

**THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") v  
CATU FRESH MARKET AGENCY and KHATHUTSHELO GILBERT NEDZANANI (collectively and  
severally the "Accused")**

On 28 June 2019 and at Pretoria, the Accused were found guilty of improper conduct (as defined in section 23(a) and/or (c) of the Agricultural Produce Agent's Act, 12 of 1992 ('the Act')) in that:

- (a) they failed to produce trust reconciliation reports within the requisite period of time;
- (b) they failed to keep full and correct accounting records of all monies received and/or kept and/or expended;
- (c) certain amounts transferred from the trust account of the First Accused into the business account of the First Accused were not identifiable with any amount due;
- (d) certain amounts transferred from the trust account of the First Accused into the business account of the First Accused exceeded any amount due;
- (e) the total amount of money in the trust account of the First Accused was less than the total amount of the credit balances of its trust credits, thereby resulting in a deficit.

**SANCTION IMPOSED**

In terms of section 26 of the Act, the following sanction was imposed on the First and Second Accused, joint and severally:

1. the Fidelity Fund Certificates of the First Accused and Second Accused is withdrawn, such withdrawal to be suspended for a period of 3 (three) years on the condition that:
  - 1.1 the Accused are not found guilty of a similar offense as they have been charged with; and
  - 1.2 the audit reports are received by APAC on or before 19 July 2019, unless otherwise provided for by the Registrar, in writing;
2. that the Accused pay a fine of R50,000.00;
3. that the sum of R30,000.00 in respect of the fine in paragraph 5.1 above be suspended for a period of 3 (three) years, on the condition that :
  - 2.1 the Accused are not found guilty of a similar offense as they have been charged with; and
  - 2.2 that the Second Accused complete the APAC online training course on before 30 July 2019;
  - 2.3 that the audit reports are received by APAC on or before 19 July 2019, unless otherwise provided for by the Registrar, in writing;
4. that the Accused make payment of the remainder of the fine in the amount of R20,000.00 by way of monthly instalments of R1,000.00 into the trust account of Weavind and Weavind Attorneys, the first payment to be made on or before 31 July 2019 and thereafter on or before the 1<sup>st</sup> day of each and every succeeding month until the full amount of R20,000.00 has been paid in full;
5. that should the Accused fail to make payment any one payment as per paragraph 3 above, the full amount outstanding plus interest thereon shall become immediately due and payable by the Accused.