind international borders, and we will be working effectively and cooperatively to make sure they are identified and caught.”

Australian Federal Police spokesperson, Superintendent Graeme Marshall, said the successful outcome of the joint operation was the result of strong and effective cooperation between South African and Australian authorities.

“The AFP and its partners are committed to combatting crimes that cross international boundaries” Superintendent Marshall said.

“Operations such as this, which spanned two continents, highlight the effectiveness of Australian agencies in working together and are an excellent example of the power of law enforcement collaboration against transnational crime.”

Commissioner for Consumer Protection Anne Driscoll said real estate and settlement agents cannot afford to let their guard down when it comes to these fraud attempts.

“Unfortunately these fraud attempts will undoubtedly continue so all agents need to be vigilant at all times and have the processes in place to detect these fraud attempts at an early stage,” Ms Driscoll said.

“It is an essential part of the identity verification procedures for any change of contact details by an owner to be confirmed by the real estate agency by sending a notification to the original addresses, both physical and electronic, that are on file. This will alert the real owners at an early stage if their details are being changed fraudulently.

“This confirmation should occur before any documents are sent which could give criminals even more information about the real owners and the property they are trying to sell. Requests to change details by owners of WA property living in Africa should raise a red flag and warrant special attention to property managers.

“There have been two successful and now six attempted real estate frauds reported to us in the past six years and all except for one of those cases have involved owners in South Africa. The other owner resided in Nigeria. Property managers who receive change of contact details and agents who receive sale requests from South African and Nigerian owners should apply intense scrutiny.

“All real estate and settlement agents have a clear obligation to ensure that they carry out the identity verification checks required of them under the Codes of Conduct, and signatures should also be checked against originals on property management files. Failing to comply with these strict requirements will leave agents open to disciplinary action by the Department.”

## **END OF RELEASE**

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