

DISCIPLINARY PROCEEDINGS

THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL

("the Council")

Vs

WILLEM LEONARD LOUW

("the Accused")

On 02 March 2017 and at Weavind & Weavind, 361 Oberon Street, Faerie Glen, Pretoria, the Accused were found guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act):

- (i) by contravening Section 19(1)(b), read together with Section 19(4) of the Act and Rules 31(6)(a) and (b) promulgated in terms of the Act, in that he caused a shortage in the agricultural produce stock of Botha Roodt Tshwane, more specifically 2675 bags of oranges. The said produce stock formed part of Botha Roodt Tshwane trust account, was not properly accounted for and which unaccounted trust shortfall amounts to unprofessional and/or improper conduct as contemplated in Section 23 aforesaid. Further particularity appears from annexure "A" annexed hereto;
- (ii) read with Rule 23(1) promulgated in terms of the Act, in that he failed to issue sale notes after each sale transaction entered into by him and prospective buyers and before the produce concerned was removed from the Accused's custody;
- (iii) by contravening Rule 32(4) in that he sold fresh produce on the credit of his principals, Waterburg Citrus, De Villiers A J, Pullinger C Trust, Vaalbos Trust and Howard Boerdery without the prior written approval of those principals;
- (iv) by contravening Section 19(1)(b) of the Act and which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, by failing to deposit into Botha Roodt Tshwane Fresh Market Agency's Trust account the proceeds of sales in the amount of R15,000.00 pertaining to agricultural produce sold by him on the instructions of or on behalf of his principals;
- (v) by contravening Rules 2, 4, 6 and 8 and which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, in that he:
 - a. Failed to act with integrity, objectivity and independence as envisaged in Rule 2;
 - b. Resorted to ventures which resulted or could result in a conflict of interest or an impairment of independent judgment in the practicing of his occupation as envisaged in Rule 4;
 - c. Failed to act in the best interest of his principals;

SANCTION (FINDING)

1. The Accused must pay a fine of R50 000.00 (suspended for a period of 3 years to the amount of R35,000.00) and make a contribution towards the Council's costs. The amount of R15,000.00 will be paid by way of 15 equal monthly instalments of R1,000.00, the first payment to be made on or before 31 March 2017, and all subsequent payments to be made on or before the first day of each and every succeeding month, until the full amount outstanding has been paid

(510 words)