

THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL ("COUNCIL") / PRINSLOO & VENTER NTVL (PTY) LIMITED ("FIRST ACCUSED") / CJ HATTINGH ("SECOND ACCUSED") / HA VISSER ("THIRD ACCUSED") AND J.I DE WET ("FOURTH ACCUSED")

On 7 September 2020 and at Faerie Glen, Pretoria the Third and Fourth Accused were, in terms of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act"), found guilty of unprofessional and/or improper conduct in terms of Section 23 of the Act in that they contravened the provisions of Rules 2, 4 and 6 promulgated thereunder in that they:

- (a) failed to act with integrity, objectivity and independence as envisaged in Rule 2 of the Act;
- (b) resorted to ventures which resulted and/or could have resulted in a conflict of interest or an impairment of independent judgment in the practicing of their occupation as envisaged in Rule 4;
- (c) failed to act in the best interests of their principals; and
- (d) failed to inform principals of the extent and condition of fresh produce but instead conveyed incorrect information to their principals by misrepresenting the total value of sales (the quantity that has been sold), and the selling price and gross amount realised.

The Disciplinary Tribunal of the Council held that in terms of the provisions of section 29 (1)(b) of the Act, the Third and Fourth Accused are guilty of an offence.

The following sanction was imposed by the Disciplinary Tribunal of the Council against the Third and Fourth Accused :

SANCTION

1. In terms of the provisions of Section 26 (1)(c) of the Act, the Fidelity Fund Certificates of the Third and Fourth Accused are withdrawn, but such withdrawal is suspended for a period of 3 years on the condition that:
 - (a) the Third and Fourth Accused are not found guilty of an offence involving an element of dishonesty within the said 3 year period; and
 - (d) the Third Accused shall, within 3 months from 7 September 2020, attend and successfully complete the online training course offered by the Council.
2. In terms of the provisions of section 26 (1)(bA) of the Act the Third Accused shall pay a fine in the amount of R50 000.00, of which R30 000.00 is suspended for a period of 3 years on the condition that the Third Accused is not found guilty of an offence involving an element of dishonesty within the said 3 year period. Payment of the remainder of the fine in the amount of R20 000.00 shall be paid to the Council by the Third Accused by way of 6 equal instalments of R3 333.50 each, with payment of the first instalment to be made on or before 30 September 2020 and payment of the remaining 5 instalments to be made on or before the last day of each and every month thereafter until payment in the sum of R20 000.00 has been made in full. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind. Should the Third Accused fail to make payment of any one instalment on due date, the full amount outstanding as at the date on which payment is due shall become immediately payable.

3. In terms of the provisions of section 26 (1)(bA) of the Act the Fourth Accused shall pay a fine in the amount of R50 000.00, of which R30 000.00 is suspended for a period of 3 years on the condition that the Fourth Accused is not found guilty of an offence involving an element of dishonesty within the said 3 year period. Payment of the remainder of the fine in the amount of R20 000.00 shall be paid to the Council by the Fourth Accused by way of 6 equal instalments of R3 333.50 each, with payment of the first instalment to be made on or before 30 September 2020 and payment of the remaining 5 instalments to be made on or before the last day of each and every month thereafter until payment in the sum of R20 000.00 has been made in full. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind. Should the Fourth Accused fail to make payment of any one instalment on due date, the full amount outstanding as at the date on which payment is due shall become immediately payable.
4. In terms of the provisions of section 26 (6) & (7) of the Act, the Third and Fourth Accused shall, jointly and severally, make a contribution towards the legal costs of the Council in the bringing of the disciplinary proceedings, the one paying the other to be absolved for payment of an amount of R30 000.00 by way of 6 equal instalments of R5 000.00 each, with payment of the first instalment to be made on or before 30 September 2020 and payment of the remaining 5 instalments to be made on or before the last day of each and every month thereafter until payment in the sum of R30 000.00 has been made in full. Payment is to be made into the trust account of the Council's attorneys, Weavind & Weavind. Should the Third Accused fail to make payment of any one instalment on due date, the full amount outstanding as at the date on which payment is due shall become immediately payable.

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