

**NOTICE OF SANCTION OF DISCIPLINARY PROCEEDINGS BROUGHT BY THE AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") AGAINST PULA NALA MARKET AGENTS (PTY) LTD (Registration number 2009/000114/07) (1<sup>st</sup> Accused) and CHRISTINE NDO HENDRICKS (2<sup>nd</sup> Accused)**

On 10 August 2021 and at Pretoria the First Accused and Second Accused were found guilty of unprofessional and improper conduct and contravening the provisions of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") and the Rules promulgated thereunder in that they:

1. failed to keep full and correct accounting records of all monies received and/or kept and/or expended; and/or
2. failed to ensure that the total amount of money in the trust bank account, trust savings or interest-bearing account of the First Accused was not less than the total amount of the credit balances of the trust credits of the First Accused;
3. failed to ensure that no account of any trust creditor was in debit;
4. failed to employ and maintain a system to ensure that a trust deficit is not created when amounts are transferred from the trust bank account of the First Accused to its business bank account;
5. withdrew amounts from the trust account of the First Accused as remuneration and/or in payment of other expenses which was not due alternatively, was not identifiable to be paid from the trust account of the First Accused; and
6. made transfers from the First Accused's trust bank account of amounts not identifiable or due to be transferred.

**SANCTION**

The Disciplinary Tribunal of APAC imposed the following sanction on the First Accused and Second Accused:

1. the fidelity fund certificates of the First And Second Accused are withdrawn;
2. in terms of the provisions of Section 26(1)(bA) of the Act, the First and Second Accused shall, jointly and severally, the one paying the other to be absolved for payment of a fine in the sum of R50 000.00;
3. withdrawal of the fidelity fund certificates of the First and Second Accused and payment of the sum of R30 000.00 in respect of the fine be suspended for a period of 3 (three) years in terms of Section 26(2) on the following condition:
  - 3.1. the First and Second Accused are not found guilty of a similar offence;

- 3.2. the First or Second Accused are to make payment of the balance of the fine payable in the sum of R20 000.00 in monthly instalments over a period of 10 (ten) months into the trust account of Weavind & Weavind Attorneys, Nedbank Account Number 1604067896, the first payment to be made on or before the last day of September 2021 and thereafter on or before the last day of each and every succeeding month thereafter until payment in the sum of R20 000.00 has been paid in full;
- 3.3. that the Second Accused attend and successfully complete APAC's online training course within 6 (six) months from 10 August 2021 which online training course be free of charge to the Second Accused;
- 3.4. the Registrar of APAC, out of his own volition and election, will appoint a mentor to assist with the management of the First Accused;
- 3.5. that upon the appointment of the mentor, the First Accused shall file its monthly reconciliation report, under the guidance of the mentor;
- 3.6. the mentor shall have unrestricted access to any bookkeeping software utilised by the First Accused, and the First Accused shall make available to the mentor all banking and financial records, reports, statements and/or related documents as the mentor may request;
- 3.7. the First Accused shall ensure that it engages with the mentor in an efficient and timeous manner so as to ensure that the reports are submitted on time;
- 3.8. the First Accused shall make provision on the reconciliation report for the mentor's signature;
- 3.9. the First Accused shall present the monthly reconciliation report to APAC with the mentor's signature appearing on the report *alternatively*, shall provide a full written explanation of the First Accused's failure in having the mentor sign the report;
- 3.10. the explanation in 3.9 above shall be filed for the consideration by the Registrar of APAC on the same day the reconciling report is delivered.