



Wireless Application Service Providers' Association

Report of the Adjudicator

Complaint number	#41661
Cited WASPA members	Cookies Factory SRL (1812)
Notifiable WASPA members	n/a
Source of the complaint	WASPA
Complaint short description	Contravention of sanction imposed in previous complaint
Date complaint lodged	2019-07-24
Date of alleged breach	2019-07-24
Applicable version of the Code	v16.6
Clauses of the Code cited	24.40
Related complaints considered	n/a
Fines imposed	R25 000.00 for the breach of clause 24.40
Other sanctions	n/a
Is this report notable?	n/a
Summary of	n/a

Complaint

1. The Complainant alleges that the Member failed to pay the fine of R10 000 imposed as a sanction for a previous complaint (#41263), which was upheld by the Adjudicator.
 2. The Complainant alleges that the Member has therefore breached clause 24.40 of the WASPA Code of Conduct.
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Member's response

3. As was the case in the original complaint, the Member did not submit any response to this complaint.
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Sections of the Code considered

4. The Complainant cited clause 24.40 of the WASPA Code of Conduct as the basis for this complaint. Clause 24.40 reads as follows:

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.

5. No further clauses were applied by WASPA.

Decision

6. No appeal was lodged by the Member against the findings or sanctions of the Adjudicator in their report in complaint #41263.
7. The Member has not paid the fine imposed by the Adjudicator in complaint #41263 within the applicable time period stipulated in clause 24.41.
8. The Member is therefore in breach of clause 24.40 of the WASPA Code of Conduct and the complaint is accordingly upheld.

Sanctions

9. The Member's lack of response to both the original complaint and this complaint is viewed as an aggravating factor. No mitigating factors were presented.
10. The Member is fined the sum of R25 000 for its breach of clause 24.40.