

Mr. N.H. Lam
Cairostraat 62
1448 PB Purmerend

Also by email

Your reference	our reference	date
	62978772	November 23, 2022
Attachments	subject	email
	Decision to appeal Linh Son Temple Foundation	bezwaar@kvk.nl

Dear mr. Lam,

In response to the submitted objection dated September 30, 2022, the Chamber of Commerce (hereinafter, the Chamber) notifies the parties as follows.

The facts

On September 9, 2022, Messrs. T.H. Nguyen and F.O. Visser concerning Linh Son Temple Foundation (hereinafter: the Foundation) filed a declaration with the Commercial Register of:

1. *Mr. F.O. Visser joined as director (Treasurer) as of August 23, 2022.*
2. *Mr. Q.T. Vu joined as a director (Secretary) as of August 23, 2022.*
3. *Mr. T.H. Nguyen retired as a director (Secretary) effective August 23, 2022.*
4. *Mr. N.H. Lam retired as a director (Treasurer) effective August 23, 2022.*

On September 9, 2022, the Chamber decided to register the aforementioned statements and confirmed them in writing to the foundation and the directors concerned.

On October 1, 2022, the Chamber received by email a notice of objection, dated September 30, 2022, from Mr. N.H. Lam (hereinafter: the appellant) against the decisions of September 9, 2022.

On Oct. 10, 2022, the Chamber receives by email a supplement to the appellant's objection.

On Oct. 11, 2022, the Chamber confirms by mail and e-mail the receipt of the objection to the appellant and to the Foundation v. Board (hereinafter: interested party).

On October 21, 2022, the Chamber received by email a response from Mr. F.O. Visser on behalf of the interested party with the summary judgment dated October 10, 2022. In that judgment, the interim relief judge ruled that the appellant no longer holds a formal position with the foundation.

On October 21, 2022, the Chamber forwards the aforementioned response by e-mail to the appellant.

On November 7, 2022, the Chamber sends an email reminder to the appellant.

Decision to register

On Sept. 9, 2022, the Chamber decided to register the statements because the statements came from an authorized person. At the time of the declarations, the Chamber had no reason to doubt the accuracy of the declarations and registered them in accordance with Articles 4 and 5 of the Trade Register Decree 2008.

Admissibility

The notice of objection was submitted within six weeks after publication of the decision and meets the other requirements as well set by General Administrative Law Act (Article 6:5 Awb), so that the notice of objection is admissible.

Decision

In the October 10, 2022, order, the court in summary proceedings ruled that it appeared that the board was dismissed at the August 23, 2022 board meeting. Therefore, the court in summary proceedings assumed that the appellant no longer holds a formal position with the foundation. The foregoing has the effect that the Chamber will adopt the civil facts of the judgment. Specifically, this means that the Chamber will therefore declare the objection unfounded. Moreover, since the appellant no longer has a formal position with the foundation, he no longer has a direct interest in the registration of the new directors. The decisions dated September 9, 2022, will be upheld.

Appeal

If an interested party disagrees with this decision, a reasoned appeal may be submitted in writing within 6 weeks of the date of dispatch of this letter to the Trade and Industry Appeals Tribunal (CBB), P.O. Box 20021, 2500 EA The Hague, the Netherlands. Please note that this involves costs: approximately €365 if the appeal is lodged by a legal entity and approximately €184 if the appeal is lodged by a natural person.

We trust that we have provided you with sufficient information.

Yours sincerely,

Kamer van Koophandel



Mw. M.J. Blocks
Behandelaar bezwaren