

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

v

WHOOPI UP (PTY) LTD

First Accused

(Registration Number: 2018/607164/07)

DEREK HUGO BOUWER

Second Accused

WERNER VAN VUUREN

Third Accused

(Collectively and severally "the Accused")

SANCTION

On 02 March 2020 and at Pretoria, Whoopi Up (Pty) Ltd, Derek Bouwer and Werner Van Vuuren were found guilty by the Disciplinary Tribunal of APAC of improper conduct in that:

1. The Accused performed as fresh produce agent whilst the Third Accused, an employee of the First Accused, was not a holder of a valid fidelity fund certificate;
2. The First Accused failed to register the Third Accused;
 - a. further failed to obtain a fidelity fund certificate for and on behalf of the Third Accused; and
 - b. allowed the Third Accused to act as a fresh produce agent of the First Accused whilst the Third Accused was not a holder of a fidelity fund certificate.

Sanction

The following sanction was handed down by the Disciplinary Tribunal on the 2nd of March 2020:

The First and Second Accused

1. A fine of R10 000.00 (ten thousand rand) is imposed on the First and Second Accused which is payable in 3 (three) payments on or before the 15th of each month;
2. The First Accused is to pay the costs incurred by council for the disciplinary hearing; and
3. The Second Accused is to attend the online training course within 3 (three) months which will be free of charge.

The Third Accused

1. A fine of R10 000.00 (ten thousand rand) is imposed on the Third Accused;
2. The Third Accused is to attend the online training course;
3. The Third Accused is suspended from acting as a fresh produce agent until he is registered as such; and
4. The fine is payable in 4 (four) equal monthly instalments payable on or before 15 March 2020, and before the 15th of each subsequent month.