

THE FINANCIAL SECTOR CONDUCT AUTHORITY

In the matter between:

The Financial Sector Conduct Authority

and

Mr Coenraad Barend Nolte Botha

ADMINISTRATIVE PENALTY ORDER

1. The Financial Sector Conduct Authority (the Authority) is a juristic person established in terms of section 56 of the Financial Sector Regulation Act 9 of 2017 (the FSR Act).
2. The functions of the Authority are *inter alia* to regulate and supervise the conduct of financial institutions in accordance with the financial sector laws.
3. During the period from 19 March 2019 to 6 January 2022, Mr Coenraad Barend Nolte Botha (Botha), in his personal capacity, contravened section 11(1) of the Banks Act No. 94 of 1990 (Banks Act). Botha, in his capacity as a director of CBI X SA (Pty) Ltd (CBI X SA) and founder of Coin Based Innovation Global (CBI Global) also known as the CBI Association, attempted, or conspired with, aided, abetted, induced, incited, procured and/or caused CBI X SA and CBI Association to contravene section 11(1) of the Banks Act.
4. In terms of section 167(1)(a) of the FSR Act, the Authority hereby imposes an administrative penalty **R216 051 141 million** (inclusive of costs) on Botha.
5. The penalty is payable within 30 days from the date of this order.
6. Should Botha fail to pay the administrative penalty within the period prescribed, in terms of section 169 of the FSR Act, interest, at the rate prescribed in terms of Prescription Rate Act 55 of 1975 will be payable in respect of any unpaid portion of administrative penalty until it is fully paid.
7. Without providing an exhaustive narration of all the factors that the Authority considered in determining an appropriate penalty for the above contravention, the Authority took into consideration the need to deter the offending conduct, the

degree to which Botha co-operated, the nature, duration, seriousness and extent of the contravention, previous contraventions or the lack thereof, any loss or damage suffered, and any financial or commercial benefit derived.

8. Failure to comply with this order will result in the provisions of section 170 of the FSR Act being invoked, which reads as follows:

(1) *The responsible authority that makes an administrative penalty order may file with the registrar of a competent court a certified copy of the order if:-*

(a) *the amount payable in terms of the order has not been paid as required by the order; and*

(b) *either:- (i) no application for reconsideration of the order in terms of a financial sector law, or for judicial review in terms of the Promotion of Administrative Justice Act of the Tribunal's decision, has been lodged by the end of the period for making such applications; or (ii) if such an application has been made, proceedings on the application have been finally disposed of.*

(2) *The order, on being filed, has the effect of a civil judgment, and may be enforced as if lawfully given in that court.*

9. In terms of section 230 of the FSR Act, a person aggrieved by this decision has a right to apply for the reconsideration of the decision by the Financial Services Tribunal ("the Tribunal"). An application for reconsideration must be made —

a. in accordance with the Tribunal rules; and

b. within the time periods set out in section 230(2) of the FSRA.

10. You may contact the secretary of the Tribunal at (012) 741 4302 or per electronic mail at Applications@fstribunal.co.za.

Signed at **PRETORIA** on the 25th day of **March 2024**



Gerhard van Deventer
Divisional Executive:
Enforcement