

R224172

AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") / LEONARD BAREND WILKEN (FIRST ACCUSED) AND ALVIN DERRICK BOWLES (SECOND ACCUSED)

On 16 February 2021 and at Pretoria, Leonard Barend Wilken (First Accused) and Alvin Derrick Bowles (Second Accused) were found guilty of improper and unprofessional conduct in that they contravened the provisions of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") and the Rules promulgated thereunder in that:

1. they sold fresh produce on the credit of their principals without the proper prior written approval of their principals;
2. they failed to issue valid sales notes in accordance with Rule 23(2) after each sales transaction and before the fresh produce concerned was removed from their custody;
3. they failed to make payment to their principal not later than 5 business days after the principal's fresh produce concerned was sold.

SANCTION

After hearing argument, the Disciplinary Tribunal of APAC imposed the following sanction on the First and Second Accused (jointly and severally):

- (i) A fine of R50,000.00 of which R30,000.00 is suspended for 3 years on the condition that the First and Second Accused are not found guilty of a similar offence.
- (ii) Payment of the fine in the amount of R20 000.00 must be paid on or before 28 February 2021.
- (iii) The First and Second Accused must attend APAC's online training course within 6 months from 16 February 2021.