

COHC

ORDERS OF THE COURT • BEVELE VAN DIE HOF**GAUTENG**

Case No: n/a

IN THE HIGH COURT OF SOUTH AFRICA
(n/a)

Pretoria, 30 November 2015, Disciplinary Tribunal

**In the matter between: The Registrar of the Agricultural Produce Agent's Council and Dreyer Botha
In re: Disciplinary Hearing**

On 30 November 2015 and at Pretoria, the Accused was found guilty of the following charges:

COUNT 1

During April 2015 and at the Durban 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 Section 19(1)(b) read together with Section 19(4) and Rules 31(6)(a) and (b) promulgated in terms of the Act, in that the Accused caused a shortage of 69 crates of jam tomatoes, in the agricultural produce stock of RSA Market Agents, which agricultural produce stock forms part of RSA Market Agents' trust account and which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act.

COUNT 2

During April 2015 and at the Durban 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 23(1) promulgated in terms of the Act, in that he failed to issue sale notes after each sales transaction and before the produce concerned was removed from the Accused's custody.

COUNT 3

During April 2015 and at the Durban 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 Rules 2, 4, 6 and 8 and which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, in that he:

- (a) Failed to act with integrity, objectivity and independence as envisaged in Rule 2;
- (b) Resorted to ventures which resulted or could result in a conflict of interest or an impairment of independent judgment in the practicing of his occupation as envisaged in Rule 4;
- (c) Failed to act in the best interest of his principals; More particularly in the following respects:
- (d) He sold and/or supplied fresh produce and caused such fresh produce to be removed from the market, using fraudulent alternatively fake sale notes.

Sanction Imposed:

1. That the accused be liable to pay a fine in the amount of R70 000.00 (Seventy Thousand Rand), to the Agricultural Produce Agent's Council of which R20 000.00 (Twenty Thousand Rand) is suspended on condition that the accused is not convicted of the same or similar charges committed within the 3 (Three) year suspension period referred to above.

2. The accused be held liable to make a contribution towards the Agricultural Produce Agent's Council's costs in the amount of R10 000.00 (Ten Thousand Rand) which is to be paid within 14 (Fourteen) days of date of the order made of the Disciplinary Tribunal.

3. The fine shall be payable by way of equal monthly instalments in the amount of R10 000.00 (Ten Thousand Rand) each together with interest calculated at the prescribed rate of interest from time to time, the first payment to be made on/or before 14 December 2015 and thereafter on the last day of each subsequent 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.