



REPORT OF THE ADJUDICATOR

Complaint reference number:	17270
WASPA member(s):	Teleplay Communications
Membership number(s):	0064
Complainant:	WASPA Secretariat
Type of complaint:	Failure to comply with sanctions of complaint 9354
Date complaint was lodged:	2012-05-24
Date of the alleged offence:	26 August 2011
Relevant version of the Code:	9.0
Clauses considered:	Clause.
Relevant version of the Ad. Rules:	Not applicable
Clauses considered:	14.3.21, 14.3.22, 14.3.23 and 14.4.6.
Related cases considered:	9354

Complaint

The SP was fined in terms of the appeal decision on the complaint number 9354 adjudicated through the formal process set out by the Code of Conduct. The SP has failed to comply with the sanctions imposed by the appeals panel notwithstanding due demand by the WASPA secretariat.

Service provider's response

The Service Provider failed to respond.

Sections of the Code considered

14.3.21. 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.

14.3.22. The member must provide the secretariat with confirmation of compliance with any applicable sanctions within five working days of receiving the adjudicator's report.

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

14.4.6. For the avoidance of doubt, no sanction may be applied to a member who has not been given an opportunity to respond to a complaint.

Decision

The SP has breached the Code in that they failed to comply with the amended sanction set out in the appeals panel ruling on complaint 9354. They failed to confirm compliance with the ruling within 5 (five) days of the appeals panel ruling as required by section 14.3.22. They failed to pay the fine timeously, and in fact at all, as required by section 14.3.23.

They furthermore failed to respond to the charges as set out and accordingly was given adequate opportunity to respond to this complaint as required by section 14.4.6.

Sanctions

My sanction would be to suspend the SP pending payment of the fine as required by the appeals panel ruling in respect of complaint 9354. However the SP has already been suspended in terms of another matter.

I therefore request that should the suspension of the SP in respect of any other matter be lifted that this suspension be invoked pending their payment of the fine and compliance with the ruling in respect of complaint 9354.