

## **DISCIPLINARY PROCEEDINGS**

### **AGRICULTURAL PRODUCE AGENT'S COUNCIL**

**vs**

**Accused 1 – DURBAN MARKET AGENTS (PTY) LIMITED TRADING AS  
JOHN BELL & COMPANY**

**Accused 2 – THOMAS JACOBUS VERREYNE**

**Accused 3 – JOHANNES VERREYNE**

**Accused 4 – CATHERINA ELIZABETH VERREYNE**

**(Jointly “the Accused”)**

On 2 December 2014 and at Brooklyn, Pretoria, the Accused were found guilty of the following charges;

1. During the period of 1 January 2014 to 31 March 2014 and at the Durban Fresh Produce Market, the Accused made themselves guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Rule 32(1) in that they failed to make payment to its principals timeously as contemplated in the aforesaid rule.
2. During the period 1 January 2014 to 31 March 2014 and at the Durban Fresh Produce Market, the Accused made themselves guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Rule 31(4) and /or Rule 31(6), which conduct amounts to unprofessional and/or improper conduct within the meaning of Section 26 of the Act, in that:
  - 2.1 They failed to keep full and correct accounting records of all monies received and/or kept and/or expended;
  - 2.2 Certain amounts, transferred from its trust account to its business account, were not identifiable with any amount due;
  - 2.3 Certain amounts, transferred from its trust account to its business account, exceeded any amount due;
  - 2.4 The total amount of money in its trust account was less than the total amount of the credit balances of its trust credits.

## **FINDING (SANCTION)**

### **Count 1**

1. The Fidelity Fund Certificates of the Accused are withdrawn, which withdrawal is suspended for three years from the date of the disciplinary hearing subject to the following three conditions:
  - 1.1 The Accused must not be convicted of the same or similar offence as set out in Charge 1, which has been committed within the period of suspension,
  - 1.2 Each of the accused number two, three and four, being the natural persons, shall attend the Comsell 100, 200 and 300 courses presented by the Council within a period of six months from the date of the disciplinary hearing,
  - 1.3 That accused number one report to the Registrar on a quarterly basis the state of affairs of both the trust account and the business account of Accused number 1, and if there are more than one of these accounts each of those accounts, and that the first of such report be submitted by the end of February 2015 and thereafter on a quarterly basis.
2. Accused 1 is sentenced to a fine of R20 000.00 (Twenty Thousand Rand);
3. Accused 2, 3 and 4 is each sentenced to a fine of R10 000.00 (Ten Thousand Rands);
4. All fines are payable immediately.

### **Count 2**

1. The Fidelity Fund Certificate for accused one, two, three and four are withdrawn, which withdrawal is suspended for three years from the date of the disciplinary hearing subject to the following three conditions:

- 1.1 The Accused must not be convicted of the same or similar offence(s) as set out in Charge 2, which has been committed within the period of suspension,
  - 1.2 Each of the accused number two, three and four, being the natural persons, shall attend the Comsell 100, 200 and 300 courses presented by the Council within a period of six months from the date of the disciplinary hearing,
  - 1.3 That accused number one report to the Registrar on a quarterly basis the state of affairs of both the trust account and the business account of Accused number 1, and if there are more than one of these accounts each of those accounts, and that the first of such report be submitted by the end of February 2015 and thereafter on a quarterly basis.
2. Accused 1 is sentenced to a fine of R20 000.00 (Twenty Thousand Rand);
  3. Accused 2, 3 and 4 is each sentenced to a fine of R15 000.00 (Fifteen Thousand Rands);
  4. All fines are payable immediately.

### **Costs**

1. The Accused are sentenced to make a contribution to costs of R60 000.00 (Sixty Thousand Rands), payable in five equal instalments of R12 000.00 (Twelve Thousand Rands) each, the first instalment to be paid before or on 31 December 2014, and the remaining four payments to be made on or before the last day of each month,
2. The Accused are jointly and severally liable for these costs, the one paying, the other to be absolved;
3. In terms of Rule 36(14), interest is payable on the costs and should a payment not be paid timeously, the whole amount shall become due and payable.

