

ANNEXURE A

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

v

1 st Accused	Durban Market Agents (Pty) Ltd t/a John Bell & Company (Reg. No. 1959/001714/07)
2 nd Accused	Catherina Elizabeth Verreyne (Identity Number: 3301300002002)
3 rd Accused	Johannes Verreyne (Identity Number: 6109145011089)
4 th Accused	Thomas Jacobus Verreyne (Identity Number: 5909195157083)

(Jointly and Severally "The Accused")

On 5 July 2016 at Faerie Glen, Pretoria, the Accused were found guilty in respect of the following charges:

1. During 1 October 2015 to 30 November 2015 and at the Durban Fresh Produce Market, the Accused made themselves guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act")] by contravening Rule 32(1) of the Rules created by Section 22 of the Act, in that they failed to make payment to their principals timeously as contemplated by the aforesaid rule;
2. During November 2015 and at the Durban Fresh Produce Market, the Accused made themselves guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Rule 31(4) and/or Rule 31(6), which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, in that:
 - 2.1 They failed to keep full and correct accounting records of all monies received and/or kept and/or expended;
 - 2.2 Certain amounts, transferred from the 1st Accused's trust account to its business account, were not identifiable with any amount due;
 - 2.3 Certain amounts, transferred from the 1st Accused's trust account to its business account, exceeded any amount due; and
 - 2.4 The total amount of money in the 1st Accused's trust account was less than the total amount of the credit balances of its trust credits.
3. On or about and/or during August 2015 – March 2016 and at the Durban Fresh Produce Market, the Accused made themselves guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] by contravening Rule 2 in that the Accused:
 - 3.1 Failed to act honestly and conscientiously in the practising of his occupation;
 - 3.2 Failed to act in the best interest of his principals; and
 - 3.3 Failed to act with the required integrity and objectivity envisaged in Rule 2; and
 - 3.4 Fraudulently and/or intentionally, amended and or created fictitious amounts as listed on the list of outstanding trust cheques which had not, at that stage, been honored on the outstanding cheques list provided to APAC in terms of Rule 33.8(b)

SANCTION

1. The Fidelity Fund Certificates of the 1st, 2nd, 3rd and 4th Accused, bearing the following numbers, are withdrawn:
 - 1.1 1st Accused – Fidelity Fund Certificate No. 47;
 - 1.2 2nd accused – Fidelity Fund Certificate No. 449;
 - 1.3 3rd Accused – Fidelity Fund Certificate No. 449; and
 - 1.4 4th Accused – Fidelity Fund Certificate No. 449.
2. The Accused are, jointly and severally, liable to pay a fine in the amount of R80 000.00 (eighty thousand Rand), which fine is immediately payable to APAC.
3. In terms of Section 26 (6) of the Act, the Accused are liable to pay the costs incurred by APAC in connection with the disciplinary hearing. Such costs shall be calculated in accordance with the High Court tariff applicable to civil litigation and for the purpose of assessing such costs, the Registrar of the High Court having jurisdiction shall be empowered to tax such costs. Without derogating from the generality of any such order for the payment of costs, such costs shall include:
 - 3.1 the costs of recording, transcribing and preparing copies of any record;
 - 3.2 the costs incurred by the council in respect of the prosecutor and the accountant or other persons appointed to inspect and investigate the agent or his/her employees books of account and any other documents or records or things relating to the agent or his or her employees business operation or former business operation;
 - 3.3 the costs of procuring the attendance of witnesses and their witness fees, including those of the complainant; and
 - 3.4 the travelling and accommodation costs of the members of the disciplinary tribunal.