



REPORT OF THE ADJUDICATOR

Complaint reference number:	15531, 15532, 15533, 15534
WASPA member(s):	HR Computek
Membership number(s):	0114
Complainant:	WASPA Secretariat
Type of complaint:	Failure to comply with sanctions
Date complaint was lodged:	2011-11-11
Date of the alleged offence:	2011-11-11
Relevant version of the Code:	11
Clauses considered:	14.3.24
Relevant version of the Ad. Rules:	N/A
Clauses considered:	N/A
Related cases considered:	N/A

Complaint

The WASPA Secretariat, who is the Complainant in this matter, lodged a complaint against the SP due to its non-payment of fines in terms of sanctions issued under adjudications 10550 / 10753 / 10968 / 11370.

Service provider's response

The SP in its response (14-11-2011) requested a payment plan, whereupon the WASPA Finance Working Group put forth a 6 month plan. This was ordered to have been initiated with immediate effect (03-03-2012). It was also stated that such proposal was subject to the payment of outstanding membership fees.

Up and until the formal referral of this complaint, 09-05-2012, no response or payment was forthcoming or received from the SP in this matter.

Sections of the Code considered

14.3.24. The member must pay any applicable fine(s) imposed by an adjudicator within five working days of receipt of invoice.

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 SP's subsequent reply.

The SP did not deny the initial Complaint and stated in its response that it did not have the financial means to effect payment. As such, it requested a payment plan from WASPA. The WASPA Finance Working Group offered a 6 month plan, but the SP failed to reply to any communication aimed at it, subsequent to the offer proposed.

It subsequently also failed to make any payments.

The Adjudicator therefore has no alternative but to find the SP in breach of section 14.3.24.

The Complaint is upheld.

Sanctions

In determining an appropriate sanction, the following factors were considered:

- The prior record of the SP with regard to breaches of the relevant sections of the Code of Conduct; and
- The SP's subsequent response.

The SP's membership is suspended with immediate effect until it effects payments in terms of sanctions issued under adjudications 10550 / 10753 / 10968 / 11370, totalling R 80 000-00, and any outstanding WASPA membership fees.