
ADMINISTRATIVE SANCTION
BRAINWAVE PROJECTS 1195 CC t/a OUTENIQUA MOTORS

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)(c) of the Financial Intelligence Centre Act 38 of 2001 (**the FIC Act**), the Financial Intelligence Centre (**the Centre**) hereby reprimands Brainwave Projects 1195 CC t/a Outeniqua Motors (**Outeniqua Motors**) for failing to comply with section 43B(1) of the FIC Act, read with Regulation 27A(1) of the Money Laundering and Terrorist Financing Control Regulations (**the Regulations**).
2. In terms of section 45C(3)(e) of the FIC Act, the Centre hereby imposes a financial penalty on Outeniqua Motors of R392, 713.00 for failing to comply on 67 counts with section 28 of the FIC Act, read with Regulations 22B and 24(4) of the Regulations.
3. Outeniqua Motors is directed to pay R196, 000.00 of the total financial penalty on or before 15 April 2020.
4. The payment of the remaining R196, 713.00 of the total financial penalty is hereby suspended for a period of 3 years from the date of this Administrative Sanction, on condition that Outeniqua Motors 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, Outeniqua Motors is cautioned not to repeat the conduct that led to its non-compliance with section 28 of the FIC Act and should the institution be found to be non-compliant therewith within the 3 year

suspension period, the suspended penalty of R196, 713.00 becomes immediately payable.

6. In terms of section 45C(3)(c) of the FIC Act, Outeniqua Motors is directed to remediate the 16 outstanding transactions within 30 days of receipt of this Notice and confirm in writing to the Centre in terms of Directive 03/2014, the remediation of such transactions or reasons for failure to remediate.
7. The financial penalty is payable *via* electronic fund transfer to:

Account Name : **NRF – FIC Act Sanctions**
Account Holder : **National Treasury**
Account Number : **80552749**
Bank : **South African Reserve Bank**
Code : **910145**
Reference : **FIC Sanction – Outeniqua Motors /2020**

8. Proof of payment must be submitted to the Centre at enforcement@fic.gov.za.

9. In addition, the Centre recommends that Outeniqua Motors :

- 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 identify and report suspicious and unusual transactions when applicable.

Signed at Centurion on this the 10th day of March 2020.



**ADV XOLISILE KHANYILE
DIRECTOR**