

DISCIPLINARY PROCEEDINGS

AGRICULTURAL PRODUCE AGENT'S COUNCIL

vs

MATLOSANA MARKET AGENTS CC

On 11 June 2013 and at Pretoria the accused was found guilty of the following charges:

1. During or about July 2012 and at Klerksdorp 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 Section 18(1) of the Act in that they failed to keep full and correct accounting records and failed to control and administer the trust account properly and correctly as envisaged in the aforesaid Section, more particularly insofar as an amount of R20 269 was confirmed as incorrectly accounted for by Mr. Stef Cornelius, the financial manager of accused No. 1.
2. During the period June 2012 to August 2012 and at the Klerksdorp 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 Sections 20(1) and 20(4) of the Act read together with Rules 6(1) and 6(2) promulgated in terms of the Act) in that the accused appropriated more commission than they were entitled to, which amounts to unprofessional and/or improper conduct as contemplated in Section 23 aforesaid.
3. During the period January 2012 to February 2012 and at the Klerksdorp 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 promulgated in terms of the Act in that they failed to ensure when making a transfer from the trust banking account to the business banking account that the amount is properly identifiable and does not exceed the amount due to the fresh produce agent.
4. During or about August 2012 to October 2012 and at the Klerksdorp 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 32(1) in that they failed to make payment to De Wet Fruits within five days after the fresh produce concerned had been sold as envisaged in the aforesaid Rule and which conduct amounts to unprofessional and improper conduct as contemplated in Section 23 aforesaid.

FINDING (SANCTION)

1. The Accused's Fidelity Fund Certificate is withdrawn, but such withdrawal is suspended for a period of 3 years on condition that the Accused is not found guilty of a similar offence within the said 3 year period
2. The Accused is to pay a fine of R25 000 of which the sum of R10 000 is suspended for a period of 3 years on condition that the accused is not found guilty of a similar offence within the said 3 year period
3. The Accused is to make a contribution to towards the Council's costs in the amount of R25 000.