

Search

 Dispatch Online Blogs Web

[Subscribe](#) - [Advertise](#) - [Contact](#)

Dispatchonline

Winners of Best Online Journalism 2008 & 2009

[News](#) | [Diski](#) | [Sport](#) | [Motoring](#) | [Your Life](#) | [Entertainment](#) | [Dotty](#) | [Coffee Break](#) | [Schools](#) | [Blo](#)
[Home](#) | [Mandela](#) | [Politics](#) | [Between the Lines](#) | [Go & Express](#) | [The Rep](#) | [Profiles](#) | [Trends](#) | [Special Reports](#) |

Site Last Updated: Jun 17 2010 11:49AM

Court stops agent from trading

2010/05/28

ONE of East London's main fresh produce agents, Desmond Wanckel, has been interdicted from doing business as an agent and may not transact on his trust account, which reflects a shortfall of almost R2 million.

The Grahamstown High Court has issued an interim order to this effect. Wanckel, who trades as Gordon Hall Market Agents, faces an investigation and disciplinary proceedings by the regulatory body, the Agricultural Produce Agents Council.

The trust account of a fresh produce agent, who sells fresh products on behalf of farmers, is by law sacrosanct and should be used only for receiving payments and for paying out farmers for products sold after agents have taken their commission.

But according to court papers, "numerous irregular payments" were made from Wanckel's trust account, mostly to himself. According to an affidavit by the registrar of the Agricultural Produce Agents Council, Lizel Pretorius, Wanckel was not entitled to more than 6.5 percent commission on the sale of fresh produce.

"He withdrew substantially more commission than he was entitled to, she said.

For example, according to his November 2009 statement he withdrew R358807 commission, whereas he was entitled to only R260432. This pattern was repeated in the ensuing five months till April this year, by which stage he had drawn about R700000 more commission than he was entitled to.

Pretorius said that an analysis of Wanckel's bank statements showed other payments being made from his trust account that were clearly not commission or "reasonable expenses in connection with the sale of agricultural products". The account reflected payments to medical schemes, labour consultants, provident funds, finance institutions, a magistrate and to an entity called Jackpot Fruits in which Wanckel owned a 25 percent interest. His interest in this vegetable broker and distributor could also result in what she termed a "conflict of interest".

She said that Wanckel's inability to repay the shortage in his trust account and the "escalating misappropriation of funds"



from it, meant that supplier farmers, the council and its Fidelity Fund could suffer "irreparable harm" if he was not interdicted from acting as an agent and transacting on his trust account.

Judge Elna Revelas authorised the market director of the East London Fresh Produce Market to take control of Wanckel's market floor with a view to ensuring that the owners of fresh produce were informed of the court order and obtained instructions from the director on how he should deal with their fresh produce.

Mark Nettelton appeared for the council, while advocate Richard Brooks, instructed by Wheeldon, Rushmere and Cole, appeared for Wanckel. - By ADRIENNE CARLISLE

adriennec@dispatch.co.za

Article Tools	Save & Share						
 Print	 Email	 Digg	 Muti	 Del.icio.us	 Google	 Reddit	 Facebook

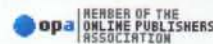
Post a comment on this article. *You must be logged in.*

Submit

Advertisement

[Contact us](#) | [Advertise](#) | [Subscribe](#) | [Terms of use](#) | [Web](#)

PROUDLY PART OF AVUSA



All material copyright Daily Dispatch. © Avusa Media Limited. All Rights Re