

DISCIPLINARY PROCEEDINGS

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

VS

- 1. SAMUELS AND SONS FRUIT AND VEG CC
 (“Samuels and Sons Market Agents”)**
- 2. ABDULRAHMAN SAMUELS**
- 3. DAWOOD SAMUELS**
- 4. FATIMA SAMUELS**
- 5. MAWAAL SAMUELS**

(Collectively “the Accused”)

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

1. During June 2014 – March 2015 and at the Kimberley Fresh Produce Market, 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 its principals timeously as contemplated in the aforesaid rule.
2. During June 2014 – March 2015 and at the Kimberley Fresh Produce Market, 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 MAY 2014, JUNE 2014, AUGUST 2014, OCTOBER 2014 and NOVEMBER 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.

3. During October 2014 – December 2014 and at the Kimberley Fresh Produce Market, the Accused made themselves guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Rule 31(4) and/or Rule 31(6), which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, in that:

1. They failed to keep full and correct accounting records of all monies received and/or kept and/or expended.
2. Certain amounts, transferred from its trust account to its business account, were not identifiable with any amount due.
3. Certain amounts, transferred from its trust account to its business account, exceeded any amount due.
4. The total amount of money in its trust account was less than the total amount of the credit balances of its trust credits.

The following sanction was imposed against the Accused.

1. The fidelity fund certificates of the accused be withdrawn, which withdrawal is suspended for a period of 3 (three) years on the following conditions:
 - 1.2.1 that the accused or their natural persons attend the Comsel 100, 200 and 300 training courses within a reasonable time by taking the appropriate measures to do, including rendering a request to APAC within a period of 3 (three) months calculated from 01 August 2015;

1.2.2 the Accused comply with the provisions of paragraph 2 and 3 below.

2. The Accused are jointly and severally, the one to pay and the other to be absolved, directed to pay a fine in the amount of R10 000. 00 (ten thousand rand);
3. The Accused jointly and severally, the one to pay and the other to be absolved, make payment of a contribution towards APAC's costs in the amount of R20 000.00 (twenty thousand rand);
4. The fine referred to in paragraph 2 shall be payable in 10 equal monthly instalments of R1 000.00 (one thousand rand), the 1st payment to be made on or before 07 August 2015 and thereafter on or before the 7th day of each consecutive 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 thereof.
5. The contribution towards costs referred to in paragraph 3 shall be payable in 10 equal monthly instalments of R2 000.00 (two thousand rand) each, 1st payment to be made on or before 07 August 2015 and thereafter on or before the 7th day of each consecutive 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 thereof.

[658 words]