

In the Tribunal Proceedings of:

AGRICULTURAL PRODUCE AGENT'S COUNCIL

And

ABDUL SAMAD KARANI

("the Accused")

On 30 November 2015 and at Pretoria, the Accused was found guilty of the following charges:

COUNT 1

During on or about May 2015 - August 2015 and at Vereeniging Fresh Produce Market, Vereeniging, the Accused, made themselves guilty of unprofessional and improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Section 18 of the Act, read together with Rules 21, in that they were obliged to keep full and correct accounting records of, *inter alia*, all agricultural produce received, kept, sold and lawfully destroyed and failed to do so, or to do so correctly, more specifically failing to properly record a delivery of 10 pallets of potatoes, delivered on 22 May 2015 to the First and Second Accused by Potato Pride CC.

COUNT 2

During on or about May 2015 - August 2015 and at Vereeniging Fresh Produce Market, Vereeniging, 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 23(1) promulgated in terms of the Act, in that they failed to issue sale notes after each sale transaction and before the produce concerned was removed from the Accused's custody.

COUNT 3

During on or about May 2015 and at Vereeniging Fresh Produce Market, Vereeniging, the Accused made themselves guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act), read with Section 19(1) and Rule 30.1 promulgated in terms of the

Act, in that they failed to deposit an amount of R79 699.40, being the proceeds of the sale of fresh produce, into the trust account of the First Accused.

COUNT 4

During on or about May 2015 and June 2015, 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 their principal, Green Network Market Agents, timeously as contemplated in the aforesaid rule.

Sanction Imposed:

1. The accused be liable to pay a fine in the amount of R40 000.00 (forty thousand rand), of which an amount of R20 000.00 (twenty thousand rand) shall be suspended subject to compliance with the following conditions:
 - 1) The accused is not found guilty of a similar offence within a period of 3 (three) years from the date of imposition of this sanction.
 - 2) The accused must take appropriate steps to attend the Comsel 100, 200 and 300 courses presented by the Council within a period of 3 months after the date of this order.
2. The accused shall be liable make a contribution towards APAC's costs in the amount of R5 000.00 (five thousand rand).
3. The fine together with the contribution towards costs shall be payable on/or before 02 December 2015.