

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

V

1. **WIESE & DUMONT (PTY) LTD Trading as BOEREMARK AGENCY**
2. **CHRISTOFFEL FILIPPUS COENRAAD ROUX**
3. **PHILLIP ZUIDMEER POTGIETER**
4. **JACQUES MARAIS**
5. **JAMES CAMERON MELROSE**
6. **MARIUS LOUBSER**
7. **CHARL JOHANNES NEL**
8. **FLORIS JOHANNES C. BRAND**

(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 improper conduct (as defined in Section 23 (a) and/or (c) of the Act) by:

1. 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 agricultural stock of the Accused (which agricultural produce stock formed part of the trust account of the Accused), not properly accounted for, and which unaccounted trust shortfall amounted to unprofessional and / or improper conduct;
2. contravening Section 18 of the Act, read together with Rules 21 and/or 23, in that the Accused failed to keep full and correct accounting records of, *inter alia*, all agricultural produce received, kept and sold and/or failed to do so correctly, which failure amounted to unprofessional and improper conduct;
3. contravening Rule 32(1), in that the Accused failed to make payment to their principals timeously; and
4. contravening Rule 32(4), in that the Accused sold fresh produce on the credit of their principals.

SANCTION

1. The Accused are, jointly and severally, fined the sum of R75 000.00 of which, in terms of Section 26 (2) the sum of R25 000.00 is suspended for a period of 3 years subject to the condition that the Accused are not be found guilty of an offence similar to those contained in Charges 1 to 4 in terms of which the Accused have been found guilty.
2. The Accused are directed to make a contribution towards the legal costs of the Council in the sum of R25 000.00.
3. The Accused shall, jointly and severally, pay an amount of R75 000.00 to the Council by way of 3 equal instalments of R25 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.
4. Accused 1, as from 4 March 2013, be suspended from conducting its business and from acting as a fresh produce agent for a period of 6 months with such suspension, in terms of Section 26 (2), being suspended for a period of 3 years subject to the condition that the Accused will not be found guilty of an offence similar to those contained in Charges 1 to 4 in terms of which the Accused has been found guilty.