

Enforcement Action - June quarter 2007

In the course of administering NSW's fair trading laws, the Office of Fair Trading may take enforcement action against individuals or companies that contravene those laws. Enforcement action is designed to stop the unlawful conduct, reduce the likelihood of its recurrence, act as a general and specific deterrent and where appropriate, reverse its effect through actions such as corrective advertising or compensation. This report includes public information available through the courts as well as information on public registers administered by the Office of Fair Trading. The enforcement actions listed may include:

- convictions resulting from prosecution in a court
- statistical information on penalty notices issued by the Office of Fair Trading
- disciplinary determinations – including results of proceedings in the Administrative Decisions Tribunal
- injunctions or other orders resulting from civil proceedings in the Supreme Court.

The information in this report is correct at the time of publishing. © State of New South Wales through the Office of Fair Trading, 2007

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Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
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Home Building Act

Keith Blair	Unlicensed	Condong	Unlicensed residential building work and failed to provide certificate of insurance	Convicted 18 April 2007	\$20,617.00
Brian Jurd	Unlicensed	Bowral	Unlicensed contracting of residential building work and unlicensed residential building work	Convicted 19 April 2007	\$5,267.00
Illawarra Tiling Company (NSW) Pty Ltd	Unlicensed	Bowral	Unlicensed contracting of residential building work	Convicted 19 April 2007	\$2,267.00
Roger Francis Irving	Unlicensed	Albion Park	Unlicensed contracting of residential building work; demanded or received excessive deposit; unlicensed residential building work; and failed to insure contract work	Offence proven 03 May 2007. No conviction recorded.	\$368.00
Huhndahl Pty Ltd	Unlicensed	Albion Park	Unlicensed contracting of residential building work; demanded or received excessive deposit; and failed to insure contract work	Offence proven 03 May 2007. No conviction recorded.	\$301.00
Mark Piercy t/as M & J Carpentry Service	72436C Carpentry	Albion Park	Unlicensed contracting of residential building work; failed to comply with requirements of written contract; demanded or received excessive deposit; unlicensed residential building work; falsely represented a person (a partnership or corporation) is the holder of a contractors licence; and failed to insure contract work	Convicted 3 May 2007	\$7,004.00
Rami Ali Hajar	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work and falsely represented a person is the holder of a contractor's licence	Convicted 4 May 2007	\$5,384.00
Christopher Frank Henry	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work and demanded or received excessive deposit	Convicted 11 May 2007	\$1,134.00

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
Samir Abi-Merhi	Unlicensed	Sydney Metro Area	Unlicensed specialist work	Convicted 25 May 2007	\$1,912.00
Mark William Dowsley	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work and failed to insure contract work	Convicted 25 May 2007	\$7,050.80
Stephen James Moore	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work	Convicted 25 May 2007	\$3,525.40
New Image Design & Construct Pty Ltd	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work and failed to insure contract work	Convicted 25 May 2007	\$7,050.80
Esber Toufic Esber	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work; falsely represented a person is the holder of a contractors licence; unlicensed residential building work; and failed to insure contract work	Convicted 1 June 2007	\$9,567.00
Lee-Anne Munro	Unlicensed	Ballina	Unlicensed residential building work	Convicted 14 June 2007	\$1,737.00
David Ronald Harper	Unlicensed	Sydney Metro Area	Unlicensed contracting of residential building work; represent prepared to do residential building work whilst unlicensed; demanded or received excessive deposit; falsely represented a person is the holder of a contractors licence; failed to insure contract work; and failed to provide certificate of insurance	Convicted 14 June 2007	\$90,400.00
Haytham Massad	Unlicensed	Sydney Metro Area	Unlicensed residential building work and failed to provide contract of insurance	Convicted 29 June 2007	\$10,384.00
Paul Raymond Gillespie	Unlicensed	Sydney Metropolitan Area	Unlicensed contracting of residential building work; failed to provide certificate of insurance; and received payment when there was no contract of insurance in place	Convicted 29 June 2007	\$3,951.00
Mark Robert STREATER	60032c Carpentry	NSW Central Coast	Breach of statutory warranty.	Disciplinary Action 04 April 2007 - Fine	\$1,500

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
Mathew John CAROLAN	16965s Builder	Sydney Metro Area	Breach of statutory warranty.	Disciplinary Action 27 April 2007- Fine	\$1,500
Frank HORVAT	47191c Painter and Decorator	Sydney Metro Area	Failure to comply with CTTT order.	Disciplinary Action 04 May 2007- Licence cancelled. Disqualified 12 months	
SK Constructions Pty Ltd	17527c Builder	Sydney Metro Area	Failure to comply with rectification order. Subject to appeal.	Disciplinary Action 07 May 2007 - Fine	\$1,500
P Mouawad Constructions Pty Ltd	132890c Builder	Sydney Metro Area	Failure to comply with rectification order. Subject to appeal.	Disciplinary Action 04 May 2007 - Fine	\$1,000
Total prosecutions					\$177,920
Total civil penalties					\$5,500
Penalty Notices					
Home Building Act – Defendants: 135 Offences: 103					\$154,250.00
Home Building Regulation - Defendants: 2 Offences: 2					\$750.00
Total Home Building Act Penalties					\$338,420.00

Business Names Act

Christopher Frank Henry	Unregistered	Sydney Metropolitan Area	Unregistered business name	Convicted 11 May 2007	\$467.00
David Ronald Harper	Unregistered	Sydney Metropolitan Area	Unregistered business name	Convicted 14 June 2007	\$4,000.00

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
Penalty Notices Business Names Act – Defendants: 4 Offences: 4					\$2,000.00
Total Business Names Act Penalties					\$6,467.00

Consumer Credit Administration Act

Cameron Arthur Speers		Sydney Metropolitan Area	Finance broker demanding / receiving upfront commission, Finance broking without required written contract	Convicted 23 May 2007	\$8,505.00
Total Consumer Credit Administration Act Penalties					\$8,505.00

Crimes Act

Mark Piercy t/as M & J Carpentry Service	72436C	Albion Park	Using false instrument	Convicted 3 May 2007	\$1,067.00
George Karan Naidu	121621C Cancelled and Disqualified	Sydney Metropolitan Area	Obtaining money etc by false or misleading statement	Convicted 29 June 2007	\$1,367.00
Salim Dean	59804C Cancelled and Disqualified	Sydney Metropolitan Area	Obtaining money etc by false or misleading statement	Convicted 29 June 2007	\$1,367.00
Sharon Mary Docherty		Sydney Metropolitan Area	Use false instrument	Convicted 29 June 2007	\$3,367.00
Total Crimes Act Penalties					\$7,168.00

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Fair Trading Act

RSA Homeware Pty Ltd t/as Liquidation's Sale		Sydney Metropolitan Area	Failed to comply with product safety standard	Convicted 20 April 2007	\$2,367.00
C Papatriantafillou t/as Chris's Discounts		Newcastle	Failed to comply with product safety standard	Offence proven – no conviction recorded	\$0.00
Cameron Arthur Speers		Sydney Metropolitan Area	Misrepresenting the benefits of services, accept payment not intending to supply services, and accepting payment intending to supply different services	Convicted 23 May 2007	\$21,941.70
Jeremiah Hunter formerly known as Jeffrey Dummett		Sydney Metropolitan Area	Health services	11 May 2007 Interim injunction granted by Supreme Court preventing Jeremiah Hunter from providing health services	N/A
Kent Publishing Pty Ltd & Dean James King		Australia wide	False billing	8 June 2007 Interim injunction preventing false billing	N/A
Total prosecutions					\$24,308.70
Penalty Notices Fair Trading Act – Defendants: 5 Offences: 5					\$2,750.00
Total Fair Trading Act Penalties					\$27,058.70

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
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Fitness Services (Pre-Paid Fees) Act

Penalty Notices					
Fitness Services (Pre-Paid Fees) Act – Defendants:1 Offences: 1					\$440.00
Total Fitness Services (Pre-Paid Fees) Act Penalties					\$440.00

Landlord and Tenant (Rental Bonds) Act

Penalty Notices					
Landlord and Tenant (Rental Bonds) Act – Defendants: 5 Offences:5					\$2,750.00
Total Landlord and Tenant (Rental Bonds) Act Penalties					\$2,750.00

Motor Dealers Act and Motor Dealers Regulation

Ken Carroll Investments Pty Ltd	MD147	Sydney Metropolitan Area	Offer / display vehicle for sale not at specified place of business	Convicted 4 April 2007	\$867.00
Trymac Pty Ltd	MD13321	Narromine	Offer / display vehicle for sale not at specified place of business	Offence proven – no conviction recorded	\$530.00
Luan Minh Ho	Unlicensed	Fairy Meadow	Unlicensed motor dealer and odometer interference	Convicted 19 April 2007	\$11,449.00
Aamir Dharani	Unlicensed	Sydney Metro Area	Unlicensed motor dealing	Convicted 31 May 2007	\$2,267.00
Hina Ali	Unlicensed	Sydney Metropolitan Area	Unlicensed motor dealer and odometer interference	Convicted 31 May 2007	\$4,767.00
Patrick John McMahon	Unlicensed	Cowra and Woodstock	Unlicensed motor dealing	Convicted 6 June 2007	\$5,067.00

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
Sami Awali	Unlicensed	Sydney Metro Area	Unlicensed motor dealer and odometer interference	Convicted 6 June 2007	\$17,122.00
Narendra Jain	MD15732	Sydney City	Trading outside scope of licence	Reprimand issued 21/06/07	N/A
Mohammad Olovi	MD19909	Concord	Not trade for a period of one month	Licence cancelled 4/06/07	N/A
Subel Pty Ltd	MD18664	Tempe	Not trade for a period of one month	Licence cancelled 24/05/07	N/A
Total					\$42,069.00
Penalty Notices					
Motor Dealers Act – Defendants: 11 Offences: 26					\$20,240.00
Motor Dealers Regulation– Defendants: 1 Offences: 1					\$330.00
Total Motor Dealers Act Penalties					\$62,639.00

Motor Vehicle Repairs Act

Brett Andrew Frost	Unlicensed	Cessnock	Carry on business of a repairer without a licence	Convicted 2 May 2007	\$2,767.00
Derek Hocking	Unlicensed	Sydney Metropolitan Area	Carry on a business of a repairer without a licence; employ uncertified tradesperson; and failure to produce records	Convicted 1 June 2007	\$2,918.00
David Clive Jenness	Unlicensed	Sydney Metropolitan Area	Conviction for contempt of Supreme Court orders concerning business of unlicensed motor vehicle repairer.	Convicted 4 May 2007	Custodial sentence imposed
Askboa Pty Ltd t/as Unique Spray Painting	21671 Vehicle Painter	Arndell Park	Below usual trade standard repair work and business carried on in a dishonest or unfair manner	Disciplinary action resulting in a reprimand	N/a

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
	(fixed workshop) & Panelbeater				
Brian John Bugh	Trade-persons certificate 131275 Panelbeater	West Pennant Hills	Holder is not competent to do repair work of the class to which the Tradepersons certificate relates	Certificate cancelled	N/a
Emad Moshe t/as Smart Touch Auto Repairs	39617 Motor Mechanic (fixed workshop)	Seven Hills	Below usual trade standard repair work, holder may have failed to comply with the Act and business carried on in a dishonest or unfair manner	Licence cancelled	N/a
Colins Smash Repairs Pty Ltd t/as Matraville Auto Body Repairs	38641 Vehicle Painter (fixed workshop) & Panelbeater	Matraville	Below usual trade standard repair work, business carried on in a dishonest or unfair manner and the holder has ceased to carry on business	Licence cancelled	N/a
Owen Collison t/as Caringbah Auto Radiator Services	29455 Radiator repairer	Caringbah	Holder has failed to comply with an order of the CTTT	Reprimand and contribution of \$2,580.96 to the Contingency Fund	N/A
Total					\$5,685.00
Penalty Notices Motor Vehicle Repairs Act – Defendants: 1 Offences: 1					\$5,500.00
Total Motor Vehicle Repairs Act Penalties					\$11,185.00

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
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Pawnbrokers and Second-hand Dealers Act

Penalty Notices					
Pawnbrokers and Second-hand Dealers Act – Defendants: 2 Offences: 4					\$2,000.00
Total Pawnbrokers and Second-hand Dealers Act Penalties					\$2,000.00

Property, Stock and Business Agents Act

Michael Joseph O'Gorman (Director of Taymic Pty Ltd)	Unlicensed	Kangaroo Valley	Unlicensed real estate agent and failed to lodge audit report	Convicted 4 May 2007	\$2,964.00
Taymic Pty Ltd	Unlicensed	Kangaroo Valley	Unlicensed real estate agent and failed to lodge audit report	Convicted 4 May 2007	\$2,964.00
Julie Sheers	Unlicensed	Batemans Bay	Unlicensed real estate agent	Offence proven – no conviction recorded	\$100.00
Madasl Pty Ltd	1146692 – Expired 27/2/2004 Reissued 11/9/2006 and expires 10/9/2007	Batemans Bay	Unlicensed real estate agent	Offence proven – no conviction recorded	\$100.00
Edward Francis Michail	953256	Rooty Hill	Commit Act of Indecency S6/N/2 Crimes Act 1900	Licence Cancelled for five years 14/5/07	N/A
Elders Limited	334073		Trust account deficiencies and failed to lodge audit report	Reprimanded 29/6/07	N/A

Name of individual or corporation	Licence Number & type	Where trading	Nature of offence or unfair conduct	Type of enforcement action	\$ value of fine or penalty or costs
Total					\$6,128.00
Penalty Notices					
Property, Stock and Business Agents Act – Defendants: 29 Offences: 37					\$37,400.00
Property, Stock and Business Agents (General) Regulation – Defendants: 6 Offences: 6					\$6,600.00
Total Property, Stock and Business Agents Act Penalties					\$50,128.00

Trade Measurement Act

Hebby's Bakery Pty Ltd		Gloucester	Measurement less than marked measurement	Convicted 19 June 2007	\$1,171.00
Total					\$1,171.00
Penalty Notices					
Trade Measurement Act – Defendants: 11 Offences: 13					\$4,950.00
Total Trade Measurement Act Penalties					\$6,121.00

Travel Agents Act

Claudine Jaber t/a Karim Travel	2TA5572	Harris Park	Insufficient funds to carry on the business	Licence cancelled, Jaber disqualified for 5 years 27/06/06	
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Total Enforcement Actions

Total - All penalties from all acts and all regulations					\$517,381.70
Total – All Civil penalties from all acts and all regulations					\$5,500.00
Total Enforcement Actions					\$522,881.70