

DISCIPLINARY PROCEEDINGS

**THE REGISTRAR OF THE AGRICULTURAL PRODUCE AGENTS
COUNCIL (“APAC”)**

VS

**ROLIHLAHLA STRATEGIC INVESTMENTS (PTY)
LIMITED**

1st ACCUSED

ISAAC MANGOLE

2nd ACCUSED

(Collectively “the Accused”)

On 20 July 2015 and at Pretoria, the Accused were found guilty of the following charges:

1. During the period October 2014 to March 2015 and at the Johannesburg Fresh Market, Gauteng, the accused made themselves guilty of improper conduct (as defined in Section 23(a) and / or (c) of the Act), read with Section 19(3)(c) and Rule 33.8(a) and Annexure “D” to the Rules, in that they failed, within the prescribed period, to do proper reconciliation of trust accounts for the months ending June 2014, July 2014 and August 2014 in the form as set out in Annexure “D” to the Rules, which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.
2. During the period June 2014 - January 2015 and at the Johannesburg Fresh Market, Gauteng, the accused made themselves guilty of improper conduct (as defined in Section 23(a) and / or (c) of the Act), read with Section 16(3)(a) and Rule 12, in that they failed to make payment of the applicable application fee for an application for a fidelity fund certificate, which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.

3. During the period June 2014 – January 2015 and at the Johannesburg Fresh Market, Gauteng, the accused made themselves guilty of improper conduct (as defined in Section 23(a) and / or (c) of the Act), read with Section 16(9)(a) and Rule 14, in that they failed to make payment of the annual fee payable for the maintenance of the fidelity fund certificate, which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.

The following sanction was imposed against the Accused.

- 5.1 Both accused's' Fidelity Fund Certificates be withdrawn per agreement between the parties;
- 5.2 The accused be jointly and severally liable to pay a fine in the amount of R10 000.00 (the thousand rand, the one paying, the other to be absolved to the Agricultural Produce Agent's Council of which an amount of R5000.00 shall be suspended subject to compliance with the following conditions:
 - 5.2.1 The accused make payment of the outstanding annual fees payable to the Agricultural Produce Agent's Council in the amount of R10 289.50 within 30 (thirty) days hereof;
 - 5.2.2 The accused make payment of the outstanding application fee in respect of the Fidelity Fund Certificate in the amount of R1050.00 within 30 (thirty) days hereof;
 - 5.2.3 The accused submit proper trust reconciliations as set out in annexure 'D' to the Rules within 30 (thirty) days hereof.
 - 5.2.4 The accused jointly and severally be held liable to make a contribution towards the Agricultural Produce Agent's Council's costs in the amount of R5000.00 (five thousand rand), the one paying the other to be absolved.

5.4 The contribution towards costs and the fine shall be payable by way of 10 (ten) monthly instalments in the amount of R1000.00 (one thousand rand) each together with interest calculated at the prescribed rate of interest, the first payment to be made on/or before 31 August 2015 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 thereof.

[569 words]