

**THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL
("COUNCIL")**

V

1. **GOUWS & CO PRODUCE (PTY) LTD**
2. **CHRISTOPHER CHARLES LANCE NANCE (Identity No: 490113 5137 003)**
(Collectively and severally "the Accused")

On 4 March 2013 and at Brooklyn, Pretoria, the Accused were, in terms of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act"), found guilty of contravening Section 19(1)(b), read together with Section 19(4) of the Act and Rules 31(6)(a) and (b), in that there were shortages in the trust account of the Accused not properly accounted for, and which unaccounted trust shortfall amounted to unprofessional and / or improper conduct as contemplated in Section 23 of the Act.

SANCTION

1. In terms of the provisions of Section 26 (1)(c) of the Act, the Fidelity Fund Certificate of the Accused is withdrawn, but such withdrawal is suspended for a period of 3 years on the condition that:
 - (a) the Accused is not convicted of an offence committed within the said 3 year period where such offence amounts to a trust shortage in respect of money or fresh produce.
 - (b) should a claim be submitted by any producer of the Accused to the Fidelity Fund for payment against the Fidelity Fund and the Fidelity Fund makes payment in respect of such claim, the Accused shall make payment to the Council as repayment to the Fidelity Fund in respect of such claim
 - (c) the Accused shall settle the trust account shortfall in full and will make payment into the trust account of the first Accused as follows:
 - (i) the sum of R50 000.00 on or on or before 15 March 2013;
 - (ii) the sum of R100 000.00 on or before 15 May 2013; and
 - (iii) the sum of R20 000.00 as from 1 July 2013 and the first day of each and every succeeding month thereafter, until the trust account shortage has been settled in full.

The Accused shall provide proof of each and every payment to the Council, as and when such payments are made.
 - (d) the second Accused shall, within 12 months, attend and successfully complete the COMSELL 100,200 and 300 course presented by the Institute of Market Agents of South Africa, and shall provide proof of compliance and successful completion to the Registrar of the Council.
2. The Accused shall pay a fine in the amount of R15 000.00 to the Council by way of 3 equal instalments of R5 000.00 each, payment of the first instalment to be made on or before 1 April 2013 and the remaining two instalments to be made on or before the first day of the subsequent months. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind.
3. The Accused shall make a contribution towards the legal costs of the Council in the sum of R10 000.00 by way of 2 equal instalments of R5 000.00 each, payment of the first instalment to be made on or before 1 April 2013 and the remaining instalment on or before 1 May 2013. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind.