

ADG Pty Ltd and Domenic Valastro

The matter was heard by Magistrate Robertson at Melbourne Magistrates' Court on 8 July 2014.

Accused Valastro pleaded guilty and, with no appearance by the Corporate Accused, by ex parte hearing on the evidence contained in the preliminary brief of evidence.

Both Accused Valastro and the Corporate Accused faced one charge each of:

- Representing an unapproved company to be an architect under s 6 of the Architects Act; and
- Using restricted architectural expressions under s 8 of the Architects Act.

The Court determined that:

- the significant sentencing consideration was general deterrence to give effect to the consumer protection aspects of the Architects Act and to protect the integrity of the profession of architects; and
- there was limited need to consider specific deterrence, despite the previous warning given by the Board, given the circumstances that Accused Valastro -
 - was cooperative with the Board's investigation;
 - took immediate steps to remedy the charged breaches and has not reoffended; and
 - has pleaded guilty at an early stage in the proceeding, demonstrating a level of remorse.

The following sentences were imposed:

Domenic Valastro

Without convictions placed on an 18 month good behaviour bond with the following conditions to be complied with within 12 months -

- make a contribution to the Architects Registration Board of Victoria of \$3,500
- pay the Board's costs of \$4,097

Her Honour declared, pursuant to s 6AAA of the Sentencing Act, that if the matter was not dealt with as a plea of guilty, the sentence would have been a fine of \$6,000 and costs.

ADG Pty Ltd

Convicted and fined \$6,000 with costs of \$4,097