
ADMINISTRATIVE SANCTION
JDG TRADING (PTY) LTD t/a NISSAN MTHATHA

HAVING CONSIDERED ALL AVAILABLE FACTS, INFORMATION, FACTORS AND REPRESENTATIONS, THE FINANCIAL INTELLIGENCE CENTRE HEREBY IMPOSES THE FOLLOWING ADMINISTRATIVE SANCTION AND RECOMMENDATION:

1. In terms of section 45C(3)(b) of the of the Financial Intelligence Centre Act 38 of 2001 (**the FIC Act**), the Financial Intelligence Centre (**the Centre**) hereby reprimands JDG Trading (Pty) Ltd t/a Nissan Mthatha (**Nissan Mthatha**) for:
 - 1.1 failing to timeously register with the Centre in terms of section 43B(4) of the Financial Intelligence Centre Act 38 of 2001 (**the FIC Act**), read with Regulation 27A(3) of the of the Money Laundering and Terrorist Financing Control Regulations (**the Regulations**);
 - 1.2 failing to comply with Directive 2 as issued by the Centre in terms of section 43A(91) of the FIC Act - utilising the user profile of another institution to submit reports to the Centre;
 - 1.3 failing to timeously report 5 cash threshold transactions in terms of section 28(b) of the FIC Act, read with Regulations 22B and 24(4) of the Regulations.
2. In terms of section 45C(3)(e) of the FIC Act, the Centre hereby imposes a financial penalty on Nissan Mthatha in the amount of R60, 000.00 for failing to comply on 4 counts with its reporting obligations in terms of section 28 of the FIC Act, read with Regulations 22B and 24(4) of the Regulations.
3. Nissan Mthatha is directed to pay R30, 000.00 of the total financial penalty on or before 23 February 2018.

4. The payment of the remaining R30, 000.00 of the total financial penalty is hereby suspended for a period of 3 years from the date of this Administrative Sanction, on condition that Nissan Mthatha remains fully compliant with its reporting obligations in terms of section 28 of the FIC Act.
5. In terms of section 45C(3)(a) of the FIC Act, Nissan Mthatha is cautioned not to repeat the conduct that led to the non-compliance and should it be found to be non-compliant with section 28 of the FIC Act within the 3 year suspension period, the suspended penalty of R30, 000.00 becomes immediately payable.
6. In terms of section 45C(3)(c) of the FIC Act, Nissan Mthatha is directed to submit the remaining 2 unreported cash threshold transactions, as listed in Annexure B, to the Centre within 15 days from the date of this Administrative Sanction.
7. The financial penalty is payable *via* electronic fund transfer to:

Account Name : **The National Revenue Fund**
Account Holder : **National Treasury**
Account Number : **80302505**
Bank : **South African Reserve Bank**
Code : **910145**
Reference : **FIC Sanction – Nissan Mthatha/2017**

8. Proof of payment must be submitted to the Centre at enforcement@fic.gov.za.
9. In addition, the Centre recommends that Nissan Mthatha:
 - 9.1 Acquaint itself and comply with the Centre's new registration and reporting system, *goAML*, all Directives, Guidance Notes and Public Compliance Communications, all of which are available on the Centre's website at www.fic.gov.za
 - 9.2 Acquaint itself with the specific provisions of section 28 of the FIC Act and implement proper procedures to facilitate compliance with section 28 of the FIC Act, conduct a daily reconciliation of all its transactions and banks statements so as to timeously identify and report cash transactions in excess of the prescribed threshold when applicable.

9.3 Acquaint itself with the specific provisions of section 29 of the FIC Act and implement proper internal procedures to facilitate compliance with section 29 of FIC Act so as to timeously report suspicious and unusual transactions when applicable.

Signed at *Centurion* on this the *7* day of *February* 2018.



**ADV. XOLISILE KHANYILE
DIRECTOR**