

**THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") v EGOLY MARKET AGENTS (1<sup>st</sup> Accused) and MTHUNZI THEOPHILUS HADEBE (2<sup>nd</sup> Accused) (collectively and severally the "Accused")**

On 28 June 2019 and at Pretoria, the Accused were found guilty of improper conduct (as defined in section 23(a) and/or (c) of the Agricultural Produce Agent's Act, 12 of 1992 ('the Act')) by contravening the provisions of section 18 (2) of the Act and Rule 33.5 (a) and Rule 33.6 in that the Accused failed, refused and/or neglected to cause their auditors to compile, prepare and deliver to APAC, within the prescribed periods, an interim report in the form as set out in Annexure "B" to the Rules, for the financial year ending February 2018.

**SANCTION IMPOSED**

In terms of section 26 of the Act, the following sanction was imposed by the Disciplinary Tribunal of APAC:

1. that the First Accused pay a fine of R30,000.00;
2. that the sum of R10,000.00 in respect of the fine in paragraph 1 above be suspended for a period of 3 (three) years, on the condition that :
  - 2.1 the Accused are not found guilty of a similar offense as they have been charged with; and
  - 2.2 that the Second Accused complete the APAC online training course on before 30 July 2019;
  - 2.3 the audit reports are received by APAC on or before 19 July 2019. This period may be extended upon the Registrar of APAC providing an extension in writing.
3. that the Accused make payment of the remainder of the fine in the amount of R20,000.00 by way of monthly instalments of R1,000.00 into the trust account of Weavind and Weavind Attorneys, the first payment to be made on or before 31 July 2019 and thereafter on or before the 1<sup>st</sup> day of each and every succeeding month until the full amount of R20,000.00 has been paid in full;
4. that should the Accused fail to make payment any one payment as per paragraph 3 above, the full amount outstanding plus interest thereon shall become immediately due and payable by the Accused.