



**Wireless Application Service Providers' Association**

## Report of the Adjudicator

Complaint number	#31787
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	29641, 31783

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 R500 000.00, which was imposed by the adjudicator in complaint #29641.
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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 due to the high amount of sanctions it had received.
  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 for complaint #29641.
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 2 years, including complaint #31783 which was considered at the same time as this complaint.
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 #29641 in the sum of R 500 000.00 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.