

DISCIPLINARY PROCEEDINGS

**THE REGISTRAR OF THE AGRICULTURAL
PRODUCE AGENT'S COUNCIL**
(“the Council”)

V

1. **EYABANTU MARKETING AND SUPPLY**
 2. **F. PIETERSE**
 3. **S. NDUNGANE**
 4. **T.L. MZIMVUBU**
 5. **M.H. NTLANTSANA**
 6. **L.B. MALINDI**
- (Collectively and severally “the Accused”)

On 20 March 2012 and at the offices of Weavind & Weavind, Brooklyn, Pretoria, the Accused were found guilty of the following charges:

COUNT 1

The accused made themselves guilty of improper conduct (as defined in Section 23(a) and / or (c) of the Act) read with Section 18(2) and 19(5) and Rules 33.4, 33.5(b) and 33.6 and Annexure “C” to the Rules, in that they themselves failed to or to cause their auditors to compile, prepare and deliver to the Council within the prescribed period, an annual report in the form as set out in annexure “C” to the Rules for the financial year ending on the last day of February 2011.

COUNT 2

The accused made themselves guilty of improper conduct (as defined in Section 23(a) and / or (c) of the Act), read with Section 19(3)(c) and Rule 33.8(a) and Annexure “D” to the Rules, in that they failed, within the prescribed period, to do a proper reconciliation of trust accounts for the months ending July 2011 and August 2011 in the form as set out in Annexure “D” to the Rules.

COUNT 3

(Against Second Accused Only)

The Second Accused made herself guilty of improper conduct (as defined in Section 23(a) and/or (c) of the Act) by contravening Rule 2.1(b) and/or (c) and/or Rule 2.3 and/or Rule 4 in that she operated a Spar business and bought from her own account fresh produce which were delivered to her by her principals for the purpose of selling

same on their behalf which conduct results or could result in a conflict of interest or an impairment of her independent judgement in the practicing of her occupation.

SANCTION (FINDING)

1. The Accuseds' fidelity fund certificates are withdrawn in terms of the provisions of Section 26 (1)(c) of the Act but, in terms of Section 26 (2) such withdrawal is suspended for a period of 3 years, and subject to the following conditions:
 - (a) The Annual Report referred to in Count 1 must be furnished to the Registrar of the Council on or before 1- April 2012, as undertaken by the Accused as per a letter from their accountants.
 - (b) Each Accused must attend a training course facilitated by IMASA within the next 6 months. The Accused will be advised of the date, time and place of such course by the Registrar of the Council.
 - (c) The Second Accused must attend at the offices of Ms Lizzy Hodzi at the offices of the Council within 1 month from 20 March 2012 for training in respect of running of trust accounts and the reconciliation of trust accounts. Such attendance and training must be to the satisfaction of the Council.
 - (d) The Accused are not again found guilty of the contravention of any of the offences covered by Counts 1, 2 and 3.
 - (e) In terms of the provisions of Section 26 (6) of the Act, the Accused are ordered, jointly and severally, to pay the costs incurred by the Council in connection with the bringing of the disciplinary hearing. The Accused are to pay such costs as follows:
 - (i) R10 000.00 by way of 10 equal monthly instalments of R1 000.00, the first payment to be made on or before 30 June 2012 and thereafter on or before the last day of each and every succeeding month. Should the Accused fail to make payment on due date, the full amount outstanding will immediately become due and payable. The Accused

will then be held accountable for all of the costs incurred by the Council and not only a contribution, as per a party and party Bill of Costs.