



**Wireless Application Service Providers' Association**

## Report of the Adjudicator

|                                |                               |
|--------------------------------|-------------------------------|
| Complaint number               | #31783                        |
| Cited WASPA members            | Tristar Trading Ltd (1452)    |
| Notifiable WASPA members       | n/a                           |
| Source of the complaint        | WASPA Secretariat             |
| Complaint short description    | Non-compliance with sanctions |
| Date complaint lodged          | 2016-10-07                    |
| Date of alleged breach         | s/a                           |
| Applicable version of the Code | v14.5                         |
| Clauses of the Code cited      | 24.67                         |
| Related complaints             | 25974, 31787                  |

|                         |   |
|-------------------------|---|
| considered              |   |
| Fines imposed           | R25 000.00 for breach of section 24.67 of the WASPA Code            |
| Other sanctions         | Suspension of WASPA membership pending payment of all unpaid fines. |
| Is this report notable? | No  |
| Summary of notability   | n/a   |

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## Complaint

1. The WASPA Secretariat lodged this formal complaint against the member for its failure to pay a fine of R150 000.00, which was imposed by the appeal panel in the appeal lodged by the member in complaint #25974.
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## Member's response

2. The member did not dispute the merits of the complaint and instead requested WASPA to postpone the payment of the fine that was handed down by the appeal panel in appeal #25974 due to the high amount of sanctions against the member.
  3. The WASPA Secretariat correctly advised the member that it was not empowered to postpone the payment of sanction fines.
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## Sections of the Code considered

4. Section 24.67 of the WASPA Code of Conduct was considered, which reads as follows:

*The failure of any member to comply with any sanction imposed upon it will itself amount to a breach of the Code and may result in further sanctions being imposed.*

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## Decision

5. The member has not disputed that it has failed to pay the fine imposed by the appeal panel for complaint #25974.
6. I am therefore satisfied that the member has committed a further breach of the WASPA Code in terms of section 24.67 of the Code.
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## Sanctions

7. As aggravating factors, I have taken into account the numerous other complaints that have been upheld against the member over the past two years, including complaint #31787 which was considered at the same time as this complaint. I have also taken into account the severity of the member's contraventions of the Code in complaint #25974, which was upheld on appeal.
8. The member has not provided, nor can I find, any factors to be taken into account in mitigation.
9. The following sanctions are imposed against the member:

- 9.1 The member must pay the fine imposed for complaint #25974 in the sum of R 150 000.00 within 7 (seven) working days of receipt of this report.
- 9.2 For its further breach of the WASPA Code in terms of section 24.67, the member must pay an additional fine of R25 000.00 within 7 days of receipt of this report.
- 9.3 The member's membership of WASPA is suspended until all fines currently owed by it (including the new fine imposed for this complaint) have been paid in full to the WASPA Secretariat.