

## Enforcement Actions Report: April - June 2018 Quarter

In the course of administering NSW's fair trading laws, 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 Fair Trading. The enforcement actions listed may include:

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

The information provided is correct as at the date of this report. Any matter might be subject to a change resulting from an appeal or application for review. Current information may be obtained by contacting Fair Trading or accessing the public register where relevant.

### Principal legislation administered by NSW Fair Trading:

<i>Agricultural Tenancies Act 1990</i>	<i>Crimes Act 1900</i>	<i>Pawnbrokers and Second-hand Dealers Act 1996</i>
<i>Associations Incorporation Act 2009</i>	<i>Electricity (Consumer Safety) Act 2004</i>	<i>Personal Property Securities (Commonwealth Powers) Act 2009</i>
<i>Australian Consumer Law (NSW)</i>	<i>Fair Trading Act 1987</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Biofuels Act 2007</i>	<i>Funeral Funds Act 1979</i>	<i>Prices Regulation Act 1948</i>
<i>Boarding Houses Act 2012</i>	<i>Gas Supply Act 1996</i>	<i>Professional Standards Act 1994</i>
<i>Building and Construction Industry Security of Payment Act 1999</i>	<i>Hairdressers Act 2003</i>	<i>Property, Stock and Business Agents Act 2002</i>
<i>Building Professionals Act 2005</i>	<i>Holiday Parks (Long-term Casual Occupation) Act 2002</i>	<i>Residential (Land Lease) Communities Act 2013</i>
<i>Business Names (Commonwealth Powers) Act 2011</i>	<i>Home Building Act 1989</i>	<i>Residential Tenancies Act 2010</i>
<i>Charitable Fundraising Act 1991</i>	<i>Innkeepers Act 1968</i>	<i>Retirement Villages Act 1999</i>
<i>Community Land Management Act 1989</i>	<i>Landlord and Tenant Act 1899</i>	<i>Storage Liens Act 1935</i>
<i>Contracts Review Act 1980</i>	<i>Landlord and Tenant (Amendment) Act 1948</i>	<i>Strata Schemes Management Act 1996</i>
<i>Conveyancers Licensing Act 2003</i>	<i>Motor Vehicles Repairs Act 1980</i>	<i>Surveying and Spatial Information Act 2002</i>
<i>Co-operative Housing and Starr-Bowkett Societies Act 1998</i>	<i>Motor Dealers and Repairers Act 2013</i>	<i>Tattoo Parlours Act 2012</i>
<i>Co-operatives (Adoption of National Law) Act 2012</i>	<i>Motor Dealers Act 1974</i>	<i>Tow Truck Industry Act 1988</i>
<i>Co-operatives National Law NSW</i>	<i>Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014</i>	<i>Uncollected Goods Act 1995</i>
<i>Credit (Commonwealth Powers) Act 2010</i>	<i>Partnership Act 1892</i>	

Name of Individual or Corporation	Business Type / Licence No.	Where Trading	Nature of Offence or Unfair Conduct	Date of Action	Type of Enforcement Action	\$ value of Fine or Penalty
<b>Australian Consumer Law (NSW)</b>						
Max Gaylord Grant t/as MEK Building	256606C	Isabella Plains, ACT	Accept payment not supply goods/services in time	11 April 2018	Convicted and fined	\$5,000
Qin Qin	Unlicensed	Hurstville	Fail to comply with safety standards, Airlines Flash Electric A380 Air Bus; Future Passenger Plane	17 May 2018	Convicted and fined	\$800
Ming Ying Lam	Unlicensed	Granville	Fail to comply with safety standards, Minion Dave; Hello Kitty Happy Little Drummer; Minnie Mouse; Senior Aviation 787 Flash Electric Plane.	24 May 2018	Convicted and fined	\$24,000
Sarkis Charles Moussa	Unlicensed	Camden	Fail to comply with safety standards - Combat Set; Army Green Gun; Marksman Combat Rifle; Soft bullet gun.	31 May 2018	Convicted and fined	\$500
<b>Total prosecutions</b>						<b>\$30,300</b>
<b>Penalty Notices</b>			Defendants: 5	Offences: 14		\$7,700
<b>Total Prosecutions &amp; Penalties</b>						<b>\$38,000</b>
<b>Building Professionals Act 2005</b>						
Mohamad Wissam 'Sam' Kayellou	BPB0776	Bankstown	Issued a complying development certificate that included a proposed store room area that was not complying development under the Codes SEPP. As a PCA failed to make a proper record of all critical stage inspections (including missed and unsatisfactory inspections). Failed to provide a copy of the required inspection records to the Council with the final OC. During the Board's investigation, failed to comply with the requirements of two directions issued under s.48 of the BP Act.	13 April 2018	Reprimand and Fine	\$10,000
<b>Total prosecutions</b>						<b>\$10,000</b>
<b>Penalty Notices</b>			Defendants:	Offences:		
<b>Total Prosecutions &amp; Penalties</b>						<b>\$10,000</b>
<b>Conveyancers Licensing Act 2003</b>						
Dusica Stojkovic	05006688	Hinchinbrook	Fitness & propriety issues	12 June 2018	On 12 June 2018, licence suspended for 60 days pending outcome of disciplinary action.	
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 1	Offences: 1		\$1,100
<b>Civil Penalties</b>						\$0
<b>Total Prosecutions &amp; Penalties</b>						<b>\$1,100</b>
<b>Crimes Act 1900</b>						
Sandeep Kumar	Unlicensed	Mortdale	Use false document to obtain financial advantage.	30 April 2018	Sentenced to 8 months imprisonment to be served by Home Detention with a non-parole period of 4 months	
Jessica Orman	3172656	Warners Bay	Dishonestly obtain financial advantage by deception.	16 May 2018	Bench warrant issued to defendant.	
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants:3	Offences: 3		
<b>Total Prosecutions &amp; Penalties</b>						<b>\$0</b>
<b>Fair Trading Act 1987</b>						
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 4	Offences: 11		\$6,050
<b>Total Prosecutions &amp; Penalties</b>						<b>\$6,050</b>

Name of Individual or Corporation	Business Type / Licence No.	Where Trading	Nature of Offence or Unfair Conduct	Date of Action	Type of Enforcement Action	\$ value of Fine or Penalty
<b>Home Building Act 1989</b>						
Abok Pty Ltd	112345C	Narrabeen	Review of determination of delegate to impose a pecuniary penalty of \$3,000.	22 May 2018	Applicant cautioned pursuant to section 62(b) of the Act.	
Max Gaylord Grant t/as MEK Building	256606C	Isabella Plains, ACT	Unlicensed contracting of residential building work; Fail to comply with requirements of written contract; Demand/receive deposit exceeds maximum under section; Do residential building work without insurance and demand, receive payment for building without insurance.	11 April 2018	Convicted and fined	\$34,000
Garry Todd William Walker	Unlicensed	Worrigee and Nowra	Contract to do residential building work without licence; Demand/receive deposit exceeds maximum under section; Unlicensed residential building work; Do residential building work without insurance and demand, receive payment for building without insurance.	7 June 2018	Convicted and fined	\$500
<b>Total prosecutions</b>						<b>\$34,500</b>
<b>Penalty Notices</b>			Defendants: 71	<b>Offences: 154</b>		<b>\$169,500</b>
<b>Civil Penalties</b>						<b>\$0</b>
<b>Total Prosecutions &amp; Penalties</b>						<b>\$204,000</b>
<b>Motor Dealers and Repairers Act 2013 and Motor Dealers and Repairers Regulation</b>						
AMS Auto Pty Ltd	MD066635	Guildford	Fitness & propriety issues	5 June 2018	Cancelled the motor dealer licence held by AMS Auto Pty Ltd.	
Freedom Marine Services Pty Ltd	MD067779	Tuggerah	Fitness & propriety issues	6 June 2018	Cancelled the licence and disqualified Freedom Marine Services Pty Ltd from holding a licence and being concerned in the direction, management or conduct of a business for the carrying on of which a licence is required for a period of 5 years..	
Consolidated Automotive Group Pty Ltd	MD069462	Granville	Fitness & propriety issues	25 June 2018	On 25 June 2018, licence suspended for 60 days pending outcome of disciplinary action.	
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants:	<b>Offences:</b>		<b>\$0</b>
<b>Total Prosecutions &amp; Penalties</b>						<b>\$0</b>
<b>Plumbing and Drainage Act 2011</b>						
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 4	<b>Offences: 15</b>		<b>\$9,350</b>
<b>Total Prosecutions &amp; Penalties</b>						<b>\$9,350</b>
<b>Property, Stock and Business Agents Act 2002 and Property, Stock and Business Agents (General) Regulation</b>						
David Tang	1393243	Canley Heights	Fraudulently convert money from bank account.	26 April 2018	Sentenced to 12 months imprisonment to be served by Intensive Correction Order and ordered to repay \$75,219.30 to Property Services Compensation Fund.	
Henri Le	Lic. 803600	Bankstown	Fitness & propriety issues	14 May 2018	Disqualified Henri Le from holding a licence or certificate of registration for a period of 7 years and disqualified from being involved in the direction, management and conduct of the business of a licensee for a period of 7 years.	
G & A Marando Pty Ltd	Lic. 10020581	Liverpool	Fitness & propriety issues	19 June 2018	Cancelled the licence and disqualified G & A Marando Pty Ltd from holding a licence for a period of 5 years and disqualified from being involved in the direction, management and conduct of the business of a licensee for a period of 5 years.	
George Marando	Lic. 224092	Liverpool	Fitness & propriety issues	19 June 2018	Cancelled the licence and disqualified George Marando from holding a licence or certificate of registration for a period of 5 years and disqualified from being involved in the direction, management and conduct of the business of a licensee for a period of 5 years.	
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 91	<b>Offences: 117</b>		<b>\$188,650</b>
<b>Civil Penalties</b>						<b>\$0</b>
<b>Total Prosecutions &amp; Penalties</b>						<b>\$188,650</b>

Name of Individual or Corporation	Business Type / Licence No.	Where Trading	Nature of Offence or Unfair Conduct	Date of Action	Type of Enforcement Action	\$ value of Fine or Penalty
<b>Residential Tenancies Act 2010</b>						
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 2		Offences: 3	\$1,540
<b>Total Prosecutions &amp; Penalties</b>						<b>\$1,540</b>
<b>Tow Truck Industry Act 1988</b>						
Shane Leslie Kroehnert	3519DW	Murwillumbah	Carry on Tow Truck operator's business without licence and drive unlicensed tow truck without Driver's certificate and fail to comply with requirement.	24 May 2018	Convicted and ordered to enter a s.9 good behaviour bond for a period of 2 years in relation to each offence	
Inner West Towing	Unlicensed	Greenacre	Employ / engage/ use services of unqualified person.	9 May 2018	Offence proven, no conviction recorded	
Michael Moran Koseyan	Operator Lic. 42314 and Driver Cert. 03048	Lane Cove North	Breach of Legislation	18 June 2018	Reprimanded Michael Moran Koseyan	
<b>Total prosecutions</b>						<b>\$0</b>
<b>Penalty Notices</b>			Defendants: 11		Offences: 12	\$12,480
<b>Total Prosecutions &amp; Penalties</b>						<b>\$12,480</b>
<b>Total Enforcement Actions</b>						
<b>Total Prosecutions from acts and regulations</b>						<b>\$74,800</b>
<b>Total Penalties from all acts and regulations</b>						<b>\$396,370</b>
<b>Total Civil Penalties from all acts and regulations</b>						<b>\$0</b>
<b>Total Enforcement Actions</b>						<b>\$471,170</b>
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