

**THE REGISTRAR OF THE AGRICULTURAL
PRODUCE AGENT'S COUNCIL**

("the Council")

Vs

WENPRO SPRINGS (PTY) LTD

1ST ACCUSED

AJAY SEWNATH

2ND ACCUSED

(Collectively and severally "the Accused")

On 08 June 2017 and at Weavind & Weavind Inc, 361 Oberon Street, Faerie Glen, Pretoria, the Accused were found guilty of:

1. Improper conduct (as defined in Section 23 (a) and/or (c) of the Act) by contravening Section 16 of the Act in that they performed as fresh produce agents whilst Mrs BA Karsten, Ms T Adendorff, Ms A Erasmus and Mr AJ Pearson, all employees of the First Accused and acting as fresh produce agents for the First Accused, were not the holders of valid Fidelity Fund Certificates or, in the alternative, the First Accused performed and conducted the business of a fresh produce agent whilst allowing Mrs Karsten, Ms T Adendorff, Ms A Erasmus and Mr Toni, to act as a Fresh produce agents of the First Accused whilst they were not the holders of a Fidelity Fund Certificates, which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.
2. Improper conduct (as defined in Section 23 (a) and/or (c) of the Act) by contravening Section 16 of the Act in that the First Accused performed as a fresh produce agent, whilst the First Accused was not the holder of valid Fidelity Fund Certificate, which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.

SANTION (FINDING)

- 1) The First Accused must immediately seize trade at the Springs Market and ought not to have trade hence the plea of guilty;
- 2) The First Accused to file a reconciliation report pertaining to the trust Account held in the First Accused's name with First National Bank, which must be submitted to the Registrar of APAC on or before the 15th June 2017;
- 3) In respect of the first count, The First and Second Accused, jointly and severely, are ordered to pay a fine in the sum of R40,000.00;
- 4) In respect of the second count, The first and Second Accused, jointly and severely, are ordered to pay a fine in the sum of R40,000.00;
- 5) The R80,000.00 as referred to above will be payable as follows:

- a) R20,000.00 on or before the 30th of June 2017 into the trust account of Weavind and Weavind Inc;
- b) The balance of R60,000.00 to be paid in 5 (five) equal monthly instalments of R10,200.00 each. The first payment to be made on or before the 30th of July 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.

- The Accused is made privy to Rule 36(14) in respect of the acceleration clause and the interest factor in respect of the prescribe rate of interest on any arrears that had to be paid.
- No order as to costs