



Report of the Adjudicator

Complaint number	58455
Cited WASPA members	Tariosys (Pty) Ltd
Notifiable WASPA members	N/A
Source of the complaint	WASPA
Complaint short description	Failure to comply with sanctions in respect of 57478
Date complaint lodged	16 March 2023
Date of alleged breach	November 2022
Applicable version of the Code	17.4
Clauses of the Code cited	24.40
Related complaints considered	57478
Fines imposed	N/A
Other sanctions	Member suspended in terms of 24.43 until the sanctions in terms of 57478 are satisfied
Is this report notable?	Not Notable
Summary of notability	N/A

Initial complaint

This case relates to case 57478 wherein the member was fined R45 000 and agreed in terms of an acknowledgment of debt to pay off the debt in six, equal, consecutive, monthly installments as of November 2022. Notwithstanding this, the member has to date only paid three installments.

Member's response

The member responded to advise that they had made installment payments of R7000 on 9 December 2022, 1 February 2023 and 4 April 2023.

Complainant's response

The complainant advised that the member had missed payments for November 2022, February 2023 and March 2023.

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.

24.43 Sanctions that may be imposed on a member found to be in breach of the Code of Conduct include one or more of the following:

- (a) a requirement for the member to remedy the breach (including ordering a refund);
 - (b) a formal reprimand;
 - (c) an appropriate fine on the member, to be collected by WASPA;
 - (d) suspension of the member from WASPA for a defined period;
 - (e) expulsion of the member from WASPA;
 - (f) a requirement for the member to disclose the identity of any client found to be acting in breach of this Code of Conduct;
 - (g) a requirement for the member to suspend or terminate the services of any client that provides a service in contravention of this Code of Conduct;
 - (h) a requirement to withhold a specified amount or portion of money payable by the member to the client.
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Decision

The Acknowledgment of Debt signed by the member on 3 November 2022 clearly stated that the member would pay six, equal, consecutive, monthly installments to satisfy their debt. This was not done as has been shown by both WASPA and the member.

Sanctions

The member is suspended until the sanctions in respect of 57478 have been satisfied in full.

Matters referred back to WASPA

N/A
