

R224115

AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") / BOERE TRUST CC (Registration No: 1988/006202/23) (1st Accused) and ELFRANCO CHRISTO HOOGENHOUT (2nd Accused)

On 16 February 2021 and at Pretoria, Boere Trust Cc (Registration Number 1988/006202/23), the First Accused contravened the provisions of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") and the Rules promulgated thereunder and was found guilty of unprofessional and improper conduct in that the First Accused:

1. failed to keep full and correct accounting records of all monies received and/or kept and/or expended;
2. money transferred from the First Accused's trust account into its business account was not identifiable with any amounts due;
3. failed to make payment from its trust account to APAC of unclaimed amounts which were not claimed by the principals of the First Accused within 200 days after the sale of such principals' agricultural product;
4. failed to record the correct, *alternatively* full particulars referred to in Rule 21(1) of the Act in respect of fresh produce received from their principals.

SANCTION

After hearing argument, the Disciplinary Tribunal of APAC imposed the following sanction on the First Accused:

- (i) A fine of R100 000.00 of which R50 000.00 is suspended for 3 years on the condition that the First Accused is not found guilty of a similar offence.
- (ii) Payment of the fine of R50 000.00 is immediately payable.
- (iii) Elfranco Christo Hoogenhout, the 2nd Accused and the sole member of the First Accused is to attend APAC's online training course within 6 months from 16 February 2021.
- (iv) An employee of the First Accused in the bookkeeping department must attend APAC's online training course within 6 months from 16 February 2021.