

THE REGISTRAR OF THE AGRICULTURAL

PRODUCE AGENT'S COUNCIL

v

RHODA'S MARKET AGENCY CC

First Accused

UTHMAAN RHODA

Second Accused

(Collectively and severally "the Accused")

SANCTION

On 27 February 2020 and at Pretoria, Rhoda's Market Agency CC and Uthmaan Rhoda were found guilty by the Disciplinary Tribunal of APAC of improper conduct in that:

1. The total amount of money in its trust account was less than the total amount of the credit balances of its trust credits and on the 31st of August 2019, the trust account of Rhoda's Market Agency CC was in deficit to the amount of R48,820.93;
2. Rhoda's Market Agency CC failed to make payment to the Council of unclaimed amounts which were not claimed by Rhoda's Market Agency CC's principal, Fresco Microgreens, within 200 days after the sale of such principals' agricultural product;
3. Rhoda's Market Agency CC failed to and/or failed to cause its auditors to compile, prepare and deliver to the Council within the prescribed period;
4. Rhoda's Market Agency CC failed to make due and full payment of the annual fee calculated by and payable to the Council for the maintenance of Rhoda's Market Agency CC fidelity fund certificate in the amount of R6,927.64; and
5. Rhoda's Market Agency CC failed to make payment of the amount of R1,961.05, being its contribution towards the fidelity fund payable to the Council.

Sanction

The following sanction was handed down by the Disciplinary Tribunal on the 27th of February 2020:

1. CHARGE ONE

- a. The fidelity fund certificate of the Accused be withdrawn in accordance with the provisions of section 26(1)(c); and
- b. A fine of R100 000.00 (One hundred thousand rand) be imposed on the Accused jointly and severally, the one to pay and the other absolved.

1.1 The above sanction is suspended in terms of the provisions of section 26(2) to the following extent and on the following conditions:

- 1.1.1 The withdrawal of the fidelity fund certificate is suspended for a period of 3 (three) years; and
- 1.1.2 80% (eighty percent) in other words R80 000.00 (eighty thousand rand) of the fine of R100 000.00 is suspended also for a period of 3 (three) years

1.2 The conditions of the suspensions are as following:

- 1.2.1 Within the period of suspension, there may not again arise a trust deficit in the trust account of Rhoda's Market Agency;
- 1.2.2 The present trust shortage be rectified by no later than 31 March 2020 and the Registrar be advised to its satisfaction of the fact that such shortfall has been set right; and
- 1.2.3 Uthmaan Rhoda undergo the online training course made available by the Registrar within a period of 3 (three) months.

2 CHARGE TWO-FIVE

- a. A fine of R10 000.00 (ten thousand rand) is imposed on the Accused;
 - i. But the fine is suspended for a period of 3 (three) years;
- b. The fine of R20 000.00 (twenty thousand rand) imposed on the Accused is payable jointly and severally, the one to pay and the other to be absolved over a 4 (four) month period of four equal payments of R50 000.00 (fifty thousand rand) per month. The first payment is to be made on 25 March 2020 and thereafter 25 April 2020, 25 May 2020 and 25 June 2020.

- i. Should any of these payments be made late, the outstanding balance will become payable immediately. Interest is to accrue on the outstanding balance at the rate and conditions imposed by the Act.
- c. The fine above in 2(a) is subject to the following conditions:
 - i. That he not be found guilty of any of the offences listed in Charges Two – Five within a period of the suspension.

The costs occasioned by the hearing be paid by the Accused and are in terms of this Act to be taxed in accordance with section 26(6). The cost order granted above includes all reserved costs of the matter on previous days as well.