

DISCIPLINARY PROCEEDINGS

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

V

KADE LOTTER

On 07 September 2015 and at Pretoria, the Accused was found guilty of the following charges:

COUNT 1

During or about March 2015 and at the Cape Town Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] read with Section 19(3)(c) and Rule 23(1) promulgated in terms of the Act in that he failed to correctly and properly issue sale notes after each sale transaction before the produce concerned was removed from the Accused's custody.

COUNT 2

During or about March 2015 and at the Cape Town Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] by contravening Rule 32(4) in that he sold fresh produce on the credit of his principals without the proper prior written approval of the principal concerned. Further particularity appears from Annexure "A" annexed hereto.

COUNT 3

During or about March 2015 and at the Cape Town Fresh Produce Market, the Accused made himself guilty of improper conduct (as defined in Section 23(a) or (c) of the Act) by contravening Rule 32(4) in that he sold fresh produce on the credit of his principals in contravention of the aforesaid rule. Further particularity appears from annexures "A" annexed hereto.

The following sanction was imposed against the Accused:

1. The Accused is fined an amount of R70 000.00 (seventy thousand rand).
2. The Accused pay a contribution towards APAC's costs as taxed by the Taxing Master on the High Court Scale which will include the following costs:
 - 2.1 Costs of recording, transcribing and preparing copies of any record;

- 2.2 Costs incurred by the council in respect of the prosecutor and all person appointed to inspect and investigate the matter;
 - 2.3 Cost in procuring the attendance of witnesses and the witness fees to the extent that it is applicable;
 - 2.4 Cost of the attendance of the members of the tribunal including all reasonable travelling costs of such members of the tribunal.
3. The aforementioned amounts is payable in 12 equal monthly instalments of which the first payment has to be made on or before 14 September 2015 and thereafter on the 14th day of every subsequent month until the last payment is received with the understanding that the entire outstanding amount plus interest thereon at the prescribed rate of interest for time to time shall become immediately due and payable should the Accused fail to make any payment on the due date thereof.
4. The Accused must attend Comsel 100, 200 and 300 courses within 6 months from date hereof.
5. The Accused must submit a written undertaking that he has ceased all practice pertaining to the issuing of provisional sales notes.