

On 4 August 2017 Mr Maoko ('the Accused') was found guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) in that he contravened Rule 2 by fraudulently and/or intentionally creating fictitious and/or erroneous statements relating to sales of produce to his principal, Mr H van der Walt and represented that those statements of sale were true and correct. The Disciplinary Tribunal held that in doing so, Mr Maoko misleadingly presented that the produce concerned had been sold when, in fact, it had not thereby falsely presenting the selling price of produce to be higher than that in respect of which it had actually been sold. The Disciplinary Tribunal found that Mr Maoko:

- (a) failed to act honestly and conscientiously in the practicing of his occupation;
- (b) failed to act in the best interest of his principals; and
- (c) failed to act with the required integrity and objectivity envisaged in the said Rule.

SANCTION (FINDING)

1. The Accused was ordered to pay a fine of R 20 000.00 (TWENTY THOUSAND RAND) to be paid by way of 10 (TEN) equal monthly instalments of R 2 000.00 (TWO THOUSAND RAND), the first payment to be made on or before 31 August 2017, and all subsequent payments to be made on or before the last day of each and every succeeding month, until the full amount outstanding has been paid.
2. Interest will accrue on the above fine, if the amount is paid in instalments, at the prescribed rate, which currently is 10.5% per annum.
3. The Accused was also ordered to pay the taxed costs on the high court tariff in respect of civil litigation including the costs of the recording and the transcription of proceedings, costs of counsel in respect of the prosecutor and any person appointed to investigate the claim on behalf of the Registrar, costs relating to the attendance of witnesses and the complainant at the proceedings and the fees of the members of the Tribunal.