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AGRICULTURAL PRODUCE AGENT'S COUNCIL ("APAC") / BLOEMFONTEIN ALGEMENE MARK AGENTSKAPPE (PTY) LTD (REGISTRATION NUMBER 1978/004162/07) (FIRST ACCUSED) / P.J ERASMUS (SECOND ACCUSED) AND J.M MOKGELE (THIRD ACCUSED)

On 16 February 2021 and at Pretoria, **BLOEMFONTEIN ALGEMENE MARK AGENTSKAPPE (PTY) LTD (REGISTRATION NUMBER 1978/004162/07) (FIRST ACCUSED) / P.J ERASMUS (SECOND ACCUSED) AND J.M MOKGELE (THIRD ACCUSED)**, all of the Accused were found guilty of improper and unprofessional conduct and in contravention of the provisions of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") and the Rules promulgated thereunder in that:

1. there were shortages in the agricultural produce stock of the First Accused. The said produce stock which formed part of the First Accused's trust account was not properly accounted for;
2. they sold fresh produce on the credit of their principals without the written approval of their principals;

The First and Third Accused were found guilty of improper and unprofessional conduct and in contravention of the provisions of the Agricultural Produce Agent's Act, No. 12 of 1992 ("the Act") and the Rules promulgated thereunder in that they failed to issue valid sales notes in accordance with Rule 23(2) after each sale transaction and before the fresh produce concerned was removed from their custody

SANCTION

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

- (i) A fine of R50,000.00 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 and 2 employees must attend APAC's online training course within 6 months from 16 February 2021.
- (ii) The Second and Third Accused must attend APAC's online training course within 6 months from 16 February 2021.

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

- (i) A fine of R50,000.00 of which R40,000.00 is suspended for 3 years on the condition that the Second Accused is not found guilty of a similar offence.
- (ii) Payment of the fine of R10 000.00 is payable over 10 months, with the first payment to be made on or before 28 February 2021.
- (iii) The Second Accused must attend APAC's online training course within 6 months from 16 February 2021.

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

- (i) A fine of R50,000.00 of which R30,000.00 is suspended for 3 years on the condition that the Second Accused is not found guilty of a similar offence.
- (ii) Payment of the fine of R20 000.00 is payable over 20 months, with the first payment to be made on or before 28 February 2021.
- (iii) The Second Accused must attend APAC's online training course within 6 months from 16 February 2021.