

ANNEXURE A

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

v
1st Accused **DEALS – 4U THIRTY ONE CC TRADING AS ("WASPE MARKET AGENCY")**
2nd Accused **GLEN MITCHELL BOWER**
("THE ACCUSED")

On 11 April 2016 at Faerie Glen, Pretoria, the 1st and 2nd Accused were found guilty of improper conduct in terms of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") in that:

1. they failed to or failed to cause his auditor to compile, prepare and deliver to the Council within the prescribed period an annual report;
2. they failed to make payment to APAC for the account of the Fresh Produce Agents Fidelity Fund;
3. they failed to make full payment of the annual fee calculated by and payable to APAC for the maintenance of the fidelity fund certificate;
4. there was a stock deficit in the agricultural produce stock of the 1st Accused, being food produce under the control of the Accused, which stock forms part of the trust account of the 1st Accused;
5. they failed to make payment to their principals timeously and within 5 business day after the produce concerned had been sold;
6. they sold fresh produce on the credit of their principals, without the prior written approval of the principal concerned; and
7. they failed to issue sale notes after each sale transaction and before the produce concerned was removed from the custody of the Accused.

SANCTION

1. The Fidelity Fund Certificates of the Accused are to be withdrawn and that such withdrawal is suspended for a period of 3 years subject to the following conditions:
 - 1.1 that the Accused submit all annual audit reports timeously and in compliance with the Act and the Rules and complete the relevant online training course within 3(three) months hereof;
 - 1.2 that the Accused submit all interim audit reports timeously and in compliance with the Act and the Rules;
 - 1.3 that the Accused submit all monthly trust reconciliation reports properly and timeously and in compliance with the Act and the Rules; and
 - 1.4 that the Accused not be found of the a similar offence.
2. The Accused shall make payment to APAC of the outstanding account(s) of the Fresh Produce Agents Fidelity Fund in the amount of R2 470.83 (Two Thousand Four Hundred and Seventy Rand and Eighty Three Cents) within 30 (thirty) days hereof.
3. The Accused shall, jointly and severally, pay a fine in the amount of R10 000.00 (Ten Thousand Rand), the one paying the other to be absolved, which fine is payable to APAC.
4. The Accused shall, jointly and severally, make a contribution towards APAC's costs in the amount of R30 000.00 (Fifty Thousand Rand), the one paying the other to be absolved, which contribution is payable to APAC.
5. The contribution towards costs and the fine shall be payable by way of 20 (Twenty) monthly instalments in the amount of R2000.00 (Two Thousand Rand) each together with interest calculated at the prescribed rate of interest, the first payment to be made on/or before 1 May 2016 and thereafter on or before the first day of each following month, with the understanding that the entire outstanding amount plus interest thereon shall become immediately due and payable should the Accused fail to make any payment on the due date therefor.

548 WORDS