



## Report of the Adjudicator

Complaint number	#57859
Cited WASPA members	Joker Mobile
Notifiable WASPA members	N/A
Source of the complaint	WASPA
Complaint short description	Failure to abide by the sanction imposed in the previous complaint
Date complaint lodged	2022-11-03
Date of alleged breach	N/A
Applicable version of the Code	17.2
Clauses of the Code cited	24.40
Related complaints considered	#56927
Fines imposed	N/A
Other sanctions	N/A
Is this report notable?	Not notable.
Summary of notability	N/A

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## **Initial complaint**

1. Complaint #57859 was logged by the WASPA Secretariat against the Member for its failure to comply with the sanction imposed on it in the WASPA Appeal Report #56927 (“the complaint”).
2. The complaint was sent to the Member on 2022-11-03.
3. On 2022-11-21 the WASPA Secretariat informed the Member that the payment of the fine imposed on the Member pursuant to the WASPA Appeal Report #56927 was still outstanding.
4. On 2022-12-01 the Secretariat checked again with the WASPA Accounts Department and was informed that the payment was still outstanding.
5. The complaint was assigned to adjudication on 2022-12-01.

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## **Member’s response**

6. The Member responded to the complaint on 2022-11-04.
7. The Member requested clarity on the complaint which was raised against it for non-compliance with the WASPA Code of Conduct (“the Code”).
8. The Member alleged that the WASPA Secretariat had sent it the incorrect link to the WASPA Adjudicator Appeal Panel's Report for complaint #56927, which referred to Mondia Media and not to the Member.

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## **Complainant’s response**

9. The WASPA Secretariat responded to the Member on 2022-11-04.
10. The WASPA Secretariat provided the Member with website links which directed the Member to the WASPA Adjudicator Appeal Report (“the Report”) relating to the Member, and advised that WASPA Adjudicator reports were public information, and the Member could have accessed them at any time.
11. Furthermore, the WASPA Secretariat stated that the invoice relating to the Report’s sanction was sent to the Member on 2022-08-30, and a further email was sent to the Member on 2022-10-06. The WASPA Secretariat further stated that the Member did not bring this alleged error to WASPA’s attention on either occasion.

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## **Member's further response**

12. The Member responded to the WASPA Secretariat on 2022-11-21, after the WASPA Secretariat had confirmed that the fine remained unpaid by the Member, and the Member stated that it would follow up with its finance department.

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## **Sections of the Code considered**

13. Clause 24.40 of the Code is considered and 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".

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## **Decision**

14. Reference is made to the abovementioned complaint and to the Report.
15. It is acknowledged that the Member has paid the fine as imposed by the Adjudicator in the Report in question, and that the Member is no longer in contravention of the Code.
16. The Member is urged to pay its fines timeously, as the Adjudicator will not be as lenient should the Member make late payment in the future.

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## **Sanctions**

17. N/A.

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## **Matters referred back to WASPA**

18. N/A.
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