

**THE REGISTRAR OF THE AGRICULTURAL****PRODUCE AGENT'S COUNCIL**

("the Council")

Vs

<b>CATU FRESH (PTY) LTD</b>	1 <sup>st</sup> Accused
<b>KHATHUTSHELO GILBERT NEDZANANI</b>	2 <sup>nd</sup> Accused
<b>SETH MUSANDIWA MAANDA</b>	3 <sup>rd</sup> Accused
<b>LIVHUWANI MAGIDIMISA</b>	4 <sup>th</sup> Accused

On 09 June 2017 and at Weavind & Weavind Inc, 361 Oberon Street, Faerie Glen, Pretoria, the First and Second Accused were found guilty of:

1. Improper conduct (as defined in Section 23(a) and / or (c) of the Act) read with Sections 18(2) and/or 19(5) and Rules 33.4, 33.5(b) and 33.6 and Annexure "C" to the Rules, in that they failed to and/or failed to cause their auditor to compile, prepare and deliver to the Council within the prescribed period annual reports in the form as set out in Annexure "C" to the Rules for the financial years ending on the last day of June 2015 and June 2016.
2. Improper conduct (as defined in Section 23(a) and / or (c) of the Act) read with Rules 33.5(a) and 33.6 and annexure "B" thereto, in that they failed to and/or failed to cause their auditor to compile, prepare and deliver to the Council within the prescribed period interim reports in the form as set out in annexure "B" to the Rules for the financial years ending June 2016 and June 2017.

**SANCTION (FINDING)**

1. The First and Second Accused be jointly and severally liable to pay a fine in the amount of R20,000.00 (Twenty Thousand Rand), the one paying the other to be absolved, which fine is payable to APAC and of which R10,000.00 (Ten Thousand Rand) is suspended for a period of 3 (Three) years on condition that the First and Second Accused are not found guilty of a similar offence committed within the said period of suspension.
2. The fine will be payable in 5 (five) equal monthly instalments of R2,000.00 (Two Thousand Rand) each. The first payment to be made on or before the 30<sup>th</sup> of June 2017, and all subsequent payments to be made on or before the first day of each and every succeeding month, until the full amount outstanding has been paid;
3. An undertaking by the First and Second Accused to remove the Third and Fourth Accused as Directors of Catu Fresh (Pty) Ltd;
4. The Second Accused attend the online training course on or before the end of June 2017;
5. The First and Second Accused's Fidelity Fund Certificates be withdrawn and that such withdrawal is suspended for a period of 3 years subject to conditions that:
  - a. the First and Second Accused are not found guilty of a similar offence committed within the said period of suspension;
  - b. All outstanding audit reports be submitted to APAC on or before the end of July 2017.

6. The First Accused is also ordered to pay a contribution towards the Board's costs in the sum of R10,000.00. Such sum of R10,000.00 can likewise be paid in 5 (five) monthly instalments of R2,000.00 each. The first instalment to commence on the 30<sup>th</sup> of December 2017 and all subsequent payments to be made on or before the first day of each and every succeeding month, until the full amount outstanding has been paid.