

Enforcement Actions Report: October - December 2015 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;

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:

Agricultural Tenancies Act 1990

Architects Act 2003

Associations Incorporation Act 2009

Australian Consumer Law (NSW)

Biofuels Act 2007

Boarding Houses Act 2012

Building and Construction Industry Security of Payment Act 1999

Building Professionals Act 2005

Business Names (Commonwealth Powers) Act 2011

Charitable Fundraising Act 1991

Community Land Management Act 1989

Consumer Claims Act 1998

Contracts Review Act 1980

Conveyancers Licensing Act 2003

Co-operative Housing and Starr-Bowkett Societies Act 1998

Co-operatives (Adoption of National Law) Act 2012

Credit (Commonwealth Powers) Act 2010

Crimes Act 1900

Electricity (Consumer Safety) Act 2004

Fair Trading Act 1987

Fitness Services (Pre-paid Fees) Act 2000

Funeral Funds Act 1979

Gas Supply Act 1996

Holiday Parks (Long-term Casual Occupation) Act 2002

Home Building Act 1989

HomeFund Restructuring Act 1993

Innkeepers Act 1968

Landlord and Tenant Act 1899

Landlord and Tenant (Amendment) Act 1948

Motor Vehicles Repairs Act 1980

Motor Dealers and Repairers Act 2013

Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014

Occupational Licensing (Adoption of National Law) Act 2010

Occupational Licensing National Law (NSW)

Partnership Act 1892

Pawnbrokers and Second-hand Dealers Act 1996

Personal Property Securities (Commonwealth Powers) Act 2009

Plumbing and Drainage Act 2011

Prices Regulation Act 1948

Professional Standards Act 1994

Property, Stock and Business Agents Act 2002

Residential (Land Lease) Communities Act 2013

Residential Parks Act 1998

Residential Tenancies Act 2010

Retirement Villages Act 1999

Storage Liens Act 1935

Strata Schemes Management Act 1996

Surveying and Spatial Information Act 2002

Tattoo Parlours Act 2012

Uncollected Goods Act 1995

Valuers Act 2003

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
Australian Consumer Law (NSW)						
David Martin Clifford	Unlicensed	Sydney Metro	Assert right for payment for unsolicited services.	9 October 2015	Convicted and fined	\$835
Solarmen Pty Ltd	Unlicensed	Sydney Metro	Assert right for payment for unsolicited services.	9 October 2015	Convicted and fined	\$1,585
Alexander William Walker	Pre-fabrication	Mudgee	Accept payment not supply goods/services in time	21 October 2015	Offences proven, no conviction recorded in accordance with s.10(1)(a) of the Crimes (Sentencing Procedure) Act 1999	\$0
Mark Robert Priems	Photographer	Newcastle	Accept payment not supply goods/services in time	27 November 2015	Convicted and fined	\$14,447
Peter Hynes aka Peter Todd Garay	Unlicensed	Sydney Metro	Accept payment not supply goods/services in time	30 November 2015	Convicted and fined	\$5,170
John Francis Toal	Unlicensed	Sydney Metro	Accept payment not supply goods/services in time	1 December 2015	Convicted and fined	\$24,255
Karl Michael Roby aka Carl Michael Roby	Unlicensed	Sydney Metro / Lake Macquarie / Southern Highlands	Accept payment not supply goods/services in time	4 December 2015	Convicted and fined	\$1,155
Li Fang Dong t/as Rooty Hill Discount	Retailer	Rooty Hill	Fail to comply with safety standards	4 December 2015	Convicted and fined	\$6,884
Valentine Hortle t/as Leelana Toys and Things	Retailer	Austral	Fail to comply with safety standards	4 December 2015	Convicted and fined	\$5,256
Varuksana Kunraka t/as Leelana Toys and Things	Retailer	Austral	Fail to comply with safety standards	4 December 2015	Convicted and fined	\$5,256
Mounzir Elmir trading as iWood Flooring	Timber supplier	Sydney Metro	Accept payment not supply goods/services in time	10 December 2015	Convicted and fined	\$2,103
AIMT Holdings Pty Ltd t/as New Era Balustrades	Unlicensed	Sydney Metro	Accept payment not supply goods/services in time	11 December 2015	Convicted and fined	\$585
King of Discounts Pty Ltd t/as Little Toy Box	Retailer	Acacia Gardens	Fail to comply with safety standards	15 December 2015	Convicted and fined	\$5,256
John Galatoula	Retailer	Acacia Gardens	Fail to comply with safety standards	15 December 2015	Convicted and fined	\$5,256
Goce Sekuloski (aka George Sekuloski) - 1st defendant; Combined Systems CS Pty Ltd - 2nd Defendant; Earth8 Construction Pty Ltd - 3rd Defendant; and Combined Solutions Pty Ltd - 4th Defendant	Retailer	Sydney Metro	Consent Injunction. Mr Sekuloski's companies selling and marketing practices were restricted and they are required to put in place procedures to ensure compliance with the ACL	12 November 2015	On 12 November 2015, NSW Supreme Court injunction granted by consent	
Total prosecutions						\$78,043
Penalty Notices			Defendants: 25		Offences: 34	\$18,750
Total Prosecutions & Penalties						\$96,793
Electricity (Consumer Safety) Act 2004						
Total prosecutions						\$0
Penalty Notices			Defendants: 3		Offences: 4	\$2,000
Total Prosecutions & Penalties						\$2,000
Fair Trading Act 1987						
Total prosecutions						\$0
Penalty Notices			Defendants: 6		Offences: 7	\$3,850
Total Prosecutions & Penalties						\$3,850
Home Building Act 1989						
Khaled Zaoud	195038C	Greater Western Sydney	Provided false or misleading information	2 October 2015	Cancel & disqualify for 3 years	
Fadi Makki - Director and Nominated Supervisor of Makki Development Pty Ltd	63255S	Greater Western Sydney	Provided false or misleading information	2 October 2015	Cancel & disqualify for 3 years	
Damien Francis Brookhouse	165826C	Southern Sydney	Not a fit & proper person / improper conduct / provided false and misleading declaration	6 October 2015	Cancel & disqualify for 6 years	\$3,000
David Martin Clifford	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; and demand/receive payment before residential work commenced	9 October 2015	Convicted and fined	\$2,270
Solarmen Pty Ltd	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; and demand/receive payment before residential work commenced	9 October 2015	Convicted and fined	\$3,770

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
Home Building Act 1989 (continued)						
Denny Shallis	214014C (Carpentry and Joiners contractor licence)	Sydney Metro	Unlicensed contracting of residential building work; Falsely represent a person (a partnership or corporation) is the holder of a contractor's licence and fail to insure contract work; and contract to do residential work without certificate of insurance	9 October 2015	Convicted and fined	\$15,522
Hugh James Sutherland Sinclair	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; and fail to insure contract work; and contract to do residential work without certificate of insurance.	9 October 2015	Convicted and fined	\$4,322
Jallal Sabbagh	132133C	Sydney Metro	Review of decision to cancel and disqualify contractor licence for a period of three (3) years.	2 November 2015	On 2 November 2015, the NSW Civil and Administrative Tribunal set aside the delegate's decision.	
Gary Alcock	Unlicensed	Murwillumbah	Unlicensed contracting of specialist work	10 November 2015	Convicted and fined	\$2,085
Joe Rizk	257495C (Waterproofing Technician) cancelled 16 October 2013	Sydney Metro	Unlicensed contracting of residential building work; Demand/Receive deposit exceeds maximum under section; and falsely represent a person (a partnership or corporation) is the holder of a contractor's licence	13 November 2015	Convicted and fined	\$22,028
Ricky John Holt	41024S	Pambula	Review of decision to cancel and disqualify a supervisor certificate for a period of three (3) years.	16 November 2015	On 16 November 2015, the NSW Civil and Administrative Tribunal set aside the delegate's decision and in substitution Mr Holt was found to have engaged in improper conduct and ordered to pay a penalty of \$5,000	\$5,000
Peter Hynes aka Peter Todd Garay	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; and fail to insure contract work.	30 November 2015	Convicted and fined	\$15,125
John Francis Toal	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; Demand/Receive payment before residential work commenced; Falsely represent a person (a partnership or corporation) is the holder of a contractor's licence; and defendant aid and abet uninsured residential building work.	1 December 2015	Convicted and fined	\$47,265
Karl Michael Roby aka Carl Michael Roby	Unlicensed	Sydney Metro / Lake Macquarie / Southern Highlands	Unlicensed contracting of residential building work; and demand/receive payment before residential work commenced.	4 December 2015	Convicted and fined	\$24,910
Andrew Tornya	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; Demand/Receive payment before residential work commenced; and falsely represent a person (partnership or corporation) is the holder of a contractors licence	11 December 2015	Convicted and fined	\$6,681
AIMT Holdings Pty Ltd t/as New Era Balustrades	Unlicensed	Sydney Metro	Unlicensed contracting of residential building work; and demand/receive payment before residential work commenced.	11 December 2015	Convicted and fined	\$4,596
Champion Homes Sales Pty Ltd - Sara Nedelkaska	92732C	Southern Sydney	Failure to comply with rectification orders	18 December 2015	Fine	\$3,500
Philip Ferydynant Mieluk - Director of Champion Homes	92732C	NW Sydney CBD	Failure to comply with rectification orders	18 December 2015	Fine	\$2,000
Sredoje Malesev - Director of Champion Homes	92732C	NW Sydney CBD	Failure to comply with rectification orders	18 December 2015	Fine	\$2,000
Jane Christine Cora Ryan - Director of Champion Homes	92732C	NW Sydney CBD	Failure to comply with rectification orders	18 December 2015	Fine	\$2,000
Maxwell Milton Grant - Nominated Qualified Supervisor of Champion Homes	92732C	NW Sydney CBD	Failure to comply with rectification orders	18 December 2015	Fine	\$2,500
Allan James Piggott	Unlicensed	Sydney Metro	Unlicensed contracting and unlicensed residential building work.	18 December 2015	Convicted and fined	\$7,670
James Hasapis	240210C	Sydney Metro	Review of decision to cancel contractor licence and disqualify for a period of three (3) years.	23 December 2015	On 23 December 2015, the NSW Civil and Administrative Tribunal affirmed the delegate's decision	
William Whitley	L9062	Port Kembla	Review of a decision to cancel contractor licence and disqualify for a period of five (5) years.	23 December 2015	On 23 December 2015, the NSW Civil and Administrative Tribunal the delegate's decision was set aside and no further action taken	
Total prosecutions						\$176,244
Penalty Notices			Defendants: 43		Offences: 85	\$94,000
Civil Penalties						\$5,000
Total Prosecutions & Penalties						\$275,244

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
Motor Dealers and Repairers Act 2013						
Peter Ghassibe	MVRL30304 / MVTC92481 / MVTC138445	Sydney Metro	Review of decision to cancel and disqualify motor vehicle repairer's licence and two tradespersons certificates for a period of 10 years	24 November 2015	On 24 November 2015, in the NSW Civil and Administrative Tribunal, settled on the basis that: The decision to cancel the Tradespersons Certificates numbered MVTC92481 and MVTC138445 are set aside; the decision to cancel the motor vehicle repairer licence number MVRL30304 held by the Applicant is affirmed pursuant to section 44(1)(f) of the MVR Act; and, the decision to disqualify the Applicant from holding a licence or 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 ten (10) years commencing on 26 July 2012 and ending on 25 July 2022 pursuant to section 44(1)(d) of the MVR Act is varied to provide that the Applicant is disqualified from holding a licence or 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 three (3) years commencing on 9 April 2015 and ending on 8 April 2018 pursuant to section 44(1)(d) of the MVR Act.	
Discount Car Centre (NSW) Pty Ltd	20688	Boolaroo	Fitness & propriety issues	9 October 2015	Permanently disqualified Discount Car Centre (NSW) Pty Ltd from holding a licence or from being involved in the direction, management or conduct of the business of a licensee.	
Fever Enterprises Pty Ltd	43803	Campbelltown	Breaches of the Act	10 November 2015	Reprimanded Fever Enterprises Pty Ltd and required it to make a contribution to the Compensation Fund in the amount of \$1,100 and imposed a condition on the licence to comply with the requirement to pay the Compensation Fund as a condition on its next renewal of licence due on 23 March 2016.	
Familyautogroup Pty Ltd	44723	Fairfield East	Fitness & propriety issues	13 November 2015	Cancelled the licence and disqualified Familyautogroup Pty Ltd from holding a licence or from being concerned in the direction, management or conduct of a business for which a licence is required for a period of 10 years. Familyautogroup Pty Ltd has sought an Internal Review of that decision. That review remains outstanding.	
All City Touch Ups Pty Ltd	44283	Botany	Solvency issues	18 November 2015	Cancelled the licence and permanently disqualified All City Touch Ups Pty Ltd from holding a licence or from being concerned in the direction, management or conduct of a business for which a licence is required.	
Penalty Notices			Defendants: 22		Offences: 54	\$80,520
Total Prosecutions & Penalties						\$80,520
Plumbing and Drainage Act 2011						
Total prosecutions						\$0
Penalty Notices			Defendants: 3		Offences: 3	\$3,300
Total Prosecutions & Penalties						\$3,300
Property, Stock and Business Agents Act 2002						
Jason Hext	1222605	Parramatta	Fraudulently convert money from bank account.	24 July 2015	Convicted and sentenced to 18 months imprisonment with 12 months non-parole period to be served by home detention with mandatory conditions imposed. No additional conditions. Compensation order of \$67,609.67 to Director-General of Property Services Compensation Fund	\$67,610
Hoang Thinh Do	1492595	Bankstown	Fitness & propriety issues	1 October 2015	An internal review affirmed the original delegate's decision of 4 November 2014: Licence cancelled, declared Hoang Thinh Do disqualified from holding a licence or certificate until 12 June 2024 and disqualified from being involved in the direction, management or conduct of the business of a licensee until 12 June 2024. Mr Do has sought a review of that decision from the NCAT. That review remains outstanding.	
Peter Crook	1312430	South Coogee	Fitness & propriety issues	15 October 2015	Cancelled the licence and disqualified Peter Crook from holding a licence or certificate until 1 June 2025 and disqualified from being involved in the direction, management or conduct of the business of a licensee until 1 June 2025.	

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
<i>Property, Stock and Business Agents Act 2002 (continued)</i>						
Zaia Dawood	1224064	Fairfield	Fitness & propriety issues	29 October 2015	Cancelled the certificate of registration and disqualified Zaia Dawood from holding a licence or certificate until 24 October 2023 and disqualified from being involved in the direction, management or conduct of the business of a licensee until 24 October 2023. Mr Dawood has sought an Internal Review of that decision. That review remains outstanding.	
Quakers Hill Property Management Pty Ltd	916495	Rouse Hill	Fitness & propriety issues	5 November 2015	Cancelled the licence and permanently disqualified Quakers Hill Property Management Pty Ltd from holding a licence and permanently disqualified from being involved in the direction, management or conduct of the business of a licensee.	
Shaun Andrew Crockford	933575	Plumpton	Fitness & propriety issues	5 November 2015	Cancelled the licence and disqualified Shaun Edward Crockford from holding a licence or certificate for a period of 15 years and from being involved in the direction, management or conduct of the business of a licensee for a period of 15 years.	
Tracey Sharon Boniface	1165754	Penshurst	Fitness & propriety issues	16 November 2015	Disqualified Tracey Sharon Boniface from holding a licence or certificate for a period of 5 years and from being involved in the direction, management or conduct of the business of a licensee for a period of 5 years. Ms Boniface has sought an Internal Review of that decision. That review remains outstanding.	
Maree Gayle Hooper (aka Maree Smith)	216672	Coffs Harbour	Fitness & propriety issues	18 November 2015	Cancelled the licence and disqualified Maree Gayle Hooper from holding a licence or certificate for a period of 10 years and from being involved in the direction, management or conduct of the business of a licensee for a period of 10 years.	
Total prosecutions						\$67,610
Penalty Notices			Defendants: 7		Offences: 7	\$6,600
Civil Penalties						
Total Prosecutions & Penalties						\$74,210
Total Enforcement Actions						
Total Penalties from all acts and regulations						\$530,916
Total Civil Penalties from all acts and regulations						\$5,000
Total Enforcement Actions						\$535,916