

Appendix: Second Request for Evidence, question 4

- 1 This appendix is referred to at paragraph 24 of Dean O’Sullivan’s second witness statement dated 6 November 2020.

Studio E Architects Ltd

- 2 An email dated 30 May 2012 records an enquiry received via the Celotex website with the subject “CPD Request” from a Justyna Michalska, Office Manager at Studio E Architects Ltd. It records the following comment: *“I am intrested in organising a CPD seminar re Building Regulations / new Part L for our architects. I guess that would be Seminar 1 ?”*.¹
- 3 This request was logged by a Commercial and Sales Support Assistant in an Excel spreadsheet titled “*CPD Requests ASM*”, in the tab “*May 12*” at row 7.² The Area Sales Manager (“**ASM**”) recorded alongside the Studio E entry was “*Adrian Fryer/ NOS*”.
- 4 An Excel spreadsheet with the file name “*03-10-2012 Paraphor³ Data as per SQL extraction*”⁴ records the following notes alongside the subject name “*Studio E Architects - Hammersmith - Architect/Specifier - Justyna Michalska*”:
- a) “*Arrange CPD for 2012 email sent also*” with a “Required date” of 6 June 2012;⁵ and
 - b) “*Chase for CPD again!*” with a “Required date” of 30 July 2012.
- 5 Internal Celotex emails from July and August 2012 refer to a session for Ms Michalska on 12 September 2012 on lists of planned presentations by Adrian Fryer.⁶
- 6 Emails between Mr Fryer and Ms Michalska between June and September 2012 with the subject “*Celotex CPD*” show that the presentation was scheduled for 12

¹ C_12232. This quote, as with all quotes included within this Appendix, has been reproduced as original.

² The request appears to have been first recorded in a CPD Requests spreadsheet on 26 July 2012: C_12236 and C_12237. No updates have been recorded to the Studio E entry on later versions of this spreadsheet.

³ We are instructed that ParaPhor was a client relationship management platform used by Celotex until November 2012 (the predecessor to Salesforce).

⁴ C_12250. This spreadsheet was located in a soft-copy folder titled: IT/Projects/CRM Replacement/Phase 1 - Replace/Salesforce Data Migration/DMTest1.

⁵ An identical note is recorded in a spreadsheet with the file name “*Task.csv*” alongside the same subject name but with an “Activity date” of 5 June 2012: C_12249.

⁶ C_12238 / C_12239 / C_12242.

September 2012 and discuss logistical arrangements.⁷ An email in this chain sent by Ms Michalska to Mr Fryer on 7 June 2012 asks Mr Fryer to “*confirm that this seminar is RIBA [Royal Institute of British Architects] certified ?*”.⁸ No email reply has been identified.

- 7 On 13 September 2012, Caley Kohler of Studio E emailed Mr Fryer with the subject “*Studio E CPD*”. The email thanked Mr Fryer for “*taking the time to come through to our offices yesterday [12 September 2012] to present your CPD to our staff*” and included a list of attendees. Mr Fryer forwarded the email to Celotex’s Commercial and Sales Support Assistant the following day, asking her to “*send PDF to Caley for the names below? Simplifying Compliance to Part L*”.⁹ By email of 26 September 2012, Celotex’s Commercial and Sales Support Assistant provided Ms Kohler with certificates of attendance for 24 individuals for a one-hour presentation titled “*Celotex and Part L: Simplifying Compliance*”.¹⁰
- 8 An email from Studio E to a Trainee ASM at Celotex on 26 September 2012, copied to Ms Michalska, records that Celotex gave a presentation to Studio E on 12 September 2012 describing it as being titled “*Using Celotex to meet Part L*”.¹¹
- 9 As to presentation materials:
- a) It has not been possible to identify precisely which presentation materials Mr Fryer used on 12 September 2012. We are instructed that Mr Fryer left Celotex’s employment on 7 March 2014.
 - b) A PowerPoint presentation titled “*Celotex & Part L: Simplifying Compliance*” and with the file name “*Celotex & Part L - Simplifying Compliance (AF - Sept-12)*” was identified in Celotex’s records.¹² The electronic metadata for this presentation indicates that it has a ‘last modified’ date of 31 August 2012. The presentation contains speaking notes within the document.

⁷ C_12233 / C_12234 / C_12244.

⁸ C_12234.

⁹ C_12248.

¹⁰ C_12253 to C_12277.

¹¹ C_12247.

¹² C_12252. See also: C_12251.

- c) A longer version of the presentation described at paragraph (a), with the same title but with the file name “*Celotex & Part L - Simplifying Compliance (non-protected)*”, was also identified.¹³ The electronic metadata for this presentation indicates that it has a ‘last modified’ date of 14 September 2012. A document titled “*CPD Narrative*” (with a ‘last modified’ date of 13 July 2012) also provides guidance notes for the presenter.¹⁴
- d) An internal email dated 21 August 2012 from Paul Evans (Celotex Product Manager at that time) to members of Celotex’s sales team including Mr Fryer, noted that “*the majority of the presentations we provide use the ‘Celotex’ CPD*” but that a modified version of the presentation had received RIBA approval and that Mr Evans could provide copies of that presentation, narrative and other materials if required.¹⁵
- e) Materials for a presentation titled “*PIR Insulation & Part L: Simplifying Compliance*” were located in a soft-copy folder titled “*RIBA CPD*”.¹⁶ The electronic metadata for this presentation indicates that it has a ‘last modified’ date of 21 August 2012. The PowerPoint presentation contains speaking notes within the document and a document titled “*CPD Narrative*” (which relates to the RIBA certified version of the presentation and has a ‘last modified’ date of 26 July 2012) provides guidance notes for the presenter.¹⁷

- 10 An Excel spreadsheet with the file name “*Task.csv*” records the note “*Payment for CPD and new binder*” alongside the subject name “*Studio E Architects - Hammersmith - Architect/Specifier - Justyna Michalska*” with an “Activity date” of 11 October 2012.¹⁸ The Excel spreadsheet does not specify to and from whom the payment is to be made or its amount. We are instructed that it is Celotex’s practice to pay for the cost of providing a sandwich lunch during presentations.

¹³ C_12246. See also: C_12251.

¹⁴ C_12235.

¹⁵ C_12241.

¹⁶ C_12243. See also: C_12251.

¹⁷ C_12240.

¹⁸ This spreadsheet was located in a soft-copy folder titled: IT/SFDCBackups: C_12249.

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- 11 An internal Celotex email dated 11 November 2011 attached an Excel spreadsheet titled “*CPD Seminar 8th December London*”.¹⁹ The spreadsheet records the names of 89 individuals from various firms, including a David Robinson of Max Fordham LLP. No evidence has been found to confirm whether Mr Robinson attended the event. The spreadsheet also records the names of four individuals who were Celotex employees at that time: Paul Reid, Paul Evans, Adrian Fryer, and Neil O’Sullivan.
- 12 A PowerPoint presentation titled “*Using Celotex To Meet Part L 2010*” includes the date “8 December 2011” and the name “Adrian Fryer” on the cover page.²⁰

¹⁹ C_12229 / C_12230.

²⁰ C_12231.