

**IN THE ENFORCEMENT COMMITTEE ESTABLISHED IN TERMS  
OF SECTION 10(3), READ WITH 10A OF THE FINANCIAL  
SERVICES BOARD ACT, 97 OF 1990**

CASE NO: **25/2011**

In the matter of:

**THE REGISTRAR OF FINANCIAL SERVICES  
PROVIDERS**

Applicant

and

**LOMBARD, FRIEDRICH**

Respondent

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**ORDER**

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WITH DUE CONSIDERATION to the settlement agreement (attached marked annexure "A") in terms of section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001, I hereby determine that the Respondent contravened section 2 of the General Code of Conduct for Authorised Financial Services Providers and Representative, 2003, issued under section 15 of the Financial Advisory and Intermediary Services Act, No 37 of 2002, and impose a penalty of R50 000 to be paid on or before 31 October 2011. The remaining terms and conditions of the settlement agreement are incorporated and made an order of the Enforcement Committee.

I make no order regarding costs.

Signed at **PRETORIA** on the 6 day of **SEPTEMBER 2011**.



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**C F Eloff**  
**Chairperson of the Enforcement Committee**

**IN THE ENFORCEMENT COMMITTEE ESTABLISHED IN TERMS OF  
SECTION 10(3), READ WITH 10A OF THE FINANCIAL SERVICES  
BOARD ACT, 97 OF 1990**

CASE NO: 25/2011

In the matter of:

**THE REGISTRAR OF FINANCIAL SERVICES  
PROVIDERS**

Applicant

and

**LOMBARD, FRIEDRICH**

Respondent

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**SETTLEMENT AGREEMENT IN TERMS OF SECTION 6B(7)(a) OF  
THE FINANCIAL INSTITUTIONS (PROTECTION OF FUNDS) ACT,  
28 OF 2001**


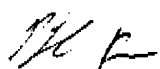
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**1. The parties**

- 1.1. The parties to the agreement are the Registrar of Financial Services Providers ("the Registrar") herein represented by German Emanuel Anderson; and
- 1.2. Friedrich Lombard, an adult male with identity number 790304 5052 089.

**2. The contravention**

- 2.1. It is agreed between the parties that the Respondent contravened section 2 of the General Code of Conduct for Authorised Financial Services Providers and Representatives,

  
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2003, issued under section 15 of the Financial Advisory and Intermediary Services Act, No 37 of 2002 ("the Act").

- 2.2. The contravention occurred on 3 July 2009, when Lombard telephoned Santam Insurance Limited and, under false pretences, obtained the policy details of an insured person of Santam. At that stage, Lombard was employed as a financial adviser with SAPCOR Financial Solutions under FSP License Number 21546. Lombard obtained the policy details to provide the insured person with an insurance policy quotation.

### 3. The mitigating circumstances

- 3.1. It is also been agreed that the following mitigating factors are relevant to the matter:

3.1.1. The Respondent immediately accepted full responsibility for the contravention;

3.1.2. No person suffered any prejudice as a result of the contravention;

3.1.3. The Respondent fully co-operated with the Registrar's investigation and the enforcement action, and displayed sincere regret for the contravention; and

3.1.4. The Respondent had no *mala fides* in creating the false pretence; in fact, it was in an effort to assist a potential client.



**4. The agreed penalty**

- 4.1. In the light of the above, and in terms of section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No 28 of 2001, the parties have agreed that the Respondent will pay a penalty of R50 000 on or before 31 October 2011 in settlement of the matter.
- 4.2. The parties humbly request that the Honorable Chairperson makes the settlement an order, as envisaged in section 6B(7)(b) of the Financial Institutions (Protection of Funds) Act, No 28 of 2001.

**5. Other conditions**

- 5.1. This agreement is subject to approval by the Enforcement Committee and the parties specifically record that they are aware of the possibility that the Enforcement Committee may not accept the terms of this agreement.
- 5.2. If the Respondent does not comply with the terms of this agreement and it is necessary for the Registrar to proceed with legal proceedings, the Respondent herewith consents to pay all legal costs to the Registrar on the Attorney and Client scale in terms of the High Court Rules inclusive of collection commission and Value Added Tax.
- 5.3. No leniency or postponement given by the Registrar to the Respondent or any amendment to the terms and conditions of this agreement will be binding unless such postponement,



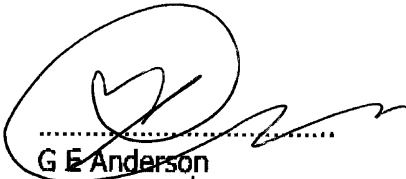
leniency or amendment is reduced to writing and signed by the parties.

5.4. Any receipt of a payment by the Registrar after the due date shall be without prejudice to any of the rights of the Registrar.

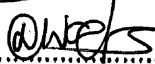
5.5. This Agreement shall not be a novation of the cause of action in terms whereof the Respondent was found to have contravened the Act.

5.6. This agreement constitutes the whole agreement between the parties arising from this penalty.

Signed at PRETORIA on 30 August 2011 on behalf of the Registrar

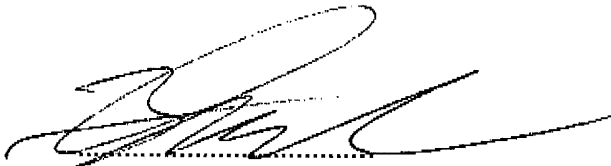


G E Anderson

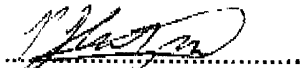


Witness

Signed at NYONGWENI on 29 August 2011



F Lombard



Witness

