



Report of the Adjudicator

Complaint number	#61156
Cited WASPA members	YellowDot Mobile
Notifiable WASPA members	N/A
Source of the complaint	WASPA
Complaint short description	Failure to comply with a sanction
Date complaint lodged	2025-03-14
Date of alleged breach	2025-03-13
Applicable version of the Code	17.9
Clauses of the Code cited	24.40
Related complaints considered	30748, 41661
Fines imposed	R 15 000-00, possible suspension
Other sanctions	N/A
Is this report notable?	Not notable
Summary of notability	N/A

Initial complaint

A formal complaint was logged by WASPA against the Member for failure to comply with the sanction of complaint 60737.

The member did confirm on 2025-01-10 that they will be complying with the sanction of complaint 60737 and an invoice was issued on the same day, however by 2025-03-13 the sanctions were not paid.

The formal complaint was sent to the member on 2025-03-14.

Member's response

The member responded on 2025-03-27 noting that they were under the impression that the matter was resolved.

Complainant's response

A copy of the invoice was sent to the member again on 2025-03-31.

The secretariat responded with the required information relating to complaint 60737.

The secretariat reminded the member on 2025-04-11 that the amount was still not settled.

On 2025-05-05 the secretariat again checked with the accounts department, which confirmed that sanction was still outstanding.

Member's further response

The Member requested an invoice and statement of account but failed to settle the account.

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 reaching a decision the Adjudicator relies on all the information provided by both the Complainant and Member in this matter.

The Member failed to make payment and the Adjudicator finds the Member in breach of section 24.40 of the WASPA Code of Conduct.

Sanctions

In determining appropriate sanctions against the Member, the following factors have been taken into consideration:

- any previous successful complaints made against the Member in the past three years;
- any previous successful complaints of a similar nature;
- the nature and severity of the breach; and
- any efforts made by the Member to resolve the matter.

A fine of R 15 000-00 is levied against the Member for its breach of section 24.40, to be paid within seven days to WASPA after having received notice hereof.

The Member is further instructed to comply with the sanction levied in Adjudication 60737 within seven days to WASPA after having received notice hereof.

Failure to comply with any of the sanctions above will lead to the Member being suspended until date of compliance with the issued sanctions. The “suspension” is a reference to the suspension of the Member’s WASPA membership and the MNOs should be notified accordingly.

Matters referred back to WASPA

None
