



Prosecution of 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. ADG Pty Ltd made no appearance and the hearing went ahead *ex parte*.

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

1. representing an unapproved company to be an architect under s 6 of the *Architects Act*; and
2. using restricted architectural expressions under s 8 of the *Architects Act*.

The Court determined that:

1. 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
2. there was limited need to consider specific deterrence, despite the previous warning given by the Board, given the circumstances that Accused Valastro -
 - 2.1 was cooperative with the Board's investigation;
 - 2.2 took immediate steps to remedy the charged breaches and has not reoffended; and
 - 2.3 has pleaded guilty at an early stage in the proceeding, demonstrating a level of remorse.

The following sentences were imposed:

Domenic Valastro

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

1. make a contribution to the Architects Registration Board of Victoria of \$3,500; and
2. pay the Board's costs of \$4,097

Under s 6AAA of the *Sentencing Act* Her Honour declared that, if the matter had not been 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

Addendum - prosecution of Domenic Valastro for breach of order

When Mr Valastro failed to make the \$3,500 contribution by the deadline, the Board brought proceedings against him under the *Sentencing Act* for breach of the order.

On 26 August 2016 at Melbourne Magistrates' Court Mr Valastro pleaded guilty to breaching the order and was ordered to pay a fine of \$750. Mr Valastro was also ordered to pay the Board's legal costs of \$1,200.