

Report of the Adjudicator



Wireless Application Service Providers' Association

Complaint number	#36156
Cited WASPA members	Weebee
Notifiable WASPA members	N/A
Source of the complaint	WASPA
Complaint short description	Non-adherence to Sanctions
Date complaint lodged	2017-09-14
Date of alleged breach	2017-09-14
Applicable version of the Code	15.0
Clauses of the Code cited	24.40
Related complaints considered	#33107
Fines imposed	R 20 000-00
Other sanctions	Compliance with #33107; or Temporary Suspension; or Expulsion
Is this report notable?	N/A
Summary of notability	N/A

Initial complaint

The Complainant in this matter stated that the Member failed to pay sanctions issued under Adjudication 33107.

Member's response

The Member initially requested further information but failed to issue a formal response on WASPA issuing subsequent information.

Complainant's response

The Complainant provided further information to the Member further detailing the complaint.

Sections of the Code considered

24.40. If no appeal is lodged, or if the adjudicator has specified certain sanctions as not being suspended pending an appeal, 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. WASPA itself may initiate a further complaint against a member for non-compliance with any sanctions.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. The Adjudicator has taken note of the Complaint and the Member's subsequent reply.

The Complainant in this matter indicated that according to its records, the Member did not comply with Adjudication 33107 wherein the Member was sanctioned to pay fines totaling R 35 000-00 for breaches of sections 8.1, 8.3, 8.6 and 8.7 under version 14.7 of the WASPA Code of Conduct.

In the absence of lodging an appeal, a member is obliged to adhere to the Adjudication and as in this instance, pay the fines sanctioned.

Without having received any clarification or further response from the Member, the Adjudicator in this instance has no other option but to find the Member in breach of section 24.40.

The Adjudicator considers a breach of section 24.40 extremely serious as sanctions are utilised to enforce WASPA's Code of Conduct. Without enforcement, WASPA is rendered powerless and end-users are left with no recourse to justice.

Sanctions

The Member in this matter is ordered to pay its outstanding fines sanctioned under Adjudication 33107 to the WASPA Secretariat within 5 (five) days after having received notice hereof.

The Member is further issued with a fine of R 20 000-00 for its breach of section 24.40 of the Code of Conduct, which must be paid to the WASPA Secretariat within 5 (five) days after having received notice hereof.

Should the Member fail to settle these fines within the specified time, the WASPA Secretariat is ordered to suspend the Member from WASPA until such fines have been paid in full.

Should the Member fail to comply with this sanction for a period exceeding six months, then the WASPA Secretariat is ordered to expel the Member from WASPA.

Matters referred back to WASPA

N/A