

THE REGISTRAR OF THE AGRICULTURAL

PRODUCE AGENT'S COUNCIL

v

NATALIA MARKET AGENCY

First Accused

ANIL SEWCHURAN

Second Accused

YOGITHA SOOKDAHOO

Third Accused

(Collectively and severally "the Accused")

SANCTION

On 03 March 2020 and at Pretoria the Accused were found guilty by the Disciplinary Tribunal of APAC of improper conduct in that:

1. They failed to keep full and correct accounting records of all the monies received and/or kept and/or expended;
2. Certain amounts transferred from its trust account to its business account, exceeded any amount due;
3. The accused overdraw larger amounts of commission from its trust account which were in fact due; and
4. The withdrawals referred to in 3 above, resulted that the total amount of money in its trust account was less than the total amount of the credit balances of its trust credits, causing a trust deficit on the days of the withdrawals.

Sanction

The following sanction was handed down by the Disciplinary Tribunal on the 3rd of March 2020:

1. The Fidelity Funds Certificates number 48, number 930 and number 1375 issued respectively to the First, Second and Third Accused are withdrawn; and
2. A fine of R100 000.00 (One Hundred Thousand Rand) is imposed on the First, Second and Third Accused jointly.
3. The above mentioned sanctions are suspended. Furthermore, In the case of the withdrawal of the Fidelity Fund Certificates, they are suspended wholly for a period of 3 (three) years and in the case of the fine, in an amount of R50 000.00 (Fifty Thousand Rand), also for a period of 3 (three) years.
4. The condition of such suspension:
 - a. The accused to not again be found guilty of the transgression of Rules 31(4) and 31(6).
 - b. The Accused within a period of 3 (three) months, prove to the satisfaction of the Registrar that they have undergone the online training courses presented by the Registrar regarding their trade.
5. The fine will be payable over a period of 4 (months) in equal payments.