

# **DISCIPLINARY PROCEEDINGS**

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

**VS**

**ERIC ODENDAAL**

(“the Accused”)

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

1. During or about March 2014 to May 2014 and at the Springs Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] read with Section 19(3)(c) by contravening Section 18 of the Act read together with Rules 21 and/or 23 and/or 27 in that he was 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, in that he failed to correctly account and record for deliveries received and products sold on or on behalf of its principal, Dennegeur.
2. During April to May 2014 and at the Springs Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] by contravening Rule 26 as promulgated in the Act in that he failed to issue a statement to his principal, more specifically Dennegeur (the producer), within 5 business days after the producer’s fresh produce having been sold.
3. During April to May 2014 and at the Springs Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] read with Section 19(3)(c) and Rule 25(1) and Rule 25(2)

promulgated in terms of the Act, in that he failed to inform the relevant principal or principals, of the extent and condition of produce, not sold within 3 business days after receipt thereof.

4. During April to May 2014 and at the Springs Fresh Produce Market, the Accused made himself guilty of improper conduct [as defined in Section 23(a) and/or (c) of the Act] by contravening Rule 32(1) in that he failed to make payment to his principal, Dennegeur, timeously as contemplated in the aforesaid rule.

The following sanction was imposed against the Accused:

1. A Fine of R10 000. 00 (ten thousand rand) which fine is payable to APAC.
2. The Accused be held liable to make a contribution towards APAC's costs in the amount of R25 000. 00 (twenty five thousand rand).
3. The contribution towards costs and the fine shall be payable by way of 12 (twelve) equal monthly instalments together with interest calculated at the prescribed rate of interest of which the first payment of R2 916.67 (two thousand nine hundred and sixty seven cent) is to be made on/or before 01 August 2015 and thereafter on the 1<sup>st</sup> day of each following 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.
4. The prior sanction of the tribunal imposed against the Accused is not replaced by this sanction. This sanction is to be interpreted as being imposed in addition to such prior sanction.

[514 words]