



INTEGRITY COMMISSION
Special Report of Investigation

REPORT No. 2

Conducted Into Allegations Concerning Certain Donations which were made by Petrojam Limited to Organisations and Causes for the period April 2016 to March 2018

Petrojam Limited

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Petrojam Limited

PREFACE

In 2017, the Government of Jamaica enacted the Integrity Commission Act (ICA), which became effective on February 22, 2018, by way of publication in the Jamaica Gazette dated March 7, 2018.

The enactment and subsequent gazette of the ICA, partially repealed the Contractor General Act (1983) and established the Integrity Commission (IC).

Consequently, Sections 1 and 5 of the ICA fully subsumed the Office of the Contractor General (OCG), and its functions into the operations of the DI. Section 63(2) (b) of the ICA provides, *inter alia*, as follows:

“The Commission established under this Act may -

...

(b) continue or do any act, thing or investigation

which was pending before the appointed day.”



EXECUTIVE SUMMARY

The Director of Investigation (DI), pursuant to Sections 33 and 52 of the Integrity Commission Act, on June 26, 2018, initiated an Investigation into allegations concerning acts of impropriety and/or irregularity, conflict of interest, corruption, nepotism, cronyism and favouritism at Petrojam Limited.

Petrojam Limited, Jamaica's only petroleum refinery is a limited liability company; jointly owned by PDVCaribe, a subsidiary of Petr leos de Venezuela (PDVSA) and the Petroleum Corporation of Jamaica (PCJ). The PCJ is a statutory body created and wholly owned by the Government of Jamaica¹.

The decision to commence an Investigation into the stated matter(s) was prompted by a Nationwide News article entitled "*ENERGY MINISTER RESPONDS TO OPPOSITION CLAIMS OF CORRUPTION AT PETROJAM*" and dated May 30, 2018. The article indicated, *inter alia*, as follows:

“Energy Minister, Dr. Andrew Wheatley, is insisting donations valued at 65-million dollars which were made in 2017 by Petrojam to six constituencies were above board.

Dr. Wheatley in a statement to the House of Representatives responded to an allegation that there's widespread corruption at the state-owned oil refinery.

That allegation was made in the House last week by the Member of Parliament for South East St. Andrew, the PNP's Julian Robinson.

¹ Accessed on March 26, 2019 at <http://www.petrojam.com/about-us>



Mr. Robinson had also alleged that, in recent times, there have been questionable handling of donations made by Petrojam under its corporate responsibility and social work programme.

Responding today – Dr. Wheatley insisted there was no partisan basis for the donations.

Dr. Wheatley says among the donations, across several constituencies, was a \$10-million for the building of two classrooms at Homestead Primary school in his constituency. He says both classrooms have been built.

The Energy Minister says he did not influence that donation or another approximately \$9-million dollar donation which was made to a community center in his constituency.

Dr. Wheatley also told Parliament there's nothing unusual about the donations made by Petrojam to help facilities in several constituencies across Jamaica.

Dr. Wheatley also criticized Mr. Robinson for questioning the donations made by Petrojam.

Meanwhile, Minister Wheatley denied a suggestion by Central Manchester Member of Parliament, Peter Bunting, that institutions in his constituency benefited from approximately half of the donations made by Petrojam last year under its corporate responsibility programme.

Mr. Bunting also questioned the circumstances in which a former private sector employee was placed at Petrojam last year to head the human resources department at the oil refinery.



In response, Minister Wheatley said he was unable to provide details about the specific employment arrangements of various employees at Petrojam.

But Minister Wheatley said that's among areas to be covered in an ongoing audit at the entity.’²

Having regard to aforementioned allegations, the DI’s Investigation primarily sought to determine, *inter alia*, (a) the veracity of the allegations concerning acts of irregularity, impropriety, conflict of interest, corruption, nepotism and favouritism and whether same were in breach of the procurement guidelines, as well as other applicable Government of Jamaica (GoJ) laws and/or policies; (b) the circumstances in which Petrojam Limited made donations to various causes and community-based organisations for the period 2016 to 2018; and (c) whether the process(es) employed by Petrojam Limited in donations which were made to certain causes/organisations was/were devoid of irregularity and impropriety.

The foregoing objectives formed the basis of the Investigation’s Terms of Reference which were developed in accordance with the provisions contained in Section 6 and 33 of the Integrity Commission Act.

During the period August 20, 2018 to March 4, 2019, a total of eight (8) persons were summoned to appear before the Director of Investigation to give evidence pursuant to Section 48 of the Integrity Commission Act. A total of twenty-six (26) statutory requisitions were also dispatched by the DI to certain officers and officials at Petrojam Limited and other persons deemed pertinent to the DI’s Investigation.

² Accessed on May 21, 2019 at <http://nationwideradiojm.com/energy-minister-responds-to-opposition-claims-of-corruption-at-petrojam/>



The Findings of the DI's Investigation are premised primarily upon an analysis of (a) documentary evidence which was sequestered from Petrojam Limited; (b) the responses and documentary evidence which were provided by the respondents who were requisitioned by the Director of Investigation; and (c) the responses provided by the respondents during the course of hearings.

This report is the second of three (3) Investigation reports undertaken by the DI concerning allegations of acts of irregularity and/or impropriety, conflict of interest, corruption, nepotism, cronyism and favouritism at Petrojam Limited.

Summary of Key Findings

Donations which were made by Petrojam Limited to Organisations and Causes

1. During the 2016/2017 financial period, Petrojam Limited made 207 donations totaling \$32,954,369.38. For the period 2017/2018, 102 donations were made by the entity totaling \$74,823,041.08, which reflected a 50.7% decrease in the number of donations issued by Petrojam Limited for the financial periods under review. However, over the same periods, the company experienced a significant increase of 127.1% in the amount expended for donations.
2. Petrojam Limited's 2018 Donations Audit Review indicated that "*Contribution increased by JA\$25.19M or 192% compared to prior period*". "*Actual expenditure was JA\$9.2M above budget for the period of review April 1, 2017 to January 31, 2018*" and that the "*total expenditure on...other organisations and institutions for the period was JA\$31.7M ... The budget was JA\$7.9M for the year...*"



3. Petrojam Limited's "*Limits of Authority*" Policy which was approved by the Board of Directors on June 19, 2013, details an "*Authorization Chart – US\$*", which indicates that for donations exceeding the amount of US\$2,630/J\$249,850 the Board of Directors approval is required.

4. Petrojam Limited made the following fifteen (15) donations which exceeded J\$1,000,000.00, during the 2017/2018 financial period:



Table 1

No.	Organisation	Amount Donated (J\$)	Board Approval Received
1	Homestead Primary School	10,024,531.00	Yes
2	Sydenham Citizen Association	9,000,381.50	Yes* <i>*initially approved by way of a Board Resolution for McCook's Pen Citizens Association</i>
3	Scientific Research Council	7,560,000.00	No
4	Camperdown High School	6,000,000.00	Yes
5	Scientific Research Council National Science & Technology Fair	6,000,000.00	No
6	University Diabetes Outreach Programme	5,114,404.00	No
7	Jamaica Athletic Administration Association (JAAA) International Invitation	5,000,000.00	No
8	Social Development Commission	5,000,000.00	No
9	Amateur Swimming Association of Jamaica (ASAJ)	4,000,000.00	Yes
10	Munro College Old Boys Association /Munro College	2,000,000.00	Yes
11	Social Development Commission – Back to School Programme	2,000,000.00	No
12	Western Regional Health Authority	2,000,000.00	Yes
13	St. Mary Technical High School	1,845,653.58	Yes
14	University Diabetes Outreach Programme	1,294,583.00	No
15	North East Regional Health Authority	1,200,000.00	Yes

5. Of the fifteen (15) donations exceeding J\$1,000,000.00, and which were reviewed for the period 2017/2018, only eight (8) were approved by way of a Board Resolution.



The Homestead Primary School

6. The Homestead Primary School received the donation in the amount of \$10,024,531.00, for the construction of two (2) new classrooms.
7. The donation request signed by Mr. Mark McLean, President, Homestead Citizen for Action Benevolent Society, was emailed to Mr. Floyd Grindley, former General Manager, on April 4, 2017, by Mr. Lionel Myrie, Director, PCJ.

Mr. Lionel Myrie advised the Director of Investigation that he was instructed to forward the subject email correspondence by the late Mr. Owen Palmer, then Councillor, Homestead Division.

8. Brighton Engineers Limited was the contractor who executed the works to construct the two (2) classrooms at the Homestead Primary School.

Mr. Oswald Williams, Director, Brighton Engineers Ltd. advised the Director of Investigation that the company was verbally engaged by the late Mr. Palmer to construct the classrooms at the Homestead Primary School.

9. Brighton Engineers Limited completed the construction of the two (2) classrooms in the amount of J\$9,500,000.00. Of note, the total amount donated for the construction of the classrooms was J\$10,024,531.00. The DI notes the remaining balance of J\$524,531.00.

Sydenham Citizens Association/McCooks Pen Citizens Association

10. The donation to Sydenham Citizens Association by Petrojam Limited was initially approved by way of a Board Resolution for McCook's Pen Citizens Association.



11. The request for donation from the McCooks Pen Citizens Association was emailed to Mr. Floyd Grindley, former General Manager, on April 4, 2017 by Mr. Lionel Myrie, Director, PCJ.
12. By way of a letter dated July 5, 2017, purportedly signed by a Ms. Charmaine White, McCook's Pen Citizens Association informed Petrojam Limited that the Association was no longer in need of the solicited funding as they had received sponsorship elsewhere.
13. In an audio recording published by Nationwide News Network, on March 20, 2019, Ms. Charmaine White, McCook's Pen Citizens Association, openly denied that she signed and sent a letter to Petrojam Limited cancelling the stated donation.
14. In a letter dated June 24, 2017, under the signature of Mr. Michael Uylett, President, Sydenham Citizens Association, the Association requested funding from Petrojam Limited to renovate a community centre.
15. Mr. Floyd Grindley requested of the Board of Directors, that the funds which were approved to be donated to the McCooks Pen Citizens Association, be repurposed for the renovation of the community centre as per the request of the Sydenham Citizens Association.
16. Mr. Michael Uylett advised the DI that the Sydenham Citizens Association received the donation of J\$9,000,000.00 from Petrojam Limited and that it was utilised for the renovation of the Sydenham Community Centre access point.
17. Mr. Keith Codner, representative, Sydenham Citizens Association, who was identified by Mr. Michael Uylett as a co-signee on the withdrawal slips, could not recall withdrawals slips in the amount of \$900,000.00 to withdraw the said amount from the account of the Sydenham Citizens Association.



Mr. Codner advised the DI that upon the request of Mr. Michael Uylett, he pre-signed several blank withdrawal slips in an effort to facilitate the withdrawal of monies from the account as it regards other endeavours of the Association. He further stated that he had not “...seen, touched, received, collected or spent any money on behalf of the SCA” and that “...Mr. Uylett made it clear that he spent, manage and handle all the money for the association.”

National Science and Technology Fair

18. Based upon a review of the files sequestered from Petrojam Limited, the Director of Investigation has gleaned no evidence in relation to the donation of J\$6,000,000.00 intended for the National Science and Technology Fair.

Petrojam Limited’s 2018 Audit review indicated that “*No disbursement voucher was seen for the JA \$6M transaction*” for the “*Natl Science & Tech Fair*”.

19. **[REPRESENTATIVE]**, advised the DI that an ‘individual’ in the Accounts Department at the Scientific Research Council informed her that the donation of J\$6,000,000.00 was not reflected in their accounts.
20. Professor, the Hon. Errol Morrison, Director General, National Commission on Science and Technology, informed the DI that “*A concept from a National Science Technology and Wellness Fair was developed jointly by the NCST, Scientific Research Council and the Diabetes Association of Jamaica and a budget proposed of \$6,000,000.00.*”
21. Professor, the Hon. Errol Morrison informed the DI that one, ‘Lurline Less’, Chairperson, Diabetes Association of Jamaica received the donation of J\$6,000,000.00.



Camperdown High School

22. The Camperdown High School received a donation of J\$6,000,000.00 to upgrade its sporting facility to a Mini Stadium.
23. The request to Petrojam Limited for the donation to the Camperdown High School was made by Mr. Phillip Paulwell, Member of Parliament, Kingston & Port Royal. Mr. Phillip Paulwell, MP, advised the Director of Investigation that the letter he wrote “...*was done on the advice of the then Minister with responsibility for Petrojam Limited, Dr. Andrew Wheatley*”.
24. Mr. Valentine Bailey, Principal, Camperdown High School, advised the Director of Investigation that no construction was undertaken to upgrade its sporting facility as the donation was not enough to commence same.
25. Mr. Phillip Paulwell, MP, informed the DI that only a portion of the donation to the Camperdown High School was expended to date and that the balance is held on an interest bearing account at the National Commercial Bank. The amount which was expended was \$1,756,000.00 for the provision of Surveying and Architectural services.

The Director of Investigation was not provided with any official banking records by Mr. Phillip Paulwell, MP, or Mr. Valentine Bailey, to confirm the balance held on an interest bearing account at the National Commercial Bank.

Scientific Research Council/ Petrojam Capacity Building Initiative

26. Mr. Cliff Riley, Executive Director, Scientific Research Council, informed the DI that the ‘SRC/Petrojam Capacity Building Initiative’ is incomplete and that the remaining



donation funds in the amount of J\$7,560,000.00 are held in the Council's official projects account.

University Diabetes Outreach Programme

27. Professor the Hon. Errol Morrison confirmed that the University Diabetes Outreach Programme, received a donation of US\$40,000 (J\$5,114,404.00) as sponsorship towards its 24th Annual Diabetes Conference.
28. Professor the Hon. Errol Morrison provided the DI with a table detailing the expenditure for the conference which totaled US\$42,979.00. Of note, Professor Morrison did not provide any documentation to corroborate his representations.

Jamaica Athletic Administration Association

29. Petrojam Limited's 2018 Audit review indicated that, “ ... *no method of payment(cheque or wire transfer)*” was seen for the J\$5,000,000.00 donation made to the Jamaica Athletic Administration Association.
30. The amount of J\$5,000,000.00 which was donated by Petrojam Limited to the Jamaica Athletic Administration Association was utilised in relation to the annual sponsorship of the Jamaica International Invitational Meet and the National Championships.

Social Development Commission

31. Petrojam Limited's 2018 Audit review indicated that “... *no method of payment (cheque or wire transfer)*” was seen for the J\$5,000,000.00 donation to the Social Development Commission as sponsorship towards its 2017 netball competition.



32. The amount of J\$5,000,000.00 which was donated by Petrojam Limited to the Social Development Commission was utilised in relation to sponsorship of the SDC/Petrojam National Community Netball Competition, as evidenced by documentation attached hereto as Appendix 1.

Amateur Swimming Association of Jamaica

33. Mr. Handel Lamey, former President, Amateur Swimming Association of Jamaica, informed the DI that the entity was in receipt of the J\$4,000,000.00 donation via electronic deposit.
34. Petrojam Limited's 2018 Audit review indicated that "... *no method of payment (cheque or wire transfer)*" was seen for the J\$4,000,000.00 donation to the Amateur Swimming Association of Jamaica.
35. The Director of Investigation is unable to verify whether the donation to the Amateur Swimming Association of Jamaica was disbursed as the DI has gleaned no documentation in support of same.

Munro College Old Boys Association

36. Munro College Old Boys Association did not specify an amount in its request which was made to Petrojam Limited for a contribution towards its 160th Anniversary Development Programme.

Mr. Floyd Grindley recommended that the amount of \$2,000,000.00 be donated to the Association.



37. The donation in the amount of \$2,000,000.00 which was made to the Munro College Old Boys Association was received by the entity and was utilised to renovate the school's tennis court.

Social Development Commission Back to School Programme

38. Petrojam Limited's 2018 Donations Audit review indicated that "... *no method of payment (cheque or wire transfer)*" was seen for the J\$2,000,000.00 donation which was made by Petrojam Limited to the Social Development Commission as a contribution towards its 2017 Back to School Programme.
39. The amount of J\$2,000,000.00 which was donated by Petrojam Limited to the Social Development Commission was utilised in relation to sponsorship of the entity's Back to School Initiative.

Savanna-La-Mar Public General Hospital

40. The amount of \$2,000,000.00 which was donated by Petrojam Limited to the Savanna-La-Mar Public General Hospital via the Western Regional Health Authority, was utilised in the establishment of an Ultrasound Suite at the Hospital.

St. Mary Technical High School

41. The amount of \$1,845,653.58 which was donated by Petrojam Limited to St. Mary Technical High School was utilised for the retrofitting of the school's Chemistry Laboratory.

University Diabetes Outreach Programme



42. Professor the Hon. Errol Morrison informed the DI that the University Diabetes Outreach Programme received a donation in the amount of J\$1,294,583.00 from Petrojam Limited as contribution towards its 2017 University Diabetes Outreach Programme.

Professor Morrison provided the DI with a table which detailed a list of the expenditure for the said conference. Of note, Professor Morrison did not provide any documentation to corroborate his representations.

North East Regional Health Authority

43. The request to Petrojam Limited for a contribution from the North East Regional Health Authority (NERHA) towards the purchase of one (1) incubator at a cost of \$1,200,000.00 for the Annotto Bay Hospital, was signed by Mr. Tyrone Robinson, Chairman, NERHA.

44. Petrojam Limited donated the amount of J\$1,200,000.00 to NERHA for the purchase of one (1) incubator for the Annotto Bay Hospital.

45. A document entitled “*NORTH EAST HEALTH AUTHORITY Procurement Department – Approval Form*” indicated that on March 17, 2017, NERHA received a Quotation from Medical Link Limited for the cost of one (1) incubator in the amount of J\$578,290.00.

Ms. Fabia Lamm, Regional Director, NERHA, informed the DI that the incubator was procured from Medical Link Limited at a cost of J\$578,290.00.

46. NERHA was aware that the cost to purchase one (1) incubator was J\$578,290.00 prior to its March 30, 2017, letter to Petrojam Limited requesting a donation of J\$1,200,000.00 for the purchase of one (1) incubator.



47. Petrojam Limited altered its internal procedures regarding the process through which donations exceeding US\$2,630.00 are approved by the Board of Directors. Prior to the change in its procedures, requests for donations were required to be approved by the full complement of the Board of Directors. The entity altered this process by implementing a practice in which, Mr. Harold Malcolm, Chairman of the “HR Social Sub-Committee”, and Dr. Perceval Bahado-Singh, approved donations without the full complement of the Board of Directors.

Assessment of the Relationship(s) and/or Association(s) between/among Certain Persons and Entities

48. Notwithstanding Mr. Lionel Myrie, Director, PCJ, having no role, function at or affiliation with Petrojam Limited, he corresponded with Mr. Floyd Grindley, former General Manager, regarding certain donations made by the entity to the Homestead Primary School.
49. Mr. Lionel Myrie is the tenant of Mr. Oswald Williams, Managing Director of Brighton Engineering Ltd., the contractor who was awarded the contract to construct two (2) classrooms at the Homestead Primary School, resulting from a donation which was made by Petrojam Limited.
50. Mr. Handel Lamey, Senior Supervisor, General Services, Petrojam Limited, served as President of the Amateur Swimming Association of Jamaica (ASAJ) for the period December 2015 to December 2018, the period in which Petrojam Limited made a donation of \$4,000,000.00 to the entity.



51. Mr. Tyrone Robinson, Chairman, North East Regional Health Authority (NERHA), sought the assistance of Mr. Richard Creary, former Director, Petrojam Limited, “...to advocate for the donation to the Annotto Bay Hospital, which was in his Parish.”
52. Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology was a groomsman at the wedding of Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited.
53. Dr. Cliff Riley, Executive Director, Scientific Research Council, was a groomsman at the wedding of Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited. Of note, Mr. Cliff Riley is the Executive Director of the entity which received a total of US\$60,000.00 (J\$7,560,000.00) and J\$6,000,000.00 as donations from Petrojam Limited.
54. Prof. the Hon. Errol Morrison, Chairman, Scientific Research Council, Director General, National Council on Science and Technology and Chairman, Organising Committee University Diabetes Outreach Programme, was in attendance at Dr. Bahado-Singh’s wedding.
55. Dr. Andrew Wheatley, MP was appointed as the Minister of Science, Energy and Technology on March 7, 2016.
56. Dr. Wheatley, MP and Mr. Richard Creary are “*mainly friends through politics*” and have been affiliated with each other for the period 2003 to present.
57. Ms. Sophia Deer, Principal, Homestead Primary School, former Technical Assistant to Dr. Wheatley, MP, and who sits on several boards within the Ministry of Science, Energy and Technology, is the mother of Dr. Wheatley’s nephew.
58. Drs. Andrew Wheatley, MP and Perceval Bahado-Singh are academic affiliates of Professor Errol Morrison and Dr. Cliff Riley, the Chairman and Executive Director of the Scientific Research Council, respectively.



59. Professor Errol Morrison was in attendance at Dr. Bahado-Singh's wedding which was held overseas.
60. Dr. Perceval Bahado-Singh and Dr. Lowell Dilworth are academic affiliates and acquaintances.
61. The following is a tabular representation of the relationships and/or affiliations which were identified by the Director of Investigation:

Table 2

No.	Name	Title	Nature of Relationship and/or Affiliation
1	Mr. Richard Creary	Former Board Director, Petrojam Limited	Friend of Dr. Andrew Wheatley, MP JLP Affiliate
2	Mr. Lionel Myrie	Director, PCJ	JLP Affiliate Former Special Assistant to Dr. the Hon. Andrew Wheatley, MP
3	Ms. Sophia Deer	Principal, Homestead Primary School for the period September 2018 to present	Mother of the nephew of Dr. Andrew Wheatley JLP Affiliate
4	Mr. Tyrone Robinson	Chairman, North East Regional Health Authority	JLP Affiliate
5	Prof. Errol Morrison	Chairman, Scientific Research Council, Chairman, Organising Committee, University Diabetes Outreach Programme and Director General, National Council on Science and Technology	Academic affiliate of Dr. Andrew Wheatley, MP and Dr. Perceval Bahado-Singh
6	Dr. Cliff Riley	Executive Director, Scientific Research Council	Academic affiliate of Dr. Andrew Wheatley and Dr. Perceval Bahado-Singh



Having regard to the findings and documentary evidence adduced in the course of its Investigation, several *prima facie* criminal offences have been outlined in the Findings of Fact of this Report. Recommendations for (a) curative action on the part of Petrojam Limited and (b) a referral to Director of Corruption Prosecution for criminal prosecution in relation to breaches of the Section 48 (3) of the Integrity Commission Act, Section 11E of the Commission of Enquiry Act and Section 4 of the Perjury Act have also been proffered in keeping with Section 54 of the Integrity Commission Act.



TERMS OF REFERENCE

The Director of Investigation (DI), in the Investigation into the circumstances surrounding acts of alleged irregularity, impropriety, conflict of interest, corruption, nepotism and favouritism at Petrojam Limited, sought to ascertain, *inter alia*, the following:

1. To determine the veracity of the allegations concerning acts of irregularity, impropriety, conflict of interest, corruption, nepotism and favouritism and whether same were in breach of the procurement guidelines, as well as other applicable Government of Jamaica (GoJ) laws and/or policies;
2. The circumstances in which Petrojam Limited made donations to various causes and community-based organisations; and
3. To ascertain whether the process(es) employed by Petrojam Limited in donations which were made to certain causes/organisations was/were devoid of irregularity and impropriety.



JURISDICTION

The jurisdiction of the Integrity Commission (IC) to investigate allegations concerning acts of impropriety and/or irregularity, conflict of interest, corruption, nepotism, cronyism and favouritism at Petrojam Limited is grounded in Sections 6 (1) (a), 33 (1) (a) and (b), 52 (1) (a) of the Integrity Commission Act (ICA) and Section 2, 14 and 15 of the Corruption Prevention Act.

The DI, in the conduct of his Investigation, relied upon Section 48 (3) of the Integrity Commission Act, Section 11E of the Commission of Enquiry Act and Section 4 of the Perjury Act in determining *prima facie* evidence of criminal culpability and/or administrative breaches. has attached at Appendix 7, extracts of the referenced legislation.



METHODOLOGY

In the course of its Investigation, the Director of Investigation (DI) convened hearings with the following persons:

- Ms. Yolande Ramharrack - Human Resources Manager (Former) was summoned to appear on the following days:
 - August 20, 2018
 - August 28, 2018
 - September 10, 2018
 - November 20, 2018
- Mrs. Rosalee Scott-Heron - Human Resources Manager (Former) was summoned to appear on the following days:
 - September 5, 2018
 - September 11, 2018
- Mrs. Nordia Sandford - Human Resources Manager (Acting) was summoned to appear on the following days:
 - September 5, 2018
 - September 11, 2018
 - March 4, 2019
- **[REPRESENTATIVE]** was summoned to appear on the following days:
 - September 10, 2018
 - November 20, 2018
- Mrs. Claudia Ellis-Lindsay - Human Resources System Administrator, Petrojam Ltd. - September 11, 2018
- Mrs. Ronique Budram-Ford – Former Head of Procurement Unit, Petrojam Ltd. - October 17, 2018
- Dr. Andrew Wheatley, MP - Former Minister of Science, Energy and Technology - March 4, 2019



- Ms. Tamara Robinson - Legal Officer, Petrojam Ltd. - March 4, 2019

The DI also issued statutory requisitions to the following persons:

- Ms. Tamara Robinson, Petrojam Limited, dated February 15, 2019;
- Ms. Nordia Sandford, Petrojam Limited, dated February 15, 2019;
- Mr. Winston Watson, Petrojam Limited, dated March 8, 2019;
- Mr. Martin Lyn, Jamaica Amateur Swimming Association, dated February 27, 2019;
- Dr. Cliff Riley, Scientific Research Council/University Outreach Diabetes Programme, dated February 26, 2019;
- Professor Errol Morrison, National Council of Science and Technology/ University Outreach Diabetes Programme/Scientific Research Council, dated February 26, 2019;
- Mr. Michael Uylett, Sydenham Gardens Citizens Association, dated February 26, 2019;
- Mr. Valentine Bailey, Camperdown High School, dated February 26, 2019;
- Miss Sophia Deer, Homestead Primary School, dated February 26, 2019;
- Mr. Phillip Paulwell, Member of Parliament, dated February 26, 2019;
- Mr. Elias Azan, JP, Munro College Old Boys Association, dated February 27, 2019;
- Mr. Floyd Grindley, Former General Manager, Petrojam Ltd., dated February 27, 2019;
- Dr. Perceval Bahado-Singh, Petrojam Ltd., dated February 27, 2019;
- Mr. Junior Leslie, Alcar Construction and Haulage Company Ltd., dated February 27, 2019;
- Mrs. Glascine McCormack-Lazarus, St. Mary Technical High School, dated February 27, 2019;
- Ms. Fabia Lamm, North East Regional Health Authority, dated February 27, 2019;
- Mr. Tyrone Robinson, North East Regional Health Authority, dated February 27, 2019;
- Mr. Romond Fisher, St. Catherine Municipal Corporation, dated February 27, 2019;
- Mr. Everton Thomas, Innswood High School, dated February 28, 2019;
- Mr. Mark McLean, Homestead Citizens for Action Benevolent Society, dated February 28, 2019;



- Mr. Errol Greene, Western Regional Health Authority, dated February 27, 2019;
- Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica dated March 1, 2019;
- Mr. Handel Lamey, Jamaica Amateur Swimming Association, dated March 5, 2019;
- Dr. Dwayne Vernon, Executive Director, Social Development Commission, dated April 9, 2019;
- Dr. Warren Blake, President, Jamaica Athletics Administration Association, dated April 9, 2019;
- Mr. Keith Codner, representative, Sydenham Citizens Association, dated June 5, 2019;
and
- Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology, dated October 2, 2019.

A detailed review of the responses and supporting documentation was undertaken.

All references made to the ‘Chairman’ in transcripts of judicial hearings convened, refer to the Director of Investigation, Mr. David Grey, JP, who serves as the Chairman of such proceedings. References made to the ‘IC Officer’ in transcripts of judicial hearings convened, refer to officers within the Integrity Commission.



DISCUSSION OF FINDINGS

The Circumstances Surrounding Donations which were made by Petrojam Limited to Organisations and Causes

Policy and Procedure for the Provision of Donations by Petrojam Limited

Petrojam Limited has in place a Policy/Procedure Manual for donations which are to be issued on behalf of the company. The policy document which governs how the company treats with donations, contributions of goods and services, and advertising space to selected organisations was last revised in July 2002. The document has an effective date of September 2003 and was approved by Mr. Winston Watson, Managing Director, on “4/5/07”.

The main sections laid out in the Policy/Procedure Manual are the Policy Statement, Scope, Eligibility and Guidelines which individually outline the requirements to be met in order for an organisation to receive a monetary donation or otherwise from Petrojam Limited. The sections specifically state, *inter alia*, the following:

“ 1.0 POLICY STATEMENT

*1.1 Petrojam Limited is committed to assisting in the **development of the community** in which the Refinery is located, as well as assisting in activities in the wider community, and supporting education and national events.*

*1.2 The Company is committed to the **development of its employees** in various ways. **This Policy provides a means through which employees are encouraged to become actively involved within their own communities with the awareness that they have the support of the Company.***



1.3 The Company's involvement and administration of this Policy will in no way be influenced by personal, political, religious or ethnic considerations.

2.0 SCOPE

2.1 The scope of activities covered by this Policy includes:

a) Community development and activities

b) Education and skill training

c) Health institutions and individuals in need of medical assistance

d) Safety and environmental activities related to the Petroleum Industry

e) Sports and Cultural events

2.2 The Company's involvement includes the following:

a) The support of employee involvement in Community Activities

b) Donations, Contributions, Advertising to selected organizations

c) Adoption of Basic School in the immediate community

d) Summer Job Program for Secondary and Tertiary students

e) Work Study Programs with educational institutions

f) Community based Scholarship Programs

g) The H.J Fenton Memorial Scholarship in Engineering



2.3 *The assistance provided by the Company, based on written requests received from employees or from community organizations, may take the following forms:*

- a) *Cash contribution for fund raising events*
- b) *The purchase of Tickets for fund raising events*
- c) *Donation of products or other materials such as food items*
- d) *Donation of Equipment such as computers and training equipment.*
- e) *Donation of services*
- f) *Purchasing of advertising space in support of fund raising events*

...

3.0 **Eligibility**

a) ***Employee involvement in Community Activities***

Regular employees of Petrojam Limited

b) ***Community Organizations***

Establish Community organizations whose operations can be verified

c) ***Basic School***

Functioning Government Aided Basic School in the immediate vicinity of the Refinery

d) ***Students***



Students of Secondary and Tertiary educational institutions. A fixed amount of space is allocated to children of employees.

4.0 Guidelines/Procedures

The Human Resource and Development Department will include amounts in its annual budget to cover expenditures under this Policy/Procedure.

4.1 Donations, Contributions of Goods and Services, Advertising Space to Selected Organizations:

a) **Requests in writing will be submitted to the HR&D Department by employee or community organization.**

b) **Requests will be accepted or rejected based on the following:**

i) The availability of funds in accordance with the budget allocation.

ii) Verification that the recipient organization is an established and functioning community organization. This may require the intervention of the Security Manager.

iii) The frequency of individual requests.

iv) The nature of the request.

v) Priority will be given to activities related to health, education and community development. Sporting activities will receive will receive low priority and will be considered only if budget funds are available.

c) *The manager HR&D will review the requests against the established criteria and accept or reject the request and determine*



the amount of the contribution if accepted. A recommendation will then be made to the Managing Director for his approval.

- d) *If accepted, the Personnel Assistant will prepare the required disbursement voucher, collect the cheque and forward it, with the appropriate cover letter, to the recipient organization.*

Note: cheques must not be made payable to individuals. They must be made payable to the recipient organization or the provider of the determined goods and services.

- e) *Where appropriate, arrangements will be made with our PR consultant for Media coverage.*
- f) *For equipment, goods and services, the necessary arrangements will be made with the relevant Department Manager and the provider of the goods and services. **The value of the goods and services are to be recorded and accounted for.***
- g) *The HR&D Department will establish and maintain the necessary control Matrix. The Accounting department will also maintain the appropriate accounting record...³*

Limits of Authority for Approval of Donations

Petrojam Limited also has in place a “Limits of Authority” Policy which was approved by the Board of Directors on June 19, 2013. The document details an “Authorization Chart – US\$”, created October 2004, and modified February 2013. The chart was approved by Mr. Winston Watson, General Manager, and modified by Ms. Carlene Evans, Acting Chief Financial Officer.

³ Petrojam Limited Policy/Procedure Manual – HRD



The chart outlines, *inter alia*, the limits of approval as it relates to donations made by the company. The following is an excerpt of the referenced chart:

A – Approves RC – Recommends RV – Reviews/ Endorses	Rate of Exchange: Ja \$95:US\$1
--	--

	Board of Directors	General Manager	Chief Financial Officer	Production Manager	Reliability and Maintenance	H.R.D Manager	Logistics & Marketing Manager	Safety Manager	Strategic Planning Manager	Senior Supervisor/* Cost Accountant
Donations										
Above US \$2,630	A	RC				RC				
Between US\$790- US\$2,630		A				A				
Up to US \$790		A	RC	RC	RC	A	RC	RC	RC	

4

With respect to the aforementioned Policy/Procedure Manual for Donations and the Limits of Authority, **[REPRESENTATIVE]**, during a hearing held on September 10, 2018, stated, *inter alia*, the following:

“CHAIRMAN: Are you aware of there being any policies that govern the whole matter of making of donations?”

A: Yes, there is?

...

CHAIRMAN: ... what would the policy entail?

A: The policy provides guidelines in terms of the areas of concentration, the areas that the company – specific areas that contribute towards ... So it basically gives you the overview of who is responsible for the different authorisation levels,

⁴ Petrojam Limited, Limits of Authority Policy



and of course provides guidelines in terms of what you consider for the different ...

CHAIRMAN: ... programmes or activities?

A: Right.”⁵

During the referenced hearing, **[REPRESENTATIVE]** gave details of her role as Public Relations Officer and further elaborated, *inter alia*, on the donation processes utilized by Petrojam Limited as follows:

“CHAIRMAN: As the Public Relations Officer, to whom do you directly report?

A: I report to the HR Manager

...

CHAIRMAN: In your role as the Public Relations Officer, how is the matter of donations that Petrojam will make, how is it managed by you?

A: ... in my post as the PR Officer, I can only recommend in some instances, and there are instances that I get instructions.

... But in terms of if we get a request, if it comes directly to me or if comes to the HR Manager, she would probably sometimes pass it to me, depending on the nature of the request I would say ... based on what is available in the budget, I make a

⁵ Transcript of hearing held on September 10, 2018 involving **[REPRESENTATIVE]**, pages. 3-4.



recommendation for – sometimes we might have the budget, but we definitely can't contribute to everything. So I make recommendation accordingly.

...

... now the limit for the general manager before it goes to Board approval is approximately say about US\$2,360, I can't remember the exact figure but somewhere along there.

...

*So depending on what the value of the donation is then I would pass that to my Manager who would then review and pass it to the GM. **There are however exceptions where sometimes you get a request that comes to me with an instruction per se to process the request.***

So in such instances I would still provide guidance in terms of probably where we are with the budget ... but I can't make a recommendation then because the instruction is coming from the Head...

***Because sometimes it comes straight to the – it hits the GM's desk before it gets to me...** (DI Emphasis)*



...

So sometimes when it gets to me it's already approved, it's just for me to process".⁶

The DI notes that the Policy/ Procedure document for donations specifically states, under Section 4.0 Guidelines/Procedure, that “Request in writing will be submitted to the HR&D Department by the employee or community organization”, and as such it is a deviation from the policy that requests for donations be submitted directly to the General Manager of the company.

Donations and Contributions made during the 2016/2017 and 2017/2018 Financial Periods

The following table details the number of contributions to schools, educational causes, sports and other organisations made during the stated financial periods and the corresponding totals expended.

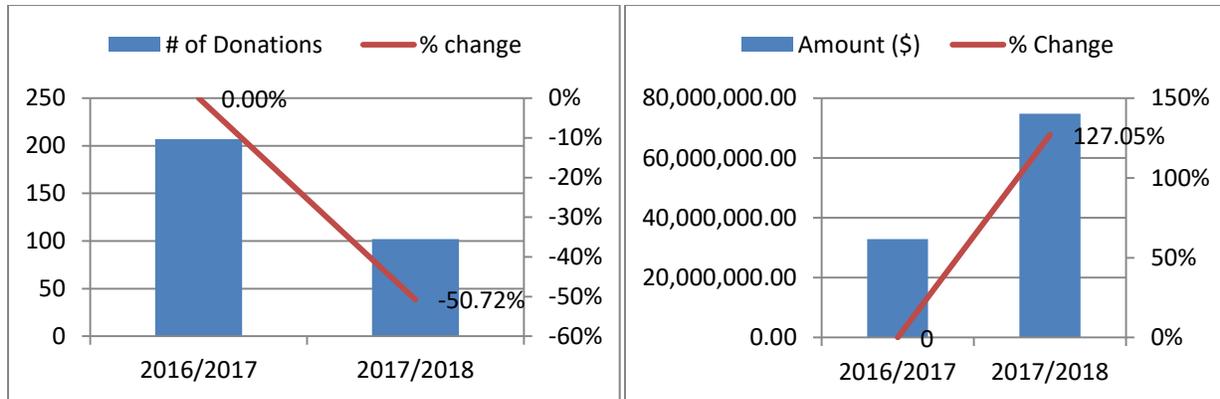
Table 3

Financial Period	# of Donations	Total (\$)
2016/2017	207	32,954,369.38
2017/2018	102	74,823,041.08

The above resulted in a 50.72 percentage decrease in the number of donations issued by Petrojam Limited for the financial periods under review, however, for the same period, the company experienced a significant increase of 127.05 percentage in the amount expended for donations.

The following graph illustrates the above presented information:

⁶ Transcript of hearing held on September 10, 2018 involving [REPRESENTATIVE], pages 4-7



The DI is in possession of a document entitled “2018 Petrojam Limited Donations Audit Review”, which was dated April 6, 2018 and prepared by the company’s Internal Auditor, Mr. Dwight Bailey. The following findings, *inter alia*, in relation to certain types of contributions made by the company were presented:

“Total Expenditure on G/L #658309 Contribution – Schools, Education, Sport and Corporate Sponsorships for the period was JA \$38.2M. The following was noted:

- 1. Contribution increased by JA\$25.19M or 192% compared to prior period.*
- 2. Actual expenditure was JA\$9.2M above budget for the period of review April 1, 2017 to January 31, 2018.*

...

Total expenditure on G/L #658310 Other organisations and institutions for the period was JA\$31.7M April to January 2018. The budget was JA\$7.9M for the year...⁷ (DI Emphasis)

⁷ 2018 Petrojam Limited Donations Audit Review document prepared by Mr. Dwight Bailey, Internal Auditor, Petrojam Limited.



As it relates to the company exceeding the budgeted amount for donations, Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited, stated, *inter alia*, the following:

“CHAIRMAN: Up to the time that you would have demitted office – are you position to indicate based on the donations that were being required to be made whether or not the budget would have been depleted from as early as April?”

A: Yes, they knew that the budget would have been exceeded then.

CHAIRMAN: By April of 2019?

A: Because the Board - first of all, before anybody request the monies - how we do budgeting in Petrojam and most government entities, by November there is a budget call that you must submit your budget to the Ministry of Finance, they might ask you do a little tweaking, but by December the latest - you probably have the same situation here, you must submit it. Having submitted your budget they will then comment none on it by January and you finalize the budget then the Ministry of Finance will also send a document – whoever is the Chairman for the company would send a document to the Chairman outlining the requirements for the budget and how to meet it. So before you have a financial year starting you must have known what the budget amount is. And if you are going to exceed that budget the custodian of



that budget, the HR Division who created the budget, must know that they would have exceeded the budget. It's not rocket science, they must know.

...

CHAIRMAN: *Donations budget now?*

A: *Right. And you see its passed 20, and you are now doing up a voucher for 35, the only way that - you must have known what you - because you created that budget, I didn't. The Finance people didn't create that budget, they didn't. So you must know that you are exceeding the budget.*

CHAIRMAN: *... Are you aware that [the] donation budget has been depleted?*

A: *That is correct, I am aware of that. The Financial Report for 2017/18 actually demonstrated that from early out. So if get a copy of our internal management accounts it shows a variance line, there is a detailed variance that we normally - in fact that report is normally sent to the Board as well. So there is a detailed - in fact, our monthly Financial Report is about 22 pages; graphs, cash flows, everything inside it, detail of everything is there and you would have seen that donation budget that it was exceeded.*

CHAIRMAN: ...



A: **And the Ministry of Finance too, they were aware. Because they got that report as well.**

CHAIRMAN: *You have raised multiple questions in ...relation to not only the quantum of the donations, but I would say the quality of the donations, is that a fair thing to say?*

A: **It was irregular from what I have experienced. I cannot say before my time what happened, but during my time I have never seen the sort of spend in this particular manner. Because the next question you normally ask is, are you getting value for money as a corporate entity. Normally that's what you do, and if you don't see where you are getting any advertising exposure, any promotion and thing to show that you are a good corporate citizen, then the question is you know, is it really something that you normally do.** *That justification, that document would normally have to be done up, and something was put forward but not from my department, but by the - So I thought it was a bit irregular and unusual for some of them.*

CHAIRMAN: *Would you go as far as to say in your opinion whether you are of the view any amount was misappropriated?*

A: *I can't say because in my - **In the case where I saw where any deviations in terms of the payment side, that was when I intercepted it and said no, it is not***



going to any particular contractor, I insisted that it would go directly to the institution. In other words, that same document that the Board approved that's my Bible. If you don't put it to the letter I am not signing because that's what I am going to stand on should I have reason to come before you like now, that if I did not follow exactly what's in that Document as a proof, I am not going with it. And hence - which is why we turn back a lot of those payments - that is why I turned back those payments when attempts were made to send it otherwise.”⁸

Donations and Contributions made during the 2017/2018 Financial Period in excess of J\$1,000,000.00

During the financial period April 1, 2017 to March 31, 2018, Petrojam Limited made fifteen (15) donations over J\$1,000,000.00 to various institutions. The following table details, *inter alia*, the value and recipient of the referenced donations:

Table 4

No.	Organisation	Amount Donated (\$)	Cheque Date/ Date of Transfer	Individual/Organisation Requesting Donation
1.	Homestead Primary School	10,024,531.00	30.06.2017	Mark McLean President, Homestead Citizen for Action Benevolent Society
2.	Sydenham Citizen Association	9,000,381.50	14.07.2017	Michael Uylett, President, Sydenham Citizen Association
3	Scientific Research Council	60,000.00 US 7,560,000.00 JMD	19.01.2018	Dr. Cliff Riley Executive Director, Scientific Research Council

⁸ Transcript of hearing held on October 23, 2018 involving Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited. Pages 22-27



No.	Organisation	Amount Donated (\$)	Cheque Date/ Date of Transfer	Individual/Organisation Requesting Donation
4	Camperdown High School	6,000,000.00	04.07.2017	Mr. Phillip Paulwell Member of Parliament, Kingston East & Port Royal
5	Scientific Research Council National Science & Technology Fair	6,000,000.00	None Seen on file	No information seen on file
6	University Diabetes Outreach Programme	40,000.00 US 5,114,404.00 JMD	03/23/2018	Professor the Hon. Errol Morrison University Diabetes Outreach Programme
7	JAAA International Invitation	5,000,000.00	None Seen on file	Dr. Warren Blake, Chairman, Mr. Donald Quarrie, Meet Director and Mr. Ludlow Watts, Organizing Committee. Jamaica International Invitational
8	Social Development Commission	5,000,000.00	None seen on file	Dr. Dwayne Vernon, Executive Director Social Development *Letter was not signed
9	Amateur Swimming Association of Jamaica (ASA)	4,000,000.00	None seen on file	Ms. Tasty Blackman, 2017 CCCAN Swim Team Manager. Amateur Swimming Association of Jamaica
10	Munro College Old Boys Association /Munroe College	2,000,000.00	04.07.2017	Mr. Elias Azan J.P., President Munro College Old Boys Association
11	Social Development Commission – Back to School Program	2,000,000.00	None Seen on File	Mr. Russell Hadeed, Chairman Petroleum Corporation of Jamaica
12	Western Regional Health Authority	2,000,000.00	30.06.2017	Dr. Alfred Dawes Senior Medical Officer, Savanna-La-Mar Public General Hospital
13	St. Mary Technical High School	1,845,653.58	30.06.2017	signed by Tansha Williams-Johnson for Mrs. Glascine McCormack-Lazarus, Principal St. Mary Technical High School
14	University Diabetes Outreach Programme	10,000.00 US 1,294,583.00 JMD	05/02/2017	Professor the Hon. Errol Morrison, Chairman, Organising Committee University Diabetes Outreach Programme
15	N.E. Regional Health Authority	1,200,000.00	30.06.2017	Mr. Tyrone Robinson Chairman North-East Regional Health Authority



No.	Organisation	Amount Donated (\$)	Cheque Date/ Date of Transfer	Individual/Organisation Requesting Donation (NERHA)

During a hearing held on November 20, 2018, [REPRESENTATIVE], stated, *inter alia*, the following, in relation to the certain donations which were made by Petrojam Limited:

“A: Usually we, for educational institutions, what we would have done in practice because the donation policy I think would have needed, needed to be tight, **but in practice we never usually donate above \$200,000, I don’t even know if we have gone above.** There is only one instance where a former GM, there was another GM, I think 2015/16, we made a donation but outside of that, **we never tend to do donations with these enormous values or sums, because our argument is you can’t justify giving this institution this amount of money and another institution comes to you and you are not able to give the same amount, so we tend to make it very, you know, we have a cap and that cap was I think, well, most times it would be a hundred thousand dollars if so much...**”⁹ (DI Emphasis)

Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited, during a hearing held on October 23, 2018, stated, *inter alia*, the following in regard to certain donations which were listed in Table 4 above:

“CHAIRMAN: Up to the point of your departure did you have any concerns in relation to the donations budget?”

⁹ Transcript of hearing held on November 20, 2018 involving [REPRESENTATIVE]. Pages 48-49



A: ... I raised certain concerns and I said, "look we have never done this sort of things before". If I give you an example. Say you giving some money to a school, you don't normally give - ... **I mean, never in the history I have seen where 2 million go to one place ... normally you give them one hundred thousand, a two hundred thousand. Unless there is a specific programme. Like for instance you say look, we have a science lab we are going to do or something specific. We don't normally do that kind of stuff. It's just unheard of, not under my watch I have seen that.**

CHAIRMAN: You have never seen it.

A: And I questioned what is this 2 million, you can't just give a slush fund for 2 million, you might want to do certain thing but you need to give us the details of some of that. You didn't get as much detail.

CHAIRMAN: That was Munroe College?

A: **Munroe College. Camperdown was a significant one, I think that one was about 6 million dollars, I can't remember all the numbers because I have been out of the system and never get to keep any records.**

And then community based ones was just totally out. To give 10 million and 9 million to two difference places didn't make sense, we have never done that before...But we have never done something like that to a community before so it was odd for me and I raised certain concerns and I was reprimanded in some instances...



...

When you see for instance, a ten million dollars going to a particular community you say but this is it normal for us to do this sort of thing. Because the next question you ask is, what is the public relations value that you get from it? Is not like as if like a swim meet you know you can put up your sign, your banners, you get a little radio, you know...

...

But in this case you get nothing like that. And we have never done that level before. So obviously the questions were raised. The Board - ... the Venezuelans asked that question ...

...

...the Venezuelans had some concerns.”¹⁰(DI Emphasis)

Of the fifteen (15) donations listed in table 4 above, eight (8) were approved by the Board of Directors by way of the same Round Robin Resolution dated April 6, 2017. These donations are as follows:

- Donation in the amount of J\$1,200,000.00 which was made to North Eastern Regional Health Authority;
- Donation in the amount of J\$4,000,000.00 which was made to the Amateur Swimming Association of Jamaica;
- Donation in the amount of J\$1,845,653.58 which was made to the St. Mary Technical High School;

¹⁰ Transcript of hearing held on October 23, 2018 involving Mr. Delroy Brown, Former Chief Financial Officer, Petrojam Limited. Pages 11-15



- Donation in the amount of J\$10,024,531.00 which was made to the Homestead Primary School;
- Donation in the amount of J\$9,000,381.50 which was made to the McCooks Pen Community Centre;
- Donation in the amount of J\$6,000,000.00 which was made to the Camperdown High School;
- Donation in the amount of J\$2,000,000.00 to the Munro College;
- Donation in the amount of J\$2,000,000.00 to the Western Regional Health Authority.

Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited, during a hearing held on October 23, 2018, stated, *inter alia*, the following in relation to the Round Robin Resolution for the above eight (8) donations:

“A: *it was about eight (8) different donations and it was then instead of going to round robin singularly, it was put together as one 1 document afterwards. Even with the approval, my own deeply on that one, but I am not certain that the Venezuelan were minded to find out if the HR sub-committee had signed off on that one which is something that you look at again, because normally, before something is taken to the main Board, the sub-committee would then review it and then make a recommendation to the main Board. I don't recall if that was done.*”

[IC Officer]: *Do you recall the name of the Chair of that sub-committee again?*

A: *Harold Malcolm is the Chair of that subcommittee. I would have to check the record to see if that process was followed to go to the main Board, I don't recall that being done.*



CHAIRMAN: And that would be because you were a Board member?

A: No, I am only an attendee.

CHAIRMAN: Oh, only an attendee. But you didn't hear it mention?

A: No, I would normally attend both the HR sub-committee as well as the Board meeting, I am just an attendee at those.

...

CHAIRMAN: Okay. But in your having attended you didn't hear any discussion?

A: Yes. And I don't recall having any meeting, subcommittee meeting leading up to the main Board meeting, I don't recall being at any of those.

CHAIRMAN: So, you are basically indicating to us that, as a person who is required to attend...

A: Yes, an attendee, not a member of the sub-committee, I am not a Board member, just an attendee. But as an attendee I don't recall us having a meeting on that nor having subcommittee meeting otherwise ... - if a subcommittee meeting took place, an official one, you are supposed to have the minutes of that, and it is signed off by the Chairman of that Committee as well as the Secretary for that committee.

CHAIRMAN: For that committee?

A: Right.



CHAIRMAN: *And then that recommendation now would go to the full Board?*

A: *Would then go to the full Board which at that time would be then considered and passed. Usually once it's considered, recommended by the sub-committee because the sub-committee consists of at least two (2) Board members and other members, it would normally passed quickly.*

CHAIRMAN: *Just adopted?*

A: *Yes, you would normally don't have a push back on it unless something is significantly out of place. But I don't recall that process being followed for the donations.*

...

[IC Officer]: *... As far as you are aware, who is responsible for placing such matters before the main Board as you have described it in terms of those significant donations which went to them for approval, had not gone through the subcommittee?*

A: *Well first, as I said the rule is that you take it to the subcommittee, the subcommittee would then put a document forward which is signed by the Chair of that subcommittee to the Board. In the event that is not done, then the HR manager along with the general manager will signing a document sending it to the Board but even then, that is not the regular route, that is irregular. Because there are policy guidelines to tell you how should do it. So even if you have an extraordinary situation you would you*



probably call an extraordinary subcommittee meeting so that you follow and be compliant with the procedures that are established. And then it goes there. Even if it's one of the cyclical sub-committee meetings, but I don't recall those meetings being held.

Q: And can you say if in this instance then it was the abnormal situation where it was the HR Manager and the General Manager who signed the document putting forward these set of donations to the...

A: Right. In fact, normally - there is a particular case that I recall in which, even the document to circulate to the Board normally be submitted to the Company Secretary, and I think in some instances it didn't go to her, it went directly into the Board – in some instances. And even for round robin, I remember one particular case where a round robin was requested and I think that it didn't go through the - it's not the Company Secretary that did that round robin, so that's a little odd too. I can't remember all the case, but I can recall one such case.”¹¹

Homestead Primary School

On June 30, 2017, Petrojam Limited donated J\$10,024,531.00 to the Homestead Primary School towards the construction of two (2) classrooms.

¹¹ Transcript of hearing held on October 23, 2018 involving Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited. Pages 15-22



The donation files which were sequestered from Petrojam Limited by the DI revealed that the first communication concerning Homestead Primary School was an email from Mr. Lionel Myrie to Mr. Floyd Grindley, Former General Manager, Petrojam Limited. The email which was sent on April 4, 2017 at 4:02 PM, stated, *inter alia*, the following:

“...

Subject: Fwd: Homestead Primary

Attachments: Homestead Letter 1.pdf; Homestead Letter 2.pdf; Homestead 1.pdf; Homestead 2.pdj; Homestead 3.pdf; Homestead 4.pdf

Floyd,

Please see attachment.

Regards,”¹²

The DI observed a copy of a letter which was attached to the email and which was written on the letterhead of the Homestead Citizen for Action Benevolent Society. The letter was dated March 12, 2017 and signed by Mr. Mark McLean, President, and contained a building estimate in the amount of J\$10,024,531.00 for the construction of two (2) new classrooms at the Homestead Primary School. The estimate was prepared by one Mr. Romond Fisher, Deputy Superintendent, Roads and Works, St. Catherine.

The Approval Process

A Memorandum dated April 5, 2017, from Mr. Floyd Grindley, former General Manager at Petrojam Limited, to the Board of Directors, Petrojam Limited, provides, *inter alia*, the following reasons as to why the initiative should be sponsored:

¹² Email dated April 4, 2017 from Mr. Lionel Myrie to Mr. Floyd Grindley, Former General Manager, Petrojam Limited.



“Our support of this initiative will result in the following benefits:

- *The completion of the classroom will improve the teaching/learning environment, which can also positively impact the academic performance of the students*
- *The additional space will also bolster the capacity of the school to comfortably accommodate additional students*
- *This initiative supports one of the core focus areas on the organization’s Corporate Social Responsibility programme which is the education of our nation’s youth.*
- *This provides the opportunity to forge new partnerships with key national institutions and private entities and to strengthen our image, improve brand awareness and visibility.*

PETROJAM REQUEST

*In light of the abovementioned, a proposal is being made to donate **Ten Million Twenty Four Thousand, Five Hundred and Thirty One Dollars (J10,024,531.00)** for the construction of two classrooms.”¹³*

The Submission to the Board of Directors of Petrojam Limited for this donation was prepared for the Human Resource Development and Administration Manager, Mrs. Yolande Ramharrack “4/4/2017”. The submission was endorsed by Mr. Floyd Grindley, former General Manager on the same date. The submission however, did not include the signature of the Chairman of the Board of Directors, Dr. Perceval Bahado-Singh.

The ‘Round Robin Resolution’, which was prepared and which included the approval for the donation to the Homestead Primary School was dated April 6, 2017.

¹³ Memorandum dated April 5, 2017 from Floyd Grindley, former General Manager, to the Board of Directors, Petrojam Limited.



The 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one 'Maria A Colmen Ares' signed on behalf of PDV Caribe S.A.

Another 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

Request for donation to be made payable to a third party

In a letter dated April 25, 2017, from the Homestead Citizen for Action Benevolent Society, Mr. Mark Mclean, President, wrote to Petrojam Limited requesting, *inter alia*, the following:

“Brighton Engineers Limited is the company engaged in executing the project. As a result, I am hereby requesting that all cheques be made payable to the said company.

Thanks for the cooperation.”¹⁴

The following handwritten notations were made on the letter:

“[REPRESENTATIVE]/DAB

Please make cheque payment as per this communication”¹⁵

The above notation was dated April 25, 2017 and bore a signature which appears to be that of Mr. Floyd Grindley, former General Manager.

¹⁴ Letter dated April 25, 2017 from Mr. Mark McLean, President, Homestead Citizen for Action Benovolent Society to Mr. Floyd Grindley, Former General Manager, Petrojam.

¹⁵ Ibid



The DI observed a disbursement voucher, which was prepared in relation to Brighton Engineers Limited in the amount of J\$10,024,531.00. The cheque which was dated ‘30.06.2017’ was made payable to Homestead Primary School in the amount of J\$10,024,531.00.

The Involvement of the Homestead Citizen for Action Benevolent Society

Mr. Mark McLean, President, Homestead Citizen for Action Benevolent Society, was requisitioned by the DI on February 28, 2019, in relation to his role in securing a donation from Petrojam Limited for the Homestead Primary School.

By way of his March 7, 2019 response, Mr. McLean stated, *inter alia*, the following:

“ ...

- 2b. *I visited the south Central Constituency Office and observed that there was a notice on the Notice Board inviting community groups to request funding for the community. It was decided that a request be made for two classrooms at Homestead Primary Schools as the school population was growing.*
- 2c. *Homestead Citizen for Action Benevolent Society works closely with the Homestead Primary School. Homestead Primary School is a community school and as such Homestead Citizen for Action Benevolent plays an integral role in its development.*¹⁶

Mr. McLean, by way of his response stated that the Homestead Citizen for Action Benevolent Society acted on the behalf of the Homestead Primary School in its request to Petrojam Limited for the donation, and that no specific instructions were received in relation to the request for the donation.¹⁷

¹⁶ Mr. Mark McLean, President, Homestead Citizen for Action Benevolent Society, response to IC requisition dated March 7, 2019

¹⁷ Ibid.



The Involvement of Mr. Lionel Myrie

Having regard to the above referenced email which was sent to Mr. Floyd Grindley by a Mr. Lionel Myrie and which contained the building estimate for the construction of the class rooms for the Homestead Primary School, the Director of Investigation sought to ascertain the role and extent of the involvement of Mr. Myrie.

Mr. Everton Thomas, former Principal, Homestead Primary School and Mr. Mark Mclean, President, Homestead Citizen for Action Benevolent Society, both indicated that they were not familiar or associated in any way to a Mr. Lionel Myrie.

The following questions were asked of Mr. Everton Thomas in relation to the above matter:

“... ”

3. *Please indicate whether one Mr. Lionel Myrie is known to you. In the event that your response is in the affirmative, kindly state (a) the circumstances surrounding your knowledge of Mr. Lionel Myrie and (b) the date on which Mr. Myrie became known to you.*
4. *Are you aware of the involvement and/or role, if any, which was played by Mr. Lionel Myrie as it regards the request and/ or receipt of a donation to the Homestead Primary School, as a “Contribution towards the construction of two classrooms at Homestead Primary School”?* ”¹⁸

Mr. Thomas responded to the above questions in his March 12, 2019 response to the DI as follows:

“ 3a. **I don't know Mr. Lionel Myrie** ”

¹⁸ Requisition dated February 28, 2019 to Mr. Everton Thomas. Questions No. 3 and 4.



To the best of my knowledge and belief, I am not aware of the involvement or role of Mr. Myrie in regards to donation or receipt.

...

5. **... I do not know Mr. Lionel Myrie and neither do I have knowledge of his involvement and/or in relation to the donation.**¹⁹ (DI Emphasis)

In a requisition dated February 28, 2019, Mr. Mark McLean was asked the following questions in relation to his knowledge of Mr. Lionel Myrie:

*“3. Are you aware of the involvement and/or role, if any, which was played by Mr. Lionel Myrie as it regards the request and/ or receipt of a donation to the Homestead Primary School, as a “Contribution towards the construction of two classrooms at Homestead Primary School”?...”*²⁰

In his response which was dated May 7, 2019, Mr. McLean stated as follows:

*“3. No”*²¹

The DI, by way of his statutory requisition dated February 28, 2019 requested that Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica, respond to the following questions:

“3. Kindly indicate whether you perform(ed) any role(s) or function(s) at and/or are affiliated with the Homestead Citizens for Action Benevolent Society.”

4. Kindly indicate whether you perform(ed) any role(s) or

¹⁹ Requisition response from Mr. Everton Thomas, Former Principal, Homestead Primary School, dated March 7, 2019

²⁰ Requisition to Mr. Mark McLean, President, Homestead Citizen for Action Benevolent Society, dated February 28, 2019. Question No. 3.

²¹ Requisition response from Mr. Mark McLean, President, Homestead Citizen for Action Benevolent Society, dated May 7, 2019, Response No. 3.



function(s) at and/or are affiliated with the Homestead Primary School.²²

In response to the above questions, Mr. Myrie in his March 12, 2019, response indicated the following:

“3. No role, function or affiliation.”

4. No role, function or affiliation.”²³(DI Emphasis)

The DI further required that Mr. Myrie respond to the following:

“ 5. ... The request for the referenced donation was made by way of a letter dated March 17, 2017, which was directed to Mr. Floyd Grindley, former General Manger, Petrojam Ltd. concerning “Homestead Primary School” which stated, inter alia, as follows:

...

Given the rapid increase in its population, the school is now confronted by an overcrowding problem. A project was initiated two years ago to provide additional classrooms. A new block was started with the construction of the ground floor which currently housed two classrooms. We are hereby seeking assistance to construct the other classrooms to complete the block and to acquire the necessary desk and chairs. It is our intention to have these classrooms completed and furnished for the beginning of the year 2017/2017. [sic]”

Please provide an executive summary outlining the following:

(a) Whether you are aware of the author of the abovementioned letter;

²² Requisition to Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica, dated March 1, 2019. Questions 3 and 4

²³ Requisition response of Mr. Lionel Myrie, dated March 12, 2019. Questions 3 and 4



(b) In the event that your response to (a) above is in the affirmative, please indicate:

i. The name and full particulars of the person(s) who wrote the letter;

ii. The nature of your relationship with the author of the letter, if any;

iii. The role you played, if any, in relation to the request made of Petrojam Ltd. and the drafting of the referenced letter; and

iv. The basis on which the request was made of Petrojam Ltd.²⁴

In response to the above questions, Mr. Myrie indicated the following:

“5. A. Not aware

B. Not applicable”²⁵

In relation to the email which was sent to Mr. Floyd Grindley, former General Manager, Petrojam Limited, from an email address which appears to belong to Mr. Lionel Myrie, the following question, *inter alia*, was asked of Mr. Myrie:

“6. Reference is made to an email correspondence dated April 4, 2017 which was addressed to the former General Manager of Petrojam Ltd., Mr. Floyd Grindley, by you. The referenced email correspondence attached an estimate prepared by the St. Catherine Municipal Corporation as well as the letter dated March 17, 2017 ...

Kindly provide an executive summary outlining the following:

²⁴ Requisition to Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica, dated February 28, 2019. Question 5

²⁵ Requisition response of Mr. Lionel Myrie, dated March 12, 2019. Question 5



- (a) *The basis upon which you emailed Mr. Grindley in the subject regard;*
- (b) *Whether you were directed or influenced to make any decisions in respect of the referenced donation request;*
- (c) *In the event that your response to (b) above is in the affirmative, kindly indicate:*
- (i) *the substance of the directions received;*
- (ii) *the name(s) and title(s) of the person(s) from whom such directions were received;*
- (iii) *the medium through which these directions were communicated to you; and*
- (iv) *your response to the directions which were received by you.”²⁶*

Mr. Myrie indicated the following in response to the above question:

“6. A. **I was asked to forward same by the late Councillor Palmer.**

B. *I wasn't*

C. *Not applicable”²⁷ (DI Emphasis)*

Having regard to the fact that the above referenced letter of March 12, 2017, which was attached to the email sent by Mr. Myrie to Mr. Floyd Grindley was signed by Mr. McLean, the following question was posed by the DI by way of a statutory requisition:

“7. *Please indicate whether one Mr. Mark McLean is known to you. In the event that your response is in the affirmative, kindly state (a) the circumstances surrounding your*

²⁶ Requisition to Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica, dated February 28, 2019. Question 6

²⁷ Requisition response of Mr. Lionel Myrie, dated March 12, 2019. Question 6



knowledge of Mr. Mark McLean and (b) the date on which Mr. McLean became known to you.²⁸

Mr. Myrie responded in the following manner:

“7. Not Known”²⁹ (DI Emphasis)

Verification of the Receipt of the Donation

The Petrojam Limited donation in the amount of J\$10,024,531.00 which was made payable to Homestead Primary School was received by the then Principal of the school, Mr. Everton Thomas.³⁰

Mr. Thomas also provided the following in relation to the completion of construction of the two (2) classrooms at the Homestead Primary School:

“...To the best of my knowledge, information and belief the referenced donation was used to construct two classrooms

... To the best of my knowledge information belief the name of the contractor was Brighton Engineering

... To the best of my knowledge information and belief ...the total cost of the construction is 9.5 million

*... Date of completion: it was completed before the commencement of school in September 2017 (see picture of classroom attached).”*³¹

²⁸ Requisition to Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica, dated February 28, 2019. Question 7

²⁹ Requisition response of Mr. Lionel Myrie, dated March 12, 2019. Question 7

³⁰ Requisition response of Mr. Everton Thomas, former Principal, Homestead Primary School, dated March 7, 2019. Response 8.



Preparation of Estimate for the Construction of the Classrooms

Mr. Romand Fisher, Deputy Superintendent, Roads and Works, was stated as the individual who prepared the estimate in relation to the preparation of the estimate for the construction of the referenced classrooms. Mr. Fisher indicated the following, *inter alia*, as it regards his involvement:

*“ ... I was asked to prepare a cost forecast for the construction works to be executed at the Homestead Primary School for the construction of two (2) classrooms. **A proposed layout was provided by former Councillor of the Homestead Division Owen Palmer (now deceased).**”*

...

In April 2015 I was initially approached by the Environmental Health Foundation to provide an estimate for the construction of a classroom block at the aforementioned primary school ...In 2017 I was once again asked to prepare another estimate for the

³¹ Requisition response of Mr. Everton Thomas, Former Principal, Homestead Primary School, dated March 7, 2019.



construction of two (2) additional classrooms on top of the aforementioned Block, based on my previous knowledge of the project.

The person who initiated discussions in relations to providing cost forecast was former Councillor of the Homestead Division Owen Palmer (now deceased).”³²

In relation to the completion of the construction on the two (2) classrooms for which the donation from Petrojam Limited was solicited and subsequently received, Mr. Fisher indicated, *inter alia*, the following:

“ ... I am aware of the completion of the construction of the two (2) additional classrooms at the Homestead Primary School.

... I conducted two (2) inspections at intervals of the construction based on requests from former Councillor of the Homestead Division Owen Palmer (now deceased).”³³ (DI Emphasis)

Having regard to the disclosure that the referenced classrooms were constructed by Brighton Engineers Ltd., the DI by way of a requisition of February 27, 2019 required Mr. Oswald Williams, Director, Brighton Engineers Ltd., to provide, *inter alia*, the following information:

“1. Please provide an executive summary outlining whether Brighton Engineers Ltd. was awarded a contract by the Homestead Primary School and/or the Homestead Citizen for Action

³² Requisition response of Mr. Romond Fisher, Deputy Superintendent of Roads and Works St. Catherine Municipal Corporation, dated March 4, 2019. Response No. 2

³³ Requisition response of Mr. Romond Fisher, Deputy Superintendent of Roads and Works St. Catherine Municipal Corporation, dated March 4, 2019. Question 3



Benevolent Society, to construct two (2) classrooms at the Homestead Primary School.”³⁴

Mr. Williams responded in the following manner:

“Brighton Engineers Ltd was engaged (non-written) to construct two classrooms at Homestead Primary School in St. Catherine, Jamaica. This engagement was done by a Mr. Owen Palmer who said he was acting on the behalf of the Homestead Citizen for Action Benevolent Society.

This engagement was in June 2017 and the construction was expected to be completed in August 2017. The project was completed and full payment received as detailed in the bill of quantity which was used as the document for the scope, pricing and payment.”³⁵

Mr. Williams was also asked to provide the following documentation/information:

“...

(a) A copy of the referenced contract;

(b) The date on which the referenced contract came into effect and the date on which it was formally executed;

(b) The name(s) of the entity(ies) and/or individual(s) and the title(s) of the individual(s) who initiated discussions regarding the referenced contract, the circumstances relating to same as well as the date(s) on which such interactions took place;

³⁴ Requisition to Mr. Oswald Williams, Brighton Engineers Ltd., dated February 27, 2019. Question 1

³⁵ Requisition response of Mr. Oswald Williams, Brighton Engineers Ltd., dated March 13, 2019. Response 1



(c) The name(s) and title(s) of the Homestead Primary School and/or Homestead Citizen for Action Benevolent Society official(s) and/or anyone acting on their behalf who negotiated and concluded the contract;

(d) The terms and conditions of the contract; and

(h) Any other particulars pertinent to the agreements which were entered into between the Homestead Primary School and/or Homestead Citizen for Action Benevolent Society and Brighton Engineers Ltd.;

(i) Copies of all communicate between Brighton Engineers Ltd. and Homestead Primary School and/or Homestead Citizen for Action Benevolent Society in relation to the referenced contract;

(j) The date on which Brighton Engineers Ltd. was invited to participate in the procurement process;

(k) The total payments which were received from Homestead Primary School and/or Homestead Citizen for Action Benevolent Society in respect of the referenced contract; and

(l) All invoices and evidence of receipt of payments from Homestead Primary School and/or Homestead Citizen for Action Benevolent Society.”³⁶

The following was stated by Mr. Williams in response to the aforementioned questions:

“(a). A written contract was not received

(b). Sometime in June 2017

³⁶ Requisition to Mr. Oswald Williams, Brighton Engineers Ltd., dated February 27, 2019. Question 1



(b). Mr. Palmer approached me on behalf of Homestead Citizens for Action Benevolent Society and informed me that the school got some funds to build two classrooms for the students for the reopening in September 2017.

(c). Mr. Owen Palmer from the Homestead Citizen for Action Society

(d) To build and complete two classrooms for the new school year in September 2017. The agreement was that when work was at more than half way completed, I would receive some payment.

(h) No.

(i). There are none.

(j). Sometime in June 2017.

(k). Nine and a half (\$9.5M) Million Dollars

(l) Two Cheques from Homestead Primary School were received³⁷ (DI Emphasis)

Having regard to the donation which was made by Petrojam Limited in the amount of J\$10,024,531.00, and the disclosure by Brighton Engineers Limited that the the total cost for the construction of the classrooms was in the amount of J\$9,500,000.00, **the DI notes the remaining balance of J\$524,531.00.**

³⁷ Requisition response of Mr. Oswald Willems, Brighton Engineers Ltd., dated March 12, 2019. Response 1. A copy of the cheques which were made payable to Brighton Engineer Ltd. in the amounts of J\$2,500,000.00 and J\$7,000,000.00 on August 9, 2017 and July 13, 2017, respectively.



Sydenham Citizens Association

Sydenham Citizens Association was the recipient of a donation from Petrojam Limited in the amount of J\$9,000,381.50. This donation was made as a contribution towards the renovation of the Sydenham Community Centre which was stated to serve as a Community Access Point, a homework centre and skills training facility which offers HEART certification.

The donation was initially approved by Petrojam Limited for the McCooks Pen Community Centre, as a contribution towards the construction of a classroom and computer lab.

The first communication seen on the files sequestered from Petrojam Limited concerning a donation to the McCooks Pen Community Centre is an email from Mr. Lionel Myrie, to Mr. Floyd Grindley, former General Manager, Petrojam Limited. The email stated, *inter alia*, the following:

“From: Lionel Myrie ...

Sent: Tuesday April 04, 2017 04:04 PM

To: Floyd A. Grindley

Subject: Fwd: McCooks Pen

...

Floyd,

A page was missing from the first McCooks Pen documents. Please replace with this.”³⁸

In a letter dated March 21, 2017, which was allegedly sent and signed by Ms. Charmaine White, McCooks Pen Citizens Association to Mr. Floyd Grindley, former General Manager, Petrojam Limited, the following was stated:

³⁸ Email dated April 4, 2017 from Lionel Myrie to Mr. Floyd Grindley, Former General Manager, Petrojam Limited.



“McCooks Pen is a community located in South Central St. Catherine, approximately four miles west of Spanish Town. The community with a population of roughly six thousand (6000) residents is plagued by its fair share of violent activities. Its population is dominated by the youth. A Significant percentage of the youth is presently unattached.

An unattached youth programme is presently in operation in the community. This programme seeks to provide members of the community with skills that will enhance their chances of gaining employment. Other institutions are presently gearing up to provide similar programmes to the residents of the community. Unfortunately, the present structure is incapable of facilitating an expansion of the programme as a result of a deficiency in space.

To create more space for the expansion of the programme, we will be constructing a concrete section to the existing community centre.

Scope

Additional section will be constructed for much needed space to be used for classrooms and a computer lab to host a Community Access Point. The necessary furniture and computers will be purchased for the classrooms and computer labs.

Budget

Please see estimate attached prepared by the St. Catherine Municipal Corporation.

Impact



The expansion of the community centre will have a positive impact on the McCooks Pen community. This will provide an opportunity for more residents to acquire skills that would make them employable. The engagement of the youth will have a positive impact on crime and violence. The cost for transportation and enrolment elsewhere will be reduced drastically as a result of greater accessibility. The centre will also serve as a community homework centre for students who do not have internet access at home.

Giving the foregoing, we are inviting Petrojam to join us as we build our community in playing our part in making "Jamaica, the place of choice to live, work, raise families, and do business".

Yours sincerely,

Charmaine White (Ms.)

...³⁹

By way of a letter dated April 24, 2017, which was also under the purported signature of Ms. Charmaine White, McCooks Pen Citizens Association, and sent to Mr. Floyd Grindley, former General Manager, Petrojam Limited, the following, *inter alia*, was stated:

“ ...

This serves to inform you that Brighton Engineers Limited has been engaged to do the construction work on the McCooks Pen Community Centre Project. We are kindly requesting that all cheques be made payable to Brighton.

³⁹ Letter dated March 21, 2017, from Ms. Charmaine White, McCooks Pen Citizens Association, to Mr. Floyd Grindley, former General Manager, Petrojam Limited



Thanks for the cooperation.

Sincerely yours,

Charmaine White

*McCooks Pen Citizens Association*⁴⁰

The DI observed the following hand-written notations on the referenced letter as follows:

“**[REPRESENTATIVE]**/Delroy:

Please make cheque payable as per this communication”⁴¹

The above note appears to bear the signature of Mr. Floyd Grindley and was dated April 24, 2017.

A third letter was allegedly sent by Ms. Charmaine White, McCooks Pen Citizen Association, to Mr. Floyd Grindley, former General Manager, Petrojam Limited, on July 5, 2017, informing of, *inter alia*, the following:

“... ”

This serves to notify that we have received the necessary funding to construct the additional section which will be used as a classroom and computer lab from sponsorship solicited elsewhere. Hence, we are no longer interested in the sponsorship solicited for the said project from your organization.

Additionally, we would like to express our sincere gratitude for the favourably consideration of our request. We look forward to

⁴⁰ Letter dated April 24, 2017, from allegedly from Ms. Charmaine White, McCooks Pen Citizen Association, to Floyd Grindley, former General Manager, Petrojam Limited.

⁴¹ Ibid



partnering with your organization in the future as we continue on our path of developing our beloved community.

Regards,

Charmaine White

*McCooks Pen Citizen Association*⁴² (DI Emphasis)

The DI notes, at this juncture, that Ms. Charmaine White publicly denied that she wrote and signed the above letters. (DI Emphasis)

In a Nationwide News Network article entitled “*McCook’s Pen Citizens Deny Writing Letter to PETROJAM*” published on June 26, 2018, the following, in relation to the aforementioned letter was stated:

“The woman whose signature was purportedly affixed to the letter, Charmaine White, Flatly denies having anything to do with the letter.”⁴³ (DI Emphasis)

An audio recording which was published by Nationwide News Network was retrieved by the DI. The recording allegedly featured the voice of Ms. Charmaine White, and was transcribed by the DI as follows:

“... which part wi wudda get di money from, and we waan money like how dry peas waan wata ... wi waan money like how dry peas waan wata ...nuh come wid yuh foolishness yaah lady, look how

⁴² Letter dated July 5, 2017, allegedly from Ms. Charmaine White, McCooks Pen Citizen Association, to Mr. Floyd Grindley, Former General Manager, Petrojam Limited.

⁴³ Nationwide Radio article titled “McCook’s Pen Citizens Deny Writing Letter to PetroJam” published on June 26, 2018 retrieved from <http://nationwideradiojm.com/mccooks-pen-citizens-deny-writing-letter-to-petrojam/> on March 20, 2019.



much money wi waan... we coudda ever go sign off and seh wi nuh badda waan money, unless a smaddy duh dat...”⁴⁴

A June 24, 2017, letter which was allegedly sent by Mr. Michael Uylett, President, Sydenham Citizens Association, to Mr. Floyd Grindley, former General Manager, Petrojam Limited, soliciting assistance to renovate the community centre, stated, *inter alia*, as follows:

“ ...

To counter the problems identified, the Citizens Association has embarked on a programme to get the unemployed, employed and the unattached, attached. We have engaged several Government agencies to execute different programmes to achieve our goals but they are unable to help as a result of the absence of a training space to administer the programmes. A structure of a community centre exists that is in need of significant amount of work to get to a condition to facilitate us achieving our goals.

We are hereby requesting your support financially to renovate the community centre. We intend to get it to a state where it will be used to build a knowledge base community by way of housing a Community Access Point to serve the community in the form of a homework centre and free internet access. We also intend to conduct certified skills training courses in partnership with the HEART Trust NTA.

The work that is needed immediately to get the centre in working condition includes but not limited to: tiling of the floor, installation of windows, rewiring, painting, purchasing of equipments and teaching aids, etc.

⁴⁴ Transcription of audio recording allegedly of Ms. Charmaine White, retrieved from <http://nationwideradiojm.com/mccooks-pen-citizens-deny-writing-letter-to-petrojam/> on March 20, 2019.



...

Therefore, we are humble seeking the assistance of Petrojam by way of financial support to renovate, the community centre as we seek to make our community a better place for all.

Yours sincerely,

Michael Uylett

*President*⁴⁵ (DI Emphasis)

Mr. Delroy Brown, former Chief Financial Officer, Petrojam Limited, during a hearing held on October 23, 2018, stated, *inter alia*, the following in relation to the refutation of the contribution from McCooks Pen and the subsequent request made by Sydenham:

“A: ... *But when you look at those, you would say to yourself as a reasonable person, as a reasonable man would say: If the money is going there why would they write to us to say we no longer need the funds. I have never known of any community that is sufficiently funded that they would turn back that level of money.*

CHAIRMAN: *And in those instances they did they say they didn't want the money, give it to somebody else?*

A: *No, they did not say who we should give it to. But I also find it quite again, unusual that a request should turn up just in time to match when you know...*

CHAIRMAN: *When it is being returned?*

⁴⁵ Letter dated June 24, 2017, from Mr. Michael Uylett, President, Sydenham Citizens Association, to Mr. Floyd Grindley, Former General Manager, Petrojam Limited.



A: *Right. Another request. And what is also unusual...*

...

... And why would you want to pass the exact amount that was for Community A to Community B? They don't necessarily mean they have the exact same needs that you would need to pass the exact same amount. And if you are going vary that then you should take that back to the Board because the Board - If I a Board member and I approve something for Community A, and without my knowledge you pay to Community B for the magnitude of funds, wouldn't you as Board members have a concern?

CHAIRMAN: ...

A: *They must have a concern because the Board didn't approve that one going to Community B. And what we should then establish, is if there is any record from the Board by resolution or Board minutes, to indicate that the Board was in agreement for funds to be redirected to another community. That must be established...⁴⁶*

The Approval Process

A memorandum dated July 5, 2017, from Mr. Floyd Grindley, former General Manager, Petrojam Limited to the Board of Directors, Petrojam Limited, providing a rationale for the donation and the request for the approval of the Board. The following, *inter alia*, was stated

⁴⁶ Transcript of hearing held October 23, 2018, involving Mr. Delroy Brown, Chief Financial Officer, Petrojam Limited. Pages 32-35



“Why Donate to this Initiative?”

Our support of this initiative will result in the following benefits:

- *The renovation of this space will facilitate increased access to the internet and enhancement of the computer skills of at-risk youth who will benefit from the programme.*
- *This initiative supports one of the core focus areas of the organization's Corporate Social Responsibility programme which is the education of our nation's youth and community development.*
- *This provides the opportunity to strengthen our image, improve brand awareness and visibility.”⁴⁷*

The memorandum also stated the following:

“PETROJAM REQUEST

In April, Board approval was received for the construction of a Community Centre in McCooks Pen, St. Catherine. However, Petrojam has since been informed by the McCooks Pen Citizens Association that they were able to secure funding from an alternative source and were no longer in need of said sponsorship.

Petrojam is requesting of the Board of Directors, permission to repurpose the Nine Million, three hundred and eighty one dollars and fifty cents (J\$9,000,381.50) that was previously approved for the construction of space for classroom and computer lab in McCooks Pen and donate same to the Sydenham Citizens

⁴⁷ Memorandum dated July 5, 2017, from Floyd Grindley, former General Manager, Petrojam Limited, to the former Board of Directors, Petrojam Limited.



Association for the renovation of the Sydenham Community Centre.⁴⁸(DI Emphasis)

The DI observed that the requirement for the endorsement of the HR Social Sub-Committee was included on the “*Submission to the Board of Directors of Petrojam Limited Form*”.

The submission was prepared by Ms. Yolande Ramharrack, Human Resource Manager on July 6, 2017, and endorsed by Mr. Floyd Grindley, former General Manager, on even date. The signature of Mr. Harold Malcolm was observed in relation to the HR Social Sub-Committee, on July 8, 2017, while the Chairman, Dr. Perceval Bahado-Singh approved the submission on even date.

During a hearing held on September 10, 2018, [REPRESENTATIVE], stated, *inter alia*, the following:

“A: ... So this is the new form where they have a space for subcommittee added. Now this was not on the other form. So there were emails that transpired when they asked us to change the form ... so I passed it to the Legal officer for her review... so I had sent it to her and she had said in her email that it doesn't require the HR subcommittee...However I was told that it should remain, and so the form changed and this was added.

CHAIRMAN: *HR subcommittee?*

A: *Right.*

CHAIRMAN: *And the HR subcommittee is what local, or Venezuelans?*

⁴⁸ Memorandum dated July 5, 2017, from Floyd Grindley, former General Manager, Petrojam Limited, to the former Board of Directors, Petrojam Limited.



A: *So the HR subcommittee consists of local and Venezuelan Directors or members. There were probably - some of the members of the HR subcommittee are not necessarily Board members but employees of PDVSA, but in this instance one of the Directors, it seemed that he was ahead of the HR subcommittee.*

[CHAIRMAN]: *Could you give us a name?*

A: *Harold Malcolm*

Chairman: *... you saying that he was the head of the subcommittee, what are you trying to ...*

A: **...what happened is that – I am saying is that the requests were no longer going to Venezuela.**

...

A: **Basically. So Venezuela was no longer seeing most of the donation request because the practice, they diverged a bit and it seemed as most of them were going to him to sign off for HR subcommittee...**

...

Chairman: *... you don't know if the Subcommittee actual met?*

A: *Right. So I don't know if the subcommittee actually met because the last set of - There are some donation requests that were sent in April/May, just about before everything started...*

...

But what happen is that he made a specification in one of the emails that he is approving but it needs to be sent to the HR subcommittee, to the



other members. So that was the first time I was seeing that email, that kind of correspondence. So I realised that it was maybe okay.”⁴⁹

During a hearing held on November 20, 2018, [REPRESENTATIVE], further detailed the manner in which the donation that was approved for the McCooks Pen Citizens Association was repurposed and approved for Sydenham Community Centre. The following, *inter alia*, was stated:

“Chairman: Was the donation made?

A: To Sydenham

Chairman: Yes

A: Yes

Chairman: Would there have been a requirement for board approval?

...

A: for the re-purpose?

...

Yes

...

Chairman: Right. Then you are saying now that the GM carried a correspondence canceling it from McCooks Pen and asking that it be re-purposed to Sydenham?

A: Right

⁴⁹ Transcript of hearing held on September 10, 2018, involving [REPRESENTATIVE]. Pages 18-21



Chairman: *Was specific approval now given by the board for the repurposing?*

A: **So the board, just want to make a distinction, so the approval as far as I remember, the approval that was granted for Sydenham was not the entire board. Because we had a resolution for McCooks Pen.**

Chairman: *When you say entire board now, inclusive of Venezuelan?*

A: *Right, so the initial approval for McCooks Pen was the entire board. The second request for Sydenham was not the entire board as far as I remember, because the last set of approvals that we would have gotten from the entire board was the batch with McCooks Pen, Munroe and the others ...*

Chairman: *So the re-purposing now was what, just chairman alone or local board members or GM Instructions?*

A: *I don't remember all the local board remember signature. I remember the chairman, I would have to check but it might have been the chairman and maybe the, one board member, maybe, because what usually happens, what became a practice was for the request to be sent to the chair of the HR subcommittee, a subcommittee of the board for that person to sign.*

...



[IC Officer]: ... in relation to the Sydenham Citizens Association donation . What does the policy indicate is required in term of approval, is it full board approval or would a partial board approval be required based on the policy?

...

A: Anything exceeding \$320,000 would require submission to the board and by board that would mean full board, the legal officer would submit that to the board if it's probably very urgent she would probably do it via round robin...

[IC Officer]: What was the basis upon which Petrojam made the donation to Sydenham Citizens Association without the full board approval?

A: I don't know.”⁵⁰ (DI Emphasis)

The DI requested that Mr. Floyd Grindley respond to the allegation that, as former General Manager, Petrojam Limited, he specifically instructed that the donation in the amount of \$9,000,000.00 be repurposed from McCooks Pen Citizens Association and transferred to the Sydenham Citizen’s Association. By way of his response dated July 23, 2019, Mr. Grindley stated, *inter alia*, the following:

“...A letter was received from Sydenham Citizen Association, which I later gathered is an entity within the Portfolio Minister (Dr. Andrew Wheatly (sic)) Constituency requesting that the previously

⁵⁰ Transcript of hearing held on November 20, 2018, involving [REPRESENTATIVE]. Pages 53-56 and 66-67.



approved funds to McCooks Pen Citizens Association be transferred to Sydenham Citizen Association in the sum of \$9,000,381.51...

... Additionally, seeing to the fact that the request was generated from the then Minister's constituency and a follow up phone call received from the then Chairman (Perceval Bahado-Singh), indicating that I should proceed with the instructions stated in the letter.

...

I was not influenced or directed in this regard. Decisions are made for donations in keeping with the corporate strategy of Petrojam..."⁵¹

(DI Emphasis)

Of keen interest to the DI is a response dated May 14, 2019 from the Financial Investigations Division (FID), wherein the Director of Investigation was advised that the McCooks Pen Citizens Association and the Sydenham Citizens Association are not registered associations. The response stated, *inter alia*, the following:

"The records of the Department of Cooperatives and Friendly Societies were checked which revealed neither organization being registered with them."⁵²

⁵¹ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 21.

⁵² Response dated May 14, 2019 from the FID which was addressed to Mr. David Grey, JP, Director of Investigation, Integrity Commission. Page 23.



Verification of the Receipt of Donation

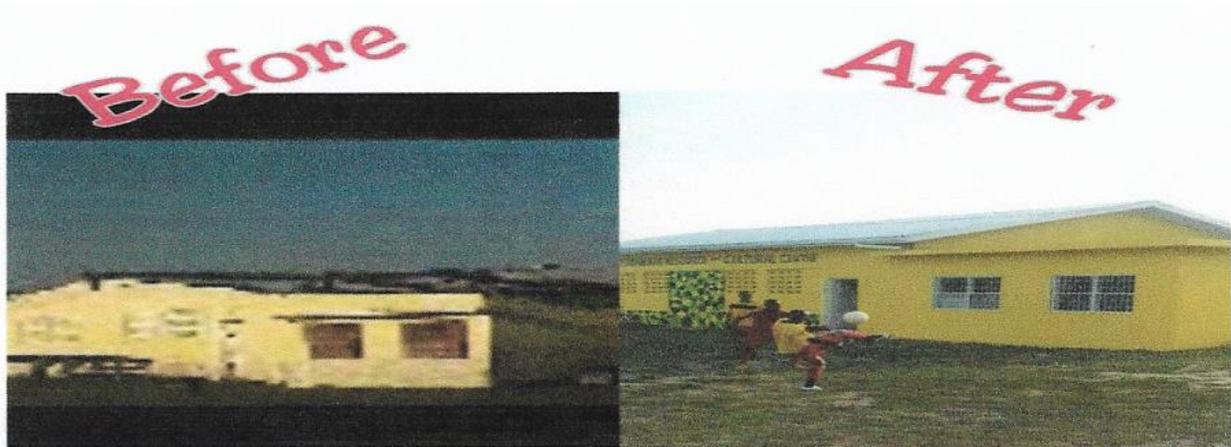
The DI by way of a requisition dated April 3, 2019, sought to ascertain whether the Sydenham Citizens Association received the referenced donation and whether it was utilised for the intended purpose.

Mr. Michael Uylett, President, Sydenham Citizens Association, by way of his response dated April 8, 2019, advised the DI of the following:

“Yes, I am aware of the request which was made by the Sydenham Citizens Association to Petrojam Ltd. A visit to the constituency office of Dr. Andrew Wheatley, M.P., in the capacity of president of the Sydenham Citizens Association, I saw notice on notice board about the funding.”⁵³

Mr. Uylett further advised the DI that the amount of \$9,000,000.00 to assist with, *inter alia*, the renovation of the Sydenham Community Centre access point was received by him, however, he was unable to recall the date on which the funds were received.⁵⁴

Mr. Uylett also provided the DI with the following photographs as evidence of the renovations:



⁵³ Response dated April 8, 2019, which was provided by Mr. Michael Uylett to the DI., Responses #2.

⁵⁴ Ibid. Response #3.



At this juncture, the DI highlights that several representations were made in the media in relation to the donation made to the Sydenham Citizens Association by Petrojam Limited. Of concern was the involvement of Mr. Lionel Myrie, Director, Petroleum Corporation of Jamaica (PCJ) and former Special Assistant to Dr. Andrew Wheatley, MP. By way of a Jamaica Gleaner article dated May 14, 2019 and entitled “*PCJ Director Lionel Myrie Linked To Second \$Multimillion Petrojam Donation*”, the following, *inter alia*, was indicated:

“The Public Accounts Committee (PAC) of Parliament has learned that Petroleum Corporation Jamaica (PCJ) director Lionel Myrie played a role in second multi-million dollar donation by the state-owned oil refinery Petrojam to citizens group in St Catherine.

...

The PAC had earlier learned that a performance audit of Petrojam, which was conducted by the Auditor General’s Department, found that Myrie also forwarded, on behalf of a citizens group identified as the Sydenham Citizens’ Association, an email to the Grindley requesting a \$9 million donation for a community project.

This donation is the subject of an investigation by the Major Organised Crime and Anti-Corruption Agency.

During an appearance before the PAC today, Myrie acknowledged, that in both cases he was merely acting as a “courier.”

...

Myrie insisted that when he forwarded the emails to Grindley, he was not acting in his capacity as a PCJ



director or as an assistant to former energy minister Dr Andrew Wheatley.⁵⁵ (DI Emphasis)

Further details regarding the aforementioned donation were represented in a Jamaica Gleaner article dated May 21, 2019 and entitled “\$9M Money Trail - Sydenham Executive Demands Answers; President Says They Knew Of Controversial Petrojam Donation”. The referenced article stated, *inter alia*, as follows:

“Five weeks after a controversial \$9-million donation from Petrojam hit the bank account of the Sydenham Citizens’ Association, nearly all the cash was removed in nine withdrawals of \$900,000 each, a Gleaner investigation has revealed.

...

A review of the Sydenham Citizens’ Association account held at a leading commercial bank revealed that the sponsorship by the state-owned oil refinery of \$9,000,381.50 was deposited on July 17, 2017.

This was 12 days after an email requesting the donation on behalf of the association was forwarded to then Petrojam general manager, Floyd Grindley, by Lionel Myrie, a director of the refinery’s parent company, Petroleum Corporation of Jamaica, according to a performance audit conducted by the Auditor General’s Department.

The association’s bank book has revealed that the withdrawals started 17 days after the funds were deposited

⁵⁵ Jamaica Gleaner article dated May 14, 2019 and entitled “PCJ Director Lionel Myrie Linked To Second \$Multimillion Petrojam Donation”. Accessed on May 24, 2019 at <http://jamaica-gleaner.com/article/news/20190514/pcj-director-lionel-myrie-linked-second-multimillion-petrojam-donation>.



into the account with a \$900,000 transaction on August 3. There was another one the following day.

After a five-day break, there were three withdrawals on August 9 at the same teller. Two withdrawals on August 16 preceded the final two transactions on August 24.

Acting chief financial officer at Petrojam, Carlene Evans, told the Public Accounts Committee (PAC) of Parliament that the \$9-million sponsorship cheque was made out to the Sydenham Citizens' Association and later encashed.

"I can confirm that the cheque for Sydenham was actually negotiated," Evans told lawmakers on the PAC on April 2.

MEMBERS RESIGNED

The donation hung like a cloud over a meeting of the association's executive on Sunday, with some members distancing themselves from the \$9-million deposit.

Others resigned from the executive of the nearly 50-year-old association after claiming that they were not getting answers about the deposit and withdrawals from president Michael Uylett, who now resides overseas.

"We know nothing about this donation, and the members of this association deserve clarity on how this \$9 million got into the account in the first place and for what purpose it was spent," declared Vice-president Errol Williamson.



Uylett, in an exclusive interview with *The Gleaner*, revealed that the donation was requested through the constituency office of South Central St Catherine member of parliament and former energy minister, Dr Andrew Wheatley, to renovate the community centre.

The Sydenham Citizens' Association president revealed, too, that he did not submit an estimate to Petrojam of the work to be undertaken.

"Petrojam made out a cheque to the tune of \$9 million, which I deposited in the association's account and subsequently made these withdrawals to purchase materials and pay workmen who were all from the community," he said.

Uylett said there was no supporting document for the payments because the workmen who renovated the community centre were paid in cash.

Uylett insisted that members of the association knew about the donation and appeared baffled as to why they would say otherwise.

"They all knew about this donation that was secured from Petrojam to carry out repairs to the community centre," he underscored.

"The money was withdrawn and spent for a good cause. It was spent to tile the hall, do painting of the structure, put in solar panels and redo a wall that was not done properly, and do other work that was not included in the original contract," he added.



Uylett told The Gleaner that the withdrawal forms were signed by himself and a member of the executive he identified as Keith Codner.

Codner, a justice of the peace, was furious when informed of the allegations.

“I have launched my own investigation to see if there could be a chance that my signature was forged at any point to withdraw the money,” he said in denial of the allegations.

“I am very hurt by these allegations that have embroiled the association,” added Codner.

Williamson also came to Codner’s defence.

He said the first time he heard about the \$9-million donation was through media reports, and he immediately sought clarification from Codner, an executive member who had signing rights and was acting as president in Uylett’s absence.

“It was at this time that we first reviewed the bank book that was always kept by the president and saw that the money was deposited to the account and withdrawals made,” said Williamson.

According to him, they immediately contacted Uylett for him to “shed some light” on the matter, but have not received a response to date.



Uylett insisted that he is still the president and that he will be back in Jamaica in August to clear his name from the allegations swirling around the community.”⁵⁶ (DI Emphasis)

In furtherance of its Investigation, the IC, by way of a requisition dated June 5, 2019 and addressed to Mr. Michael Uylett, sought to ascertain the veracity of the above media representations. By way of his response which was received on June 14, 2019, Mr. Uylett advised the DI of, *inter alia*, the following:

“Sponsorship in the form of a grant was made to Sydenham Citizens Association in the amount of \$9,000,381.50. The same amount was deposited to the account of Sydenham Citizens Association.

*The sponsorship funds and other funds were withdrawn from the association’s account over a period of time. **The funds were used to purchase building materials and pay contractors (workmen) to complete the refurbishing of the Sydenham Resource and Cultural Centre.***

The association does not have a checking account, therefore all transactions in the form purchasing of materials, consultations and payment of workers were all made in cash. Receipts, bills and payment vouchers were placed in an office at the Centre. Since the allegations concerning how the funds were spend [sic], in my absence I have [sought] assistance to secure these documents but they were not found. I was mentioned that they would have been destroyed during the Labour Day activities held May 23, 2018. Hence I disclosed that there were no supporting documents.

The sponsorship letter was mentioned at a meeting of the Sydenham Citizens Association and information shared up on receiving the donation.

⁵⁶ Jamaica Gleaner article dated May 21, 2019 and entitled “\$9M Money Trail - Sydenham Executive Demands Answers; President Says They Knew Of Controversial Petrojam Donation”. Accessed on May 24, 2019 at <http://jamaica-gleaner.com/article/lead-stories/20190521/9m-money-trail-sydenham-executive-demands-answers-president-says-they>



The donation was spent to strengthening of roof, strengthening of foundation, replacement of entire concrete floor (hall, kitchen, bar, two offices, two bathrooms including two showers and a passage), demolition and construction of interior walls, the engagement of pest controller twice, priming of walls, painting of walls, refurbishing of a sewage pit (clearing, re packing and casting) tiling of the entire building (hall, kitchen, bar, two offices, two bathrooms including two showers and a passage), changing of fixtures in bathrooms and kitchen, clearing of rubbles and areas adjoining to centre, supporting sporting programs and hosting of social functions (back to treat, dinner for scholarship receptions [sic] and their parents at a restaurant and Christmas treat)

Withdrawals forms were all sign by Mr. Keith Codner and me (Michael Uylett). I was informed on June 04, 2019 by the Gleaner reporter that Mr. Codner had called and informed him that he now remembered signing withdrawal forms.

Mr. Codner in his investigation has written to the bank, went in and meet with personnel's at the bank and documents shared with him for his inspection and he confirmed that all the withdrawals bearing his signatures were authentic.⁵⁷

(DI Emphasis)

The DI by way of a requisition dated June 5, 2019, requested that Mr. Keith Codner, representative of the Sydenham Citizens Association, provide a comprehensive statement as to the veracity of the allegations which were made in the Jamaica Gleaner article dated May 21, 2019, and entitled “\$9M Money Trail - Sydenham Executive Demands Answers; President Says They Knew Of Controversial Petrojam Donation”.

Mr. Codner, in his response to the DI dated July 12, 2019, stated, *inter alia*, the following:

⁵⁷ Response which was received on June 14, 2019 from Mr. Michael Uylett, President, Sydenham Citizens Association. Response 1.



“...The bank book revealed that nine (9) withdrawals of \$900,000 were made from the association’s account during the period August 3 – 24, 2017. The bank book also revealed that the withdrawals were made accordingly one on August 3, three on August 9 and two on August 16 and 24 respectively...”⁵⁸

Mr. Codner provided the DI with photocopies of the withdrawals which were made from the bank account as depicted in the Association’s banking records. He further stated, *inter alia*, as follows:

“...

I have been a part of the Sydenham Citizen Association for over 12 years and I cannot recall having any personal dialogue with Mr. Uylett or in any meeting with association regarding a donation of nine million dollars (\$9,000,000.00).

In relation to me signing bank forms with Mr. Uylett for withdrawals of \$900,000 for the said association this is rather a surprised (sic) to me. In fact I learnt of this via a phone call from RJR Gleaner reporter ... on Sunday May 19, 2019 when he informed me that Mr. Uylett said we both signed for these nine withdrawals from the said association account. I cannot recall signing any withdrawal

⁵⁸ Response dated July 12, 2019 which was addressed to the DI by Mr. Keith Codner, representative, Sydenham Citizens Association.



slips of nine hundred thousand dollars (\$900,000.00) from the said account.

*What I recalled is that I contracted Chikunguyhya virus (Chik V). This caused severe discomfort in my joints for a contracted period and therefore affected my handwriting to the point where I was unable to accurately reproduce my signature. During this period of 2017, after returning from my mother's funeral in the United States that Mr. Uylett informed that the Federal United Football team which used the Sydenham Citizen Association (SCA) facilities to store football equipment/gears and convene training sessions was the beneficiary of a donation in the sum of approximately five hundred thousand dollars (\$500,000.00) Jamaican currency from a donor entity. At this time I was in the vicinity of the SCA community centre...Mr. Uylett told me that the finds for the football club in question was lodged to the SCA bank account and he needed my signature to access the money to purchase items for the football team. I told and remind Mr. Uylett that the Chik V virus made it difficult to reproduce my signature accurately of such and **he handed me several BNS withdrawal slips and told me to pre-sign my signature with the hope that the Bank will accept the one closest to my signature which was on file. In good faith I pre-signed a few of the withdrawal slips and handed them to Mr. Uylett. I***



told him that if the bank did not accept them then he should seek Mrs. Beale's assistance.

Approximately two (2) weeks later...Mr. Uylett approached me and told me that he was able to access a portion of the funds. **I interpreted this that BNS accepted one (1) of the withdrawal form and honestly believe the slips were disposed of by Mr. Uylett. Hence I pre-signed other bank slips and handed them to him.** I later checked with some of the footballers who confirmed that items for the football programme were obtained from Mr. Uylett.

Since being a part of the said association; I have not seen, touched, received, collected or spent any money on behalf of the SCA. **Mr. Uylett made it clear that he spent, manage and handle all the money for the association. To the best of my knowledge, the CHASE Fund refurbished the building with regard to reinforcement of the structure, roofing and other masonry work which was completed in 2017.** Additionally, in 2018 the Universal Access Fund through Mr. Sheldon and his team installed a number of solar panels and two air condition units with grill work. Also eleven (11) computers were received along with desk and chairs to facilitate the number of computers. These items were signed off by Keith Codner and Errol Williamson. The documents were signed by Mr. Williamson upon delivery. These documentations



have been with MOCA for some time now and so I am unable to supply copies to your office at this time.

While I cannot speak specifically about the withdrawals of the nine hundred thousand dollars (\$900,000.00) how these monies were collected or spent. I can confirmed that the building hall was tiled to include the step, painting was done in and outside of the complete facility, the roof was painted, special graphics were written as well as painted on various sections of the outside of the building for beautification and to educational purposes. Ceiling fans were also installed and a wall was actually built to create additional office space. Two glass windows were also installed. Additionally, I (sic) platform was also built in the hall. It must be noted that not (sic) clear disclosure of the sponsors were made in any formal meetings or on a personal level. For instance, we have gathered for our monthly meeting on the third Sunday of each month we noticed some of these changes to the floor, walls and such the like.

Mr. Uylett is yet to inform me or the executive when and how those transactions were done and the intended purpose. The SCA learnt of these allegations on Sunday May 19, 2019. This was rather a surprised to all in that he also indicated that the committee had knowledge of the funds.



Actually, I heard about this donation form (sic) a call I received from a concerned citizen who indicated that it was aired on RJR Hotline with host Emily Shields some time in 2018. At the earliest SCA meeting immediately following the broadcast the question was put out by Keith Codner and others to the president or anyone with knowledge of this donation and Mr. Uylett categorically denied knowing about this donation. However, we the executive became suspicious having watched an “All Angles” programme on TVJ later in 2019, that we went in searched of the association’s bank book which was kept by either Mr. Uylett or his mother..., but due to the him being overseas a folder with documents were left in our possession in which we searched and found the BNS band (sic) book and hence the revelation of the said withdrawals.

In light of this, I have made three contacts with the bank to gather information and was told I could not access information because it is an association’s account. However, I submitted a letter to BNS requesting some clarity on the specific matter to know how to proceed legally to clear my name of any wrong doing, if any in this situation. I then received responses through a call from the Manager...indicating that the information was ready. He then discussed the situation and advised



me that I should not be concerned given that Mr. Uylett came in the BNS Oasis Plaza and signed and collected all nine (9) withdrawals. I asked...why members of the association or the police were not contacted given the withdrawal amounts, the frequency of withdrawals and three (3) withdrawals of nine hundred thousand dollars (\$900,000.00) in one day from the same teller and he became rather defensive...

When I went to BNS Oasis Plaza to collect the response to explore legal advice, [the Manager] was not in office on the day. However, when I called him the following he informed in a defensive tone that BNS lawyer advised him that I cannot get the information with one signature. Efforts to get a second signature have proven futile to date...”⁵⁹

(DI Emphasis)

Scientific Research Council – National Science and Technology Fair

Documentation which was retrieved from Petrojam Limited detailing the donation made for the period April 1, 2017 to March 31, 2018 outlined a sum in the amount of J\$6,000,000.00 which was donated by Petrojam Ltd. in relation to sponsorship a National Science and Technical Fair. The DI notes that there was no documentation concerning this donation seen on the files which were sequestered from Petrojam Limited for the relevant period.

The 2018 Petrojam Limited Donation Audit Review detailed the following in relation to the mentioned donation:

⁵⁹ Ibid.



“No disbursement voucher was seen for the payment of JA \$6M transaction below . **Please see appendix 1 table 2.**

...

Table 2

<i>G/L</i>	<i>Documents #</i>	<i>Text</i>	<i>Doc. Date</i>	<i>Amount</i>
658310	5000066524	Sponsorship “Natl Science & Tech Fair” 16.6.2017	30/05/2017	6,000,000.00
...				

„60

During a hearing held on November 20, 2018, **[REPRESENTATIVE]**, stated, *inter alia*, the following:

CHAIRMAN: What was the value of the one for the diabetes conference?

A: ...but the SRC donation was \$6 million.

CHAIRMAN: Were there any concerns that the funds had not, well, were not received...

...

A: ...there was a subsequent request that had come in from SRC, I don't know what the nature of the request but there was reason to call the SRC Accounts department, so we had asked them to verify, I think we had asked them to verify receipt of the second activity...

...

A: ...I think in that conversation whoever was in the Accounts department had indicated that they are not seeing that same \$6

⁶⁰ 2018 Petrojam Limited Donations Audit Review



million that we would have donated in June...I had not called back to follow up to see if they had identified it, where the funds were, but I know they was a discussion with the, I don't have the name but there was someone from SRC in the Accounts department who had indicated that they were not seeing...she said that was not reflecting on their account system, but I didn't call back... ”⁶¹

Professor, the Hon. Errol Morrison, Director General, National Commission on Science and Technology responded to the DI's Requisition dated March 5, 2019, which posed questions in relation to the aforementioned donation. The following, *inter alia*, was stated:

“A concept from a National Science Technology and Wellness Fair was developed jointly by the NCST, Scientific Research Council and the Diabetes Association of Jamaica and a budget proposed of \$6,000,000.00.”⁶²

The DI, in a Requisition dated February 26, 2019 to Professor Errol Morrison, Director General, National Commission on Science and Technology sought to ascertain the name of the individual and/or entity who had received the referenced donation. In this regard, Professor the Hon. Errol Morrison indicated the following:

“...The Diabetes Association Chairperson, Mrs. Lurline Less”⁶³

Mr. Floyd Grindley, the then General Manager, Petrojam Limited, by way of a response dated July 23, 2019, stated, *inter alia*, the following in relation to the donation in the amount of J\$6,000,000.00 which was made to the National Commission on Science and Technology:

*“ I recall in 2017 that Petrojam did in fact donate to NCST ...However, **I do recall that this was yet***

⁶¹ Transcript of hearing held November 20, 2018, involving [REPRESENTATIVE]. Pages 81-83.

⁶² Requisition Response of Professor, the Hon. Errol Morrison, Director General, National Commission on Science and Technology dated March 5, 2019.

⁶³ Ibid.



another donation whereby, I operated under the then Chairman's instruction.

...

A donation to this body which acts as an advisory body to the Government to guide research, provide science and technology policy advice and information, and the organization of resources of the scientific community to improve the lives of Jamaicans”, is consistent with the government’s energy policy.”⁶⁴ (DI Emphasis)

Camperdown High School

Camperdown High School was the recipient of a donation from Petrojam Limited in the amount of \$6,000,000.00. The cheque which was made payable to Camperdown High School was dated July 7, 2017. The donation files which were sequestered from Petrojam Limited indicated that the request for the referenced donation was made by Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal. The letter of request which was dated April 3, 2017, was addressed to Dr. Andrew Wheatley, former Minister of Science, Energy & Technology and bore the caption “**RE: \$6,000,000.00 ALLOCATION FROM PETROJAM LIMITED**” stated, *inter alia*, the following:

“ ...

*As Member of Parliament for the Kingston East and Port Royal Constituency, **I would like to convey our deep-felt appreciation as it relates to the allocation at caption at caption which we are to***

⁶⁴ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 24.



receive, in enabling us to assist one of our schools in the Constituency. With all things considered, I am requesting that this fund be put towards the Camperdown High School's Sporting Programme.

...

I firmly believe the school is deserving of this, as they have been excelling despite the challenges and trying to upgrade this facility with little assistance over the past couple of years. Details of the plan are to follow.

...⁶⁵

By way of a requisition dated February 26, 2019, Mr. Phillip Paulwell, Member of Parliament, Kingston & Port Royal East was asked, *inter alia*, the following questions as it relates to the request which was made on behalf of the Camperdown High School:

“1.Kindly indicate whether you are aware of a request which was made for and on behalf of the Camperdown High School to Petrojam Ltd. for assistance with the “upgrading of the facility to a Mini Stadium ...to include a well for irrigation, running track, rest rooms and a small stand to accommodate spectators”. In the event that your response is in the affirmative please provide:

(a) The details of your knowledge of the request which was made of Petrojam Ltd.

(b) Your direct involvement in the request which was made;

(c) The basis upon which the request was made;

⁶⁵ Letter dated April 3, 2017, from Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal to Dr. Andrew Wheatley, MP, former Minister of Science, Energy & Technology.



- (d) *The date on which the request was made;*
- (e) *The medium through which the request was communicated to Petrojam Ltd;*
- (f) *The name(s) and title(s) of the officer(s) at Petrojam Ltd. with whom discussions and/or meetings were held concerning the referenced donation;*
- (g) *The name(s) and title(s) of the person(s) who made and authorised the request to Petrojam Ltd; and*
- (h) *A copy of all correspondences and communique made between and/or among the office of the Member of Parliament Kingston East and Port Royal, Petrojam Ltd. and the Camperdown High School in relation to the request and receipt of the referenced donation.*⁶⁶

In his response which was dated March 4, 2019, Mr. Paulwell responded to the above question as follows:

“1. I am aware of a request that was made by me, in my capacity as Member of Parliament for Kingston East & Port Royal for and on behalf of the Camperdown High School to Petrojam Limited for assistance with upgrading of the facility to a Mini Stadium, to include a well for irrigation, running track, rest rooms and a small stand to accommodate spectators.

On April 6,2017, I addressed a letter ... to the then General Manager of Petrojam Limited, Mr. Floyd Grindley regarding the request cited above, for an allocation of six million dollars

⁶⁶ Requisition to Mr. Phillip Paulwell, MP, which was dated February 26, 2019. Question No.1.



(6,000,000.00) as contribution towards the development of a Mini Stadium for the Camperdown High School.

This letter was done on the advice of the then Minister with responsibility for Petrojam Limited, Dr. Andrew Wheatley. He had indicated orally to me, some weeks before, during a sitting of the Parliament, that the board of Petrojam had decided to do some special allocation to schools in various Constituencies and that I was being asked to submit a request for one of my schools.

The Camperdown High School Mini Stadium was selected by me, as I had been in consultation with the school since late 2014 in the development of the project.

...

a) I have outlined above the details of my knowledge of the request which was made of Petrojam Limited.

b) **I was directly involved in so far as the letter written by myself based on the information from the then Minister, Dr. Andrew Wheatley.** I never met with nor had any discussion with any member of staff concerning the request.

c) As mentioned above, **the request was only made after the then Minister, Dr. Andrew Wheatley had advised me to do so.** The request was made on behalf of Camperdown High School Mini Stadium because I thought and still believe the project to be highly justifiable.

d) The request was made on April 6, 2017.



e) *The request was communicated, as aforesaid, by letter dated April 6, 2017.*

f) *I had no meeting, or discussion with any of the officers at Petrojam concerning the request ...*

g) *The request to Petrojam Limited was made by me as Member of Parliament for Kingston East & Port Royal.*

...⁶⁷

Of note, Dr. Andrew Wheatley, MP, by way of his response dated October 18, 2019, advised the DI of, *inter alia*, the following:

“...In response to a question from Mr. Paulwell about funding that Petrojam would usually provide for schools that he was previously aware of; I did advise Mr. Paulwell of the Petrojam initiative. I then advised Mr. Paulwell to write directly to Petrojam instead of making any request to or through me.”⁶⁸

On February 26, 2019, the DI required that Mr. Valentine Bailey, Principal, Camperdown High School provide responses in relation to his involvement, if any, in the solicitation of the referenced donation from Petrojam Limited.

Mr. Bailey, in his response dated March 4, 2019, indicated, *inter alia*, the following:

*“I Valentine Bailey as the Principal, Vice-Principal, and teacher of History or in any other capacity **has never made any request to***

⁶⁷ Response of Mr. Phillip Paulwell, MP, Member of Parliament, Kingston East & Port Royal, dated March 4, 2019. Response No. 1.

⁶⁸ Response dated October 18, 2019 which was addressed to the DI by Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology. Response 2.



Petrojam Ltd. for any assistance for anything as it relates to Camperdown High School or myself. If any request was made to Petrojam Ltd. on behalf of Camperdown, it was not made by me.”⁶⁹

The Approval Process

Mr. Floyd Grindley the then General Manager, Petrojam Limited, by way of a memorandum dated March 29, 2017, wrote to the Board of Directors, Petrojam Limited proposing that J\$6,000,000.00 be contributed to the Camperdown High School. The referenced memorandum stated, *inter alia*, the following:

“...

Why Sponsor this initiative?

- *Reinforce the company’s commitment to sports and unearthing talent.*
- *Opportunity to enhance our image as a socially responsible organization that is committed to nation building.*
- *Provides networking opportunities and is an opportunity to increase brand awareness and visibility.*

PETROJAM REQUEST

We kindly request your consideration of this proposal to contribute six million dollars (J\$6,000,000.00) Camperdown High School’s Sporting Programme.

...⁷⁰

⁶⁹ Response dated March 4, 2019 which was addressed to the DI by Mr. Valentine Bailey, Principal, Camperdown High School. Response 1



The DI notes that the above memorandum requesting the approval of the Board for the donation is dated March 29, 2017, whereas the letter of request from Mr. Phillip Paulwell which was observed by the DI on the files sequestered from Petrojam Limited was dated April 3, 2017.

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared for Mrs. Yolande Ramharrack, Manager Human Resource Development and Administration Manager on April 4, 2017. The submission was endorsed by Mr. Floyd Grindley, former General Manager, on the same date. The submission however, did not include the signature of Dr. Perceval Bahado-Singh, Chairman of the Board.

The 'Round Robin Resolution', which was prepared and which included the approval for the donation to the Camperdown High School was dated April 6, 2017.

The 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one 'Maria A Colmen Ares' signed on behalf of PDV Caribe S.A.

Another 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

In relation to the allegation that Mr. Floyd Grindley instructed that a donation in the amount of \$6,000,000.00 be made to the Camperdown High School, Mr. Grindley provided, *inter alia*, as follows:

“...Upon my office receiving any request for donations, the practice is to pass on the request to the Public Relations Officer within the Human Resource department for review/processing; this was done as it relates to the donation requested by

⁷⁰ Memorandum dated March 29, 2017, from Mr. Floyd Grindley, former General Manager, to the Board of Directors, Petrojam Limited.



the Camperdown High School. Thereafter, the Public Relations Officer would carry out the necessary due diligence and provide a recommendation to my office for endorsement and subsequent final approval of the Board.”⁷¹

In relation to whether he was directed or influenced to make any decisions in respect of the referenced donation, Mr. Grindley stated, *inter alia*, that:

“I received an email from the then Minister (Dr. the Hon. Andrew Wheatly (sic)) and a follow up telephone discussion with the Chairman (Perceval Bahado-Singh) to action the request in said email.”⁷² (DI Emphasis)

By way of a requisition dated October 2, 2019, the DI sought to ascertain the veracity of the foregoing representations which were made by Mr. Grindley as well as Dr. Wheatley’s involvement, if any, in the referenced donation. By way of his response dated October 18, 2019, Dr. Andrew Wheatley, MP, indicated, *inter alia*, the following:

“...I do not recall personally emailing Mr. Grindley. If such an email did come from my office, it was for the sole purpose of bringing it to the attention of the board for it to treat with it in accordance with their normal procedures. I do not recall personally sending any such email as such cannot provide any date.”⁷³

⁷¹ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 19a.

⁷² Ibid, Response 19c.

⁷³ Response dated October 18, 2019 which was addressed to the DI by Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology. Response 3.



Request for the Donation to be made Payable to a Third Party

In a letter dated May 1, 2017, Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal, wrote to Petrojam Limited requesting, *inter alia*, the following:

“Dear **[REPRESENTATIVE]**,

As it relates to the \$6,000,000.00 allocation to Camperdown High School sporting programme, please be advised that the contract that will be used for the construction of a well and perimeter wall at the School’s sporting complex is; Mr. Junior Leslie of Alcar Construction & Haulage Company Limited.

...⁷⁴

The DI observed the following hand-written notations which were made on the letters as follows:

“**[REPRESENTATIVE]**,

Please make cheque payable per this communication”⁷⁵

Further, it was observed that the cheque which was dated “04.07.2017” was made payable to the Camperdown High School in the amount of J\$6,000,000.00.

As it relates to the request for the cheque in the amount of J\$6,000,000.00 to be made payable to Alcar Construction & Haulage Limited, Mr. Phillip Paulwell, made the following representations by way of his response on March 4, 2019 to the DI’s Requisition dated February 26, 2019:

*“...I am aware about a telephone conversation with my Assistant Ms. Ayesha Dobson, and **[REPRESENTATIVE]**. Ms. Dobson*

⁷⁴ Letter dated May 1, 2017, from Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal to Petrojam Limited.

⁷⁵ Ibid.



reported to me that on May 1, 2017 a telephone call was received by her from [REPRESENTATIVE] requesting that I send a letter to her attention naming a contractor who would do the works. I did a letter dated May 1, 2017 naming Mr. Junior Leslie of Alcar Construction and Haulage Company Limited ... There was no response to my letter. However, by August 23, 2017 my Assistant, Ms. Dobson was called to collect the Cheque from Petrojam Limited. It was made payable to Camperdown High School.”⁷⁶

By way of a requisition which was dated February 27, 2019, the DI sought to ascertain whether Alcar Construction & Haulage Company Limited was awarded a contract for the construction of a well and perimeter wall at the Camperdown High School’s Sporting Complex. In response to the DI’s requisition, Mr. Junior Leslie, Director, Alcar Construction & Haulage Company Limited, responded, *inter alia*, as follows:

“Alcar Construction & Haulage Company Limited was not awarded a contract by Camperdown High School to construct a well and perimeter wall.”⁷⁷

Verification of the Receipt of Donation

The Petrojam Limited donation in the amount of J\$6,000,000.00, which was made payable to the Camperdown High School was received by the school in August 23, 2017. Mr. Valentine Bailey, Principal, Camperdown High School, stated, *inter alia*, the following in relation to the donation:

“ ... Camperdown High received a donation of \$6,000,000.00 from the Member of Parliament, the Hon. Phillip Paulwell ...

⁷⁶ Requisition response of Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal, dated March 4, 2019. Response 1

⁷⁷ Requisition response of Mr. Mr. Junior Leslie, Director, Alcar Construction & Haulage Company Limited, dated March 5, 2019. Response 1



... The donation was received by Valentine Bailey, Principal and Anthony Garwood, Vice Principal

... The donation was received on **August 23, 2017**

... The total donation was \$6,000,000”⁷⁸

As it relates to the upgrading of the facility, Mr. Bailey was asked, *inter alia*, the following questions:

“4. On the premise that the cheque was received on behalf of the Camperdown High School, please indicate whether it was utilised for the “upgrading of the facility to a Mini Stadium ...to include a well for irrigation , running track, rest rooms and a small stand to accommodate spectators”, as intended. In the event that your response is in the affirmative, kindly indicate (a) the name and full particulars of the Contractor utilised for the performance of the works and services (b) the total cost of the construction and/or services rendered (c) the date on which the construction was completed and/or services rendered.”

In his response, Mr. Bailey stated, *inter alia*, the following:

“The cheque was received on behalf of Camperdown High, monies have been used to do the following:

- a. Contract and complete a surveyor’s report ...
- b. Contract and complete architectural drawings of the possible sports complex ...

⁷⁸ Requisition response of Mr. Valentine Bailey, Principal, Camperdown High School, dated March 4, 2019.
Response 3



There has been no construction with this donation as the donation was not enough to start any construction on the property, in addition, items (a) and (b) above would have to be completed first before any thought of construction could be undertaken. We are still awaiting the final architectural drawing.”⁷⁹ (DI Emphasis)

Mr. Phillip Paulwell further provided the following representations in relation to the utilization of the donation which was made to the Camperdown High School by Petrojam Limited;

“... only a portion of the donated funds has been spent to date. On receipt of the donation, the Camperdown High School placed it on an interest bearing account at the National Commercial Bank and has only spent on Surveying and Architectural services totaling one million seven hundred and fifty six thousand Jamaican dollars (\$1,756,000.00). The balance, as far as I am aware, is still unspent and held on the said account.”⁸⁰(DI Emphasis)

Additionally, Mr. Paulwell stated the following:

“...Please note that the school had subsequently taken the decision, which I agreed with, to use some of the proceeds to settle invoices for a surveyor’s report and Architectural drawings.” (DI Emphasis)

...⁸¹

⁷⁹ Requisition response of Mr. Valentine Bailey, Principal, Camperdown High School, dated March 4, 2019. Response 4.

⁸⁰ Requisition response of Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal, dated March 4, 2019. Response 3

⁸¹ Requisition response of Mr. Phillip Paulwell, Member of Parliament, Kingston East & Port Royal, dated March 4, 2019. Response 1



The following table illustrates the manner in which the J\$6,000,000.00 was apportioned as provided by Mr. Paulwell in his response to the DI:

“Income and Expenditure Summary

<i>Date</i>	<i>Detail</i>	<i>\$</i>	<i>\$</i>
	<i>Income</i>		
<i>August 23, 2017</i>	<i>Donation in Cheque received from MP – Hon. P. Paulwell</i>		<u><i>6,000,000</i></u>
<i>September 6, 2017</i>	<i>Deposited to NCB Capital Market</i>		<i>6,000,000</i>
<i>October 1, 2018</i>	<i>Withdrawal from NCB Capital Market</i>	<u><i>2,000,000</i></u>	
<i>October 1, 2018</i>	<i>Balance at NCB Capital Market</i>		<i>4,000,000</i>
	<i>Expenditure</i>		
<i>October 5, 2018</i>	<i>Payment for Surveyor’s Report</i>	<i>256,000</i>	
<i>March 7, 2018</i>	<i>Payment to Architect for drawings for drawings (1st payment)</i>	<i>750,000</i>	
<i>May 31, 2018</i>	<i>Balance payable to architect for drawings</i>	<i>750,000</i>	
	<i>Closing balance remaining from withdrawal of (\$2,000,000)</i>	<u><i>244,000</i></u>	
	<i>Closing balance remaining at NCB Capital Market from Donation</i>		<u><i>4,000,000</i></u>

Having regard to the *Income and Expenditure Summary* provided by Mr. Paulwell, the DI notes that evidence of a bank statement to confirm the current balance was not provided. A copy of payment records in relation to the Surveyor’s Report and Architectural drawings were, however, submitted by Mr. Paulwell in support of his response.

Scientific Research Council

The Scientific Research Council (SRC) received a donation in the amount of J\$7,560,000.00 in sponsorship toward the ‘SRC/Petrojam Capacity Building Initiative’ in support of Data



Analyses, Reporting and Data Quality. The cheque, which was made payable to the Scientific Research Council, by Petrojam Limited was dated January 19, 2018.

The DI's review of Petrojam Limited's donation files for 2018 revealed no evidence that a request was received from the Scientific Research Council by Petrojam Limited concerning the donation. Dr. Cliff Riley, Executive Director, Scientific Research Council, indicated in his response dated March 5, 2019, to the DI, stated, *inter alia*, the following:

*“I am aware of the request made to Petrojam Ltd dated for funding support to undertake a joint training programme entitled “Capacity Building to Support Data Analyses, Reporting and Data Quality”. **The request dated January 8, 2018 was made following discussions held with then Managing Director Mr. Floyd Grindley on June 16, 2017** ... During the discussions I indicated some of the challenges the SRC was facing with data quality and experimental designs and the negative impact it was having on the reputation of the Council and the need for capacity building of SRC Researchers to ensure that high quality data is generated and communicated within the scientific and public domains. **He then indicated that a formal request in the form of a proposal could be submitted to Petrojam Ltd. for funding consideration.** Subsequent to this both myself and the Manager for Research and Development at the SRC, Dr. Charah Watson developed the proposal which was submitted to Petrojam Ltd. for funding followed by submission of the official signed proposal on January 12, 2018.”⁸²*

Dr. Cliff Riley provided a copy of the email of January 12, 2018, and the January 8, 2018, signed proposal concerning the capacity building to support data analyses, reporting and data quality, as

⁸² Requisition response of Dr. Cliff Riley, Executive Director, Scientific Research Council, dated March 5, 2019. Response 2a.



stated in his response. An extract of the proposal which was provided to the DI is represented hereunder:

“Capacity Building to Support Data Analyses, Reporting and Data Quality

PURPOSE

To support the development of human capacity in the areas of data analyses and interpretation to improve quality, reliability and accuracy of data and analysis produced by the SRC and Petrojam Jamaica Limited internal resources.

...

ESTIMATED BUDGET

<i>Activity</i>	<i>Cost \$US</i>		<i>Total Cost (USD)</i>
	<i>2018/2018 (4th quarter)</i>	<i>2018/2019 (1st quarter)</i>	
<i>Capacity building in Bioprocessing and Biotech (1 SRC staff)</i>	13,000	-	13,000
<i>Practical training sessions for 6 staff</i>	40,000		40,000
<i>Train the trainer Programme (15 staff agency)</i>	-	5,000	5,000
<i>Miscellaneous</i>			2,000
<i>Total</i>			60,000

...

Prepared and submitted by the Scientific Research Council

*January 8, 2018*⁸³

⁸³ Document titled “Capacity Building Support Analyses, Reporting and Data Quality” dated January 8, 2018.



The Approval Process

By way of an undated document, Petrojam Limited sought the approval of the Board in relation to the request which was made by the Scientific Research Council for a donation. The document was signed by Mr. Floyd Grindley, former General Manager, Petrojam Limited, and stated, *inter alia*, the following:

“BACKGROUND

SRC/Petrojam

Data, Analyses, Reporting and Data Quality Capacity Building Initiative:

...

Petrojam Limited has been approached by the Scientific Research Council (SRC) to collaborate in implementing a human capacity development program that supports data analyses, interpretation and reporting in bioprocessing and statistics at the SRC and Management and Board reporting at Petrojam Limited.

...

The following activities are proposed:

1. Request for Petrojam Limited to provide Graduate scholarship support for one SRC-employed employee In Biotechnology and Bio-processing. This employee will be upgraded to the post of Research Scientist to lead nutraceutical development and bioprocessing activities at the SRC.



2. *Provision of funds to support the training of six (6) employees each from Petrojam Limited and the Scientific Research Council in Data Analyses and Interpretation over twelve (12) weeks.*

3. *Provision of funds for a Train the Trainer Programme in Research and Development and Data Analyses for thirty six (36) employees from Petrojam Limited and the SRC.*

This initiative aims to achieve the following outcomes:

1. *Increased competence of SRC and Petrojam employees in gathering and analyzing and reporting scientific data*

2. *Increased talent pool in bioprocessing and biotechnology to support the local nutraceutical and biotechnology industries*

3. *Increased data confidence and quality from local partners*

...

*Approval is being sought from the Board of Directors to contribute sixty thousand United States dollars (US\$60,000.00) or the Jamaican equivalent of seven million five hundred and sixty Jamaica dollars (J\$7,560,000.00) for Implementation of the **SRC/Petrojam Data, Analyses, Reporting and Data Quality Capacity Building Initiative.***⁸⁴

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Ms. Yolande Ramharrack, Human Resource Development and Administration Manager on January 18, 2018, and endorsed by Mr. Floyd Grindley, former General Manager on the same date.

⁸⁴ Document requesting Board Approval for donation to be made to the Scientific Research Council which was sequestered by the IC.



The HR Social Sub-Committee, under the signature of Mr. Harold Malcolm endorsed the donation on January 18, 2018, while the Chairman, Mr. Perceval Bahado-Singh approved the donation on January 19, 2018.

By way of a letter dated February 19, 2018, Mr. Floyd Grindley, former General Manager, Petrojam Limited, informed Dr. Cliff Riley, General Manager, Scientific Research Council, that the referenced donation was approved. The following, *inter alia*, was stated:

“RE: Approval of Human Capacity Project

Your proposed program aimed at strengthening human capacity in Data processing, analyses and reporting was received and reviewed by my team. We are happy to inform you that the proposal received positive feedback and as such was approved for implementation within the stipulated time line.

We also note the inclusion of members of the Petrojam team in the capacity building activities and trust that the selected staff to be trained as proposed will impact positively on our operations. As we move forward with the project we kindly request that the curriculum to be implemented be shared with my team and a full report provided to the Petrojam Limited upon completion of the project.”⁸⁵(DI Emphasis)

Mr. Floyd Grindley, the then General Manager, Petrojam Limited, by way of a response dated July 23, 2019, stated, *inter alia*, the following in relation to the donation in the amount of US\$60,000.00 which was made by Petrojam Limited to the Scientific Research Council:

“I recall in 2018 that Petrojam did in fact donate to SRC, however, I am not in possession of my records

⁸⁵ Letter dated February 19, 2018, from Mr. Floyd Grindley, former General Manager, Petrojam Limited to Dr. Cliff Riley, General Manager, Scientific Research Council.



to provide a fulsome response. However, **I do recall this was yet another donation whereby, I operated under the then Chairman's instruction.** The rationale given to me, which I considered credible was that it was in keeping with the Mission Statement of the Scientific Research Council ... This was consistent with Petrojam's mandate of a comprehensive national energy policy that would diversity (sic) our energy sector, introduce steps to move to green energy and to create a stable and sustainable energy sector.

...

While I had conversation with the Chairman, this was not unusual as we discussed a variety of matters as they relate to the Company including creating and maintain a strong image as a good corporate citizen while simultaneously promoting the government's energy policy including alternative energy solutions.”⁸⁶ (DI Emphasis)

Verification of the Receipt of Donation

Dr. Cliff Riley, Executive Director, Scientific Research Council by way of his response of March 5, 2019, to the DI's Requisition, stated, *inter alia*, the following in relation to the receipt and utilisation of the J\$7,560,000.00 which was donated by Petrojam Limited:

⁸⁶ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 23.



“The grant amount of JA\$ 7,560,000.00 was received between January 22-23, 2018 in the form of a cheque made out the Scientific Research Council. The cheque was collected by one of the Council’s bearers/drivers and stored in the Council’s vault/safe until lodged to the SRC’s official Projects account on February 23, 2018.”⁸⁷

Evidence of the deposit of the referenced cheque was submitted by Dr. Riley in support of his aforementioned response. It was further submitted that:

“The grant funds received by the SRC was utilized for the implementation of the project entitled “Capacity Building to Support Data Analyses, Reporting and Data Quality”. The graduate training component in Bioprocessing and Biotechnology was executed by the University of Warrick, UK in the amount of JA\$ 1,581,940.00 (only tuition fee supported for staff). The staff identified for the graduate training component completed the programme in August 2018 and resumed duties at the SRC on September 18, 2018.

*The training of eight (8) technical experts in Basic and Intermediate Statistics was executed by Holeam Petroleum Limited ... Only JA\$ 2,500,000.00 was paid to the entity as only the Basic training was executed due to the unavailability of key participants (following delays in identifying the trainees) who had to travel for Research Fellowships and other work-related commitments overseas. **The unexpended funds from the grant now stands at***

⁸⁷ Requisition response of Dr. Cliff Riley, Executive Director, Scientific Research Council, dated March 4, 2019. Response No3.



JAS 3,378,060.00 which resides in the SRC's Sagcor Bank Project account.

Basic training (60 hours) was completed on May 29, 2018 and interim progress report submitted to Petrojam's then Managing Director on June 15, 2018 and updated letter on June 25, 2018. We are awaiting confirmation from Petrojam on how to proceed with the intermediate level training (the trainers were duly notified).

...

*The "train the trainer" component will commence after the full 120 contact hours is completed pending approval from the funding agency (Petrojam). **Kindly note that phase 2 (training of experts) and 3 (train-the-trainer) of the project are on hold and all remaining funds are held in the SRC's official project account.**"⁸⁸ (DI Emphasis)*

The following document was submitted by Dr. Riley in support of his representation in relation to the balance remaining of the referenced donation.

⁸⁸ Requisition response of Dr. Cliff Riley, Executive Director, Scientific Research Council, dated March 4, 2019.



Project Name : Capacity Building Project Petrojam /SRC

Trx Date	Source Doc	Audit Code	Reference	Currency ID	Debit	Credit
					\$	\$
23-02-18	200,320	SJ	GLTRX00029674	Data analysis training		7,560,000.00
28-02-18	200,323	PMTRX	GLTRX00029683	assistance tuition- S.Higgins	1,581,940.00	
10-04-18	202,173	PMTRX	GLTRX00030202	50% Dep.-Staff Training	2,500,000.00	
12-06-18	203,874	PMTRX	GLTRX00030667	Catering for training session	100,000.00	
					<u>4,181,940.00</u>	<u>7,560,000.00</u>
				Balance on a/c		<u><u>3,378,060.00</u></u>

University Diabetes Outreach Programme

The University Diabetes Outreach Programme received the amount of US\$40,000.00 from Petrojam Limited as a contribution toward the University Diabetes Outreach Programme 24th Annual International Diabetes Conference. The cheque which was made payable to the University Diabetes Outreach Programme was dated “03/23/ 2018”.

The DI’s review of Petrojam Limited’s donation files for 2018 revealed no evidence that a request was received from the University Diabetes Outreach Programme by Petrojam Limited concerning the donation.

Professor the Hon. Errol Morrison, Chair, Organizing Committee, University Diabetes Outreach Programme, in his response of March 5, 2019 to the DI’s Requisition provided a copy of a letter, which was addressed to Dr. Perceval Bahado-Singh. The letter stated, *inter alia*, the following:

“Re: UDOP 24th Annual Diabetes Conference, April 26 — 28, 2018

The University Diabetes Outreach Programme (UDOP) will host its 24th Annual International Diabetes Conference on April 26-28, 2018 on the theme "Diabetes complications: How are we managing?".



We invite Petrojam to come on board and join us as one of our major sponsors for this conference. Petrojam could also look at the possibility of taking an advertisement space in the conference book. Attached is a copy of the sponsorship rate sheet of which you can indicate your level of sponsorship.

...⁸⁹

The DI notes the following hand-written notation which was inscribed on the referenced letter:

“Dear Mr. Grindley, I greet you well.

...

On this basis, as Chairman of Petrojam I strongly support Petrojam’s sponsorship of UDOP 2018; & for years to come....

Sincerely

Dr. Perceval Bahado-Singh...

February 26, 2018”

⁸⁹ Letter dated February 1, 2018, which was addressed to Dr. Perceval Bahado-Singh by Prof. the Hon. Errol Morrison and which was submitted to the DI by way of Prof. Morrison’s response of March 5, 2019.



The Approval Process

By way of a memorandum dated March 1, 2018, from Mr. Floyd Grindley, former General Manager, Petrojam Limited, which was addressed to the Board of Directors, Petrojam Limited, Mr. Grindley provided the following rationale and request in support of the twenty-fourth annual University Diabetes Outreach Programme:

“RATIONALE

Benefits of sponsoring the Twenty-fourth (24th) Annual University Diabetes Conference:

- *Benefit all Jamaicans as the company augments efforts of the UDOP to increase awareness of health professionals about programmes to prevent, manage and cure diabetes.*
- *This initiative supports one of the core focus areas of Petrojam's Corporate Social Responsibility programme — health. This sponsorship will assist in enhancing the organization's image as a major contributor to healthcare in Jamaica.*
- *Partner with UDOP to heighten Petrojam's brand as a company committed to national development in areas such as healthcare, education and community development.*
- *Increase awareness and visibility of the Petrojam brand based on the branding entitlements that the platinum sponsorship category provides.*

PETROJAM REQUEST

In light of the aforementioned, a proposal is being made to contribute Forty Thousand US Dollars (US\$40,000.00) or the



Jamaican equivalent as Platinum Sponsors of the UDOP International Diabetes (24th) conference.”⁹⁰

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Mrs. Yolande Ramharrack, Human Resource Development and Administration Manager, “2/3/2018”. The submission was endorsed by Mr. Floyd Grindley, former General Manager on the same date. The HR Social Sub-Committee section was left blank, while the Chairman, Mr. Perceval Bahado-Singh approved the donation on March 13, 2018.

The DI notes that by way of an email dated March 13, 2018, which was sent by Mr. Harold Malcolm, Director, Petrojam Limited, to Mr. Floyd Grindley and Dr. Perceval Bahado-Singh, and which bore the caption “*UDOP Board Submission*” the following was stated:

“Dear Chairman,

Please accept my approval⁹¹ (DI Emphasis)

Verification of the Receipt of Donation

The DI, by way of a requisition dated February 26, 2019, which was sent to Prof. the Hon. Errol Morrison, University Diabetes Outreach Programme, sought to ascertain, *inter alia*, the following in relation to the receipt and utilization of the funds disbursed by Petrojam Limited. Prof. the Hon. Errol Morrison in his response which was dated March 5, 2019, stated, *inter alia*, the following:

“a) US\$40,300 was received on March 28, 2018

...

⁹⁰ Memorandum from Mr. Floyd Grindley, former General Manager, Petrojam Limited to the Board of Directors, Petrojam Limited, dated March 1, 2018.

⁹¹ Email from Mr. Harold Malcolm, Director, Petrojam Limited, to Mr. Floyd Grindley, former General Manager, Petrojam Limited and Dr. Perceval Bahado-Singh, Chairman, dated March 13, 2018.



b) Donations are picked up by bearer who would take the cheque(s) directly to the bank

c) See copy of ... cheque stub for US\$40,000”⁹²

Professor the Hon. Errol Morrison also provided a copy of the cheque which was made payable to the entity in the amount of US\$40,000.00, copy of the Conference Booklet which was prepared in relation to the Conference and the following details pertaining to the cost of the Conference:

March 4, 2019

UDOP CONFERENCE EXPENDITURE FOR 2018

DESCRIPTION	JS	US\$	CAD
Staff Honorariums	\$1,139,000.00		
Media Advertisements	\$736,926.92		
Logistics & Promotion	\$844,513.11	\$195.00	\$2000.00
Hotel		\$42,784.00	
TOTAL	JS2,720,440.03	US\$42,979.00	CAD2000.00

The DI notes that documentary evidence to corroborate the amounts reflected in the above represented expenditure were not provided by Professor the Hon. Errol Morrison.

JAAA International

A disbursement voucher in the amount of J\$5,000,000.00 was prepared by Petrojam Limited in relation to the donation which was made to the Jamaica Athletic Administration Association (JAAA). The following notation was made on the voucher:

⁹² Requisition response of the Hon Errol Morrison, University Diabetes Outreach Programme, dated March 1, 2019.



“Final payment in the three year sponsorship agreement between Petrojam and the JAAA for the staging of the Jamaica International Invitational.”⁹³

By way of a letter dated March 23, 2015, which was addressed to Mr. Howard Mollison, former General Manager, Petrojam Limited and which was signed by Dr. Warren Blake, Chairman, JIIM and President, JAAA, Mr. Donald Quarrie, Meet Director, JIIM and Mr. Ludlow Watts, Organising Committee JIIM and Treasurer JAAA, the following was stated:

“ ...

We are inviting PETROJAM Ltd to continue its partnership in the staging of the Jamaica International Invitation Track Meet (JIIM) scheduled for May 9, 2015.

...

As partners in supporting Jamaica’s track and field programme, we believe that the major events scheduled over the next three years will provide even greater returns on your investment, through increased brand awareness and exposure on the local and international stages.

...⁹⁴

The Approval Process

By way of a memorandum dated April 23, 2015, the then General Manager, Mr. Howard Mollison, wrote to the Board requesting that the proposal be accepted in the amount of J\$15,000,000.00, which was to be donated over a three (3) year period.

⁹³ Petrojam Limited Disbursement Voucher dated March 30, 2017.

⁹⁴ Letter dated March 23, 2015, which was addressed to Mr. Howard Mollison, former President, Petrojam Limited. And signed by Dr. Warren Blake Chairman JIIM, President JAAA, et al.,



The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Mrs. Roselee Scott- Heron, former Human Resource Development and Administration Manager, and was endorsed/approved, on April 27, 2015, by Mr. Howard Mollison, then General Manager and Mr. Erwin Jones, then Chairman, Board of Directors.

Verification of the Receipt of Donation

The DI by way of a requisition to the Jamaica Athletic Administration Association on April 17, 2019, sought to ascertain, *inter alia*, whether the entity was in receipt of sums which were donated and whether same was utilised for the intended purpose. Mr. Warren Blake, President, JAAA, in his response dated May 22, 2019, stated, *inter alia*, the following:

“ ... The meet has been the recipient of sponsorship from Petrojam since around 2012 in the form of an annual amount of \$5,000,000.00

... Petrojam was only one of several governmental entities to lend support to the meet.

... this has been ongoing since 2012. Request are usually made at the end of the year proceeding the meet, which normally takes place on the first Saturday in May.

...

The meet organizing committee authorized the request and the letters were under the signatures of the chairman Dr. Warren Blake and the Deputy Chairman Mr. Ludlow Watts.



All payment of this sponsorship was made by direct deposit to the bank account of the international meet.”⁹⁵

The DI notes, however, that the 2018 Petrojam Limited, Donations Audit Review, stated, *inter alia*, the following in relation to the referenced donation:

“... Table 1 shows transaction with no method of payment (Cheque or wire transfer)

<i>G/L</i>	<i>Documents #</i>	<i>Text</i>	<i>Doc. Date</i>	<i>Amount</i>
658309	5000065500	Final Pymt-Jaaa International Invitation 30.03.17	30/03/2017	5,000,000.00

”⁹⁶

Social Development Commission

The DI observed by way an unsigned letter dated April 12, 2017, which was addressed to Mr. Floyd Grindley, former General Manager, Petrojam Limited by Dr. Dwayne Vernon, Executive Director, Social Development Commission, that the following, *inter alia*, was stated

“The Social Development Commission wished to register its thanks for the contribution made to the National Community Netball Competition by PETROJAM Limited since the inception in 2013. As we enter this year’s competition we do so with the confidence that the objectives of the competition as outlined in the attached proposal have been consistently met during this period.

...We hope that our proposal will once again find favour with your Board so that together as partners, we can continue in the nurturing of our young ladies. ...”⁹⁷

⁹⁵ Response dated May 22, 2019 which was addressed to the DI from Mr. Warren Blake, President, JAAA. Responses 4-5.

⁹⁶ 2018, Petrojam Limited, Donations Audit Review.

⁹⁷ Letter dated April 12, 2017, from Dr. Dwayne Vernon, Social Development Commission, to Mr. Floyd Grindley, Former General Manager, Petrojam Limited.



The Approval Process

By way of a memorandum dated June 19, 2017, Mr. Floyd Grindley, former General Manager, Petrojam Limited, wrote to the Board of Directors, stating, *inter alia*, the following:

“Why Sponsor this Initiative?”

- *The competition has had tremendous impact over the years, and this year it is expected to reach 480 teams consisting of twelve (12) players – a total of 5,760 individuals, and an additional one thousand one hundred and forty (1,140) team administrators.*

...

- *This initiative supports one of the core focus areas of the organization’s Corporate Social Responsibility programme which is sports development.*

A total of Five Million Dollars (\$5,000,000) has been budgeted for this activity.

PETROJAM REQUEST

In light of the aforementioned, a proposal is being made to donate Five Million (J\$5,000,000.00) towards this initiative.⁹⁸(DI Emphasis)

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared for Yolande Ramharrack, Human Resource Manager on “21/6/17”, and endorsed by Mr. Floyd Grindley, General Manager, on even date. Mr. Harold Malcolm provided his endorsement on behalf of the HR Social Sub-Committee on “22/6/17”. No approval was seen in relation to the Chairman Board of Directors.

⁹⁸ Memorandum dated June 19, 2017, from Mr. Floyd Grindley, Former General Manager, Petrojam Limited to Board of Directors, Petrojam Limited.



The DI, however, observed that by way of email dated June 26, 2017, Dr. Perceval Bahado-Singh provided his approval. The following was stated:

“Dear Floyd,

Please see attached approval for the contribution to 2017 SDC netball competition.

High PR coverage on Petrojam’s impact on sports and other areas of social responsibility is necessary.

Regards,

Perceval”⁹⁹

Verification of the Receipt of Donation

The DI by way of a requisition to the Social Development Commission dated April 9, 2019, sought to ascertain, *inter alia*, whether the entity was in receipt of sums which were donated and whether same was utilized for the intended purpose. Dr. Dwayne Vernon, Executive Director, Social Development Commission, in his response dated April 17, 2019, stated, *inter alia*, the following:

“ ...

2b: Petrojam was approached to be one of the sponsors for the competition

2c: The sponsorship request letter is dated April 12, 2017...

2d: The request was made by way of letter to Mr. Floyd Grindley

...

⁹⁹ Email from Dr. Perceval Bahado-Singh, Chairman, Board of Directors, Petrojam Limited, to Mr. Floyd Grindley, former General Manager, Petrojam Limited.



5c: With regard to the \$5,000,000, the netball programme was implemented during the months of July and August 2017.”¹⁰⁰

In support of his claim that the \$5,000,000.00 was received by the entity from Petrojam Ltd., Dr. Dwayne Vernon attached a Social Development Commission receipt dated July 6, 2017, which was written to Petrojam Ltd. for the amount of \$5,000,000.00. Additionally, Dr. Vernon included a copy of a Bank of Nova Scotia general deposit transaction, attached hereto as Appendix 1, detailing a \$5,000,000.00 deposit which was made payable to a Social Development Commission account on July 6, 2017.

Further, Dr. Dwayne Vernon provided a table entitled “*Social Development Commission Sports for Community Detailed Program Report 2017/2018 as at March 31, 2018*”, attached hereto as Appendix 2, which detailed the total budget at \$6,000,000.00 while the total expenses amounted to \$5,837,209.00.

The DI notes, however, that the 2018 Petrojam Limited, Donations Audit Review, stated, *inter alia*, the following in relation to the referenced donation:

“... **Table 1 shows transaction with no method of payment (Cheque or wire transfer)**”

<i>G/L</i>	<i>Documents #</i>	<i>Text</i>	<i>Doc. Date</i>	<i>Amount</i>
...				
658309	5000066843	Sponsorship 2017 PJam Sdc Netball Comp. 26.6.17	26/06/2017	5,000,000.00
...				

”¹⁰¹

Amateur Swimming Association of Jamaica

Documentation provided by Petrojam Limited revealed that the Amateur Swimming Association of Jamaica (ASAJ) was the recipient of \$J4,000,000.00 as a contribution toward Jamaica’s swim

¹⁰⁰ Response dated April 17, 2019 which was addressed to Mr. David Grey, Director of Investigation, Integrity Commission from Dr. Dwayne Vernon, Executive Director, SDC. Responses 2-5.

¹⁰¹ 2018, Petrojam Limited, Donations Audit Review



team participation in the Central American and Caribbean Swimming Championships. The DI has, however, not seen any evidence of a disbursement by Petrojam Limited in the said amount.

By way of a letter dated June 1, 2017, addressed to [REPRESENTATIVE] from Ms. Tasty Blackman, 2017 CCCAN Swim Team Manager, the following, *inter alia*, was stated:

“ ...

XXX Central American and Caribbean Swimming Championships – Trinidad & Tobago

The Amateur Swimming Association of Jamaica (ASAJ) is inviting Petrojam Ltd. to sponsor the National Swim Team to attend the upcoming XXX Central American and Caribbean Swimming Championships (CCCAN) and to assist with defraying some of the outstanding expenses associated with the recently concluded CARIFTA Swimming Championships which was held in Bahamas last Easter. Earlier this year, we sought sponsorship from your organization to support the 2017 National Age Group CARIFTA Swim Team however; it appears that more time was needed for Petrojam to process this request to meet the Championship timeline.

...

The cost of sending the team of twenty swimmers and three officials to the CCCAN is \$4.960 million. This figure includes the cost of airfare, ground transportation, accommodation, meals, swim gear, nutritional support, medical fees and other incidentals. We have attached a budget which outlines these costs.



We are prepared to offer Petrojam tangible public relations and branding opportunities in exchange for your sponsorship of the National Age Group Swim Team. Some of these benefits include public recognition in all media activities, branding of gear for the CCCAN Championship and branding some areas of the National Aquatic Centre. We are also open to any suggestions that you think will enhance this partnership.

Should you require further information, please do not hesitate to contact the CCCAN Swim Team Manager, Ms. Tasty Blackman
... „¹⁰²

A copy of document labelled “budget-2017 Central American and Caribbean Swimming Championship CCAN T&T June 28 – July 2 2017” was attached to the above referenced letter and is attached at Appendix 3 of this report.

The Approval process

By way of email dated April 7, 2017 which was sent by Mr. Harold Malcom to Mr. Floyd Grindley and which was copied to Dr. Perceval Bahado-Singh, Mr. Malcom provided his approval. The following was stated:

Please accept this email as confirmation of my approval. I will sign the documents when I visit the office on Monday.

Harold

... „¹⁰³(DI Emphasis)

¹⁰²Letter dated June 1, 2017, addressed to [REPRESENTATIVE] from Ms. Ms. Tasty Blackman, 2017, CCCAN Swim Team Manager

¹⁰³ Email correspondence between Mr. Floyd Grindley, Mr. Harold Malcolm and Dr. Perceval Bahado-Singh



The 'Round Robin Resolution', which was prepared and which included the approval for the referenced donation was dated April 6, 2017.

The 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one 'Maria A Colmen Ares' signed on behalf of PDV Caribe S.A.

Another 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

Verification of the Receipt of Donation

Mr. Handel Lamey, Senior Supervisor General Services, Petrojam Limited was the President of the Amateur Swimming Association of Jamaica at the principal time in which the request for the donation to the Amateur Swimming Association of Jamaica was made to Petrojam Limited. In this regard, The DI by way of a requisition of March 5, 2019, posed the following, *inter alia*, questions:

"...Please provide full particulars of your involvement with the Jamaica Amateur Swimming Association (JASA). Your response should include:

(a) All title(s) and post(s) which you have occupied at the JASA;

(b) The specific role(s) and functions performed in respect of each post and/or title; and

(c) The date on which you commenced each post and the tenure as it relates to any vacated post(s).

...Kindly indicate whether you are aware of a request which was made to the JASA by Petrojam Ltd. for assistance in the amount of \$4,000,000.00 as a contribution to Jamaica's swim team's



participation in the Central American and Caribbean Swimming Championships. In the event that your response is in the affirmative please provide:

(a) The details of your knowledge of the request(s) which was/were made of Petrojam Ltd.

(b) The basis upon which the request(s) was/were made;

(c) The date(s) on which the request(s) was/were made;

(d) The medium through which the request(s) was/were communicated to Petrojam Ltd;

(e) The name(s) and title(s) of the officer(s) at Petrojam Ltd. with whom discussions and/or meetings were held concerning the referenced donation(s);

(f) The name(s) and title(s) of the person(s) at the JASA who made and authorised the request(s) to Petrojam Ltd; and

... „104

In response to the above questions Mr. Handel Lamey stated the following:

“...a) The title and post that I occupied at the JASA from December 9th 2015 to December 2018 was president, I was elected as president of the ASAJ council on December 8th 2015.

¹⁰⁴ Requisition to Mr. Handel Lamey, Former President, Amateur Swimming Association of Jamaica, dated March 5, 2019. Questions Nos.1 and 2.



b) *The job Description of the President was not available at the time of request; however this can be made available when this is obtained.*

c) *The date when I officially commenced in the post was 2nd January 2016; the tenure in the post was for a period of two years.*

... *Yes, I am aware of the request ... that was made to Petrojam by the JASA for assistance to the Jamaica's swim team to Central American and Caribbean Swimming Championship for 2017. The amount request from Petrojam as sponsorship for the swim team to the championship was based on a budget of (JA \$4.960 million).*

a) *I was copied on the correspondence to Petrojam requesting the sponsorship.*

b) *A budget for this event was developed based on the team composition and expenses, the JASA then sought to obtain corporate sponsorships from our corporate and other sponsors to offset this cost.*

c) **The initial request was made on May 9th 2017 and a second request made on June 1st 2017.**

d) **This requests were emailed to Petrojam to the attention of [REPRESENTATIVE].**

e) *The name and title of the office within Petrojam that discussions were had is [REPRESENTATIVE].*



f) *The names of the persons at the JASA who made and authorized the request to Petro are as follows;*

- ***The President (Handel Lamey) would have authorized the request on behalf of the JASA council based on the budget ... the request was made by Mrs Tastey Blackman the chairperson of the Marketing Committee.***¹⁰⁵ (DI Emphasis)

Mr. Handel Lamey further stated that:

“The JASA received the donation of JA \$4,000,000.00 from Petrojam Ltd on June 26th 2017, the symbolic check was presented at the airport on (June 27, 2017) the day of the swim team departure to the Central American and Caribbean Swimming Championship for 2017.

...The symbolic cheque was received on behalf of the JASA by Mrs Tastey Blackman.

...The actual donation was received in the JASA account via electronic deposit, I am not aware of the exact date that the deposit was made or the date that it was reflected in the ASAJ account.

...The total amount that was received was four million Jamaican dollars (JA\$4,000,000.00).

... the purpose of the donation from Petrojam was to defray cost associated with sending the teams (Swimming and synchronized

¹⁰⁵ Requisition response of Mr. Handel Lamey, Former President, Amateur Swimming Association of Jamaica. Responses Nos. 1 and 2 .



team) to the Central American and Caribbean Swimming Championship for 2017.”¹⁰⁶

The DI is unable to independently verify whether the donation to the Amateur Swimming Association was disbursed due to the absence of documentation in support of same. Additionally, the 2018 Petrojam Limited, Donations Audit Review document detailed, *inter alia*, the following in relation to the referenced donation:

“... **Table 1 shows transaction with no method of payment (Cheque or wire transfer)**

<i>G/L</i>	<i>Documents #</i>	<i>Text</i>	<i>Doc. Date</i>	<i>Amount</i>
...				
658309	500006679	Contribution-Ja Swim Team Championship 21.6.17	21/06/2017	4,000,000.00
...				

„¹⁰⁷

Munro College

Documentation provided by Petrojam Limited revealed that Munro College received a donation in the amount of J\$2,000,000 from Petrojam Limited. The cheque was made payable to the institution in said amount on dated July 4, 2017.

By way of a letter which was dated March 27, 2017, and addressed to Mr. Floyd Grindley, by Mr. Elias Azan, President of the Munro College Old Boys Association, stated, *inter alia*, as follows:

“Re Munro College 160th Anniversary Programme

Munro College in 2016 celebrated our 160th Anniversary. The Munro College Old Boys Association is committed to developing

¹⁰⁶ Requisition response of Mr. Handel Lamey, Former President, Amateur Swimming Association of Jamaica. Responses Nos. 5 & 6

¹⁰⁷ 2018, Petrojam Limited, Donations Audit Review



the school to continue to build on its already extremely proud history of educating our past, current and future local and international leaders. We the Alumni of the school have embarked on an ambitious programme to develop the school and raise \$160 Million from private and other sources to include the following projects:

1. Rehabilitation and maintenance of existing structures, Modernizing Classrooms & Developing a Multi-Purpose Sports Complex- ...

2. Alternative Energy- *A comprehensive study of the energy consumption of the school was undertaken by the Petroleum Corporation of Jamaica in 2014-5 and Total Energy Consumed in 2015 was 256,796kWH with Munro being billed a total of \$7,472,959.00 for the year. ...*

3. Computer Labs/ Computer Aided Design (CAD) Studio Procurement of 150 computers- *This again is a very important component project where we have identified a qualified ICT Professional who is from St. Elizabeth to lead this team establish a modern Computer lab and CAD studio.*

4. Cyber Library- *We are working with a team of advisers to convert our existing library into a Cyber Library by linking with a major Library in the United States and this we expect to put together the details of in the next few months to have access to their extensive library assets.*

5. Tennis Courts- *Munro has tennis courts which need upgrading and we are getting advice and inputs from professionals who design and develop tennis Courts internationally and this project*



will enhance our ability to produce world class Tennis professionals locally.

...

Looking forward to your positive response.”¹⁰⁸

The referenced letter was submitted by email dated March 27, 2017 from Mr. Telroy Morgan to Mr. Floyd Grindley. The DI notes that Mr. Telroy Morgan, Manager Refinery Optimization and Business Support, Petrojam Limited was listed in the footer of the Munro College Old Boys Association letter as its 1st Vice President.

By way of an email which was dated March 28, 2017 which was sent to “*Tameka K. McCalla*” and [REPRESENTATIVE] the following was stated:

“Subject: FW: Letter requesting sponsorship for Munroe College Infrastructure Development Plan

Attachments: Letter to Petrojam re 160 project March 2017.pdf;
Ultrasound Suite at the Savanna.docx

PR Team-

See attached, please prepare board submission for review this morning.

Amount – 2M each.

Thank you.

Floyd G”¹⁰⁹

¹⁰⁸ Letter dated March 27, 2017, from Elias Azan J.P., President, Munro College Old Boys Association to Mr. Floyd Grindley, former General Manager, Petrojam Limited.

¹⁰⁹ Email correspondence between Mr. Floyd Grindley, then General Manager, Petrojam Ltd and “*Tameka K. McCalla*” and [REPRESENTATIVE], dated March 28, 2017.



In contrast to the above email in which Mr. Floyd Grindley, the then General Manager of Petrojam Limited, gave instructions to the “PR Team”, consisting of [REPRESENTATIVE], to prepare board submission for review in the amount of \$2,000,000.00, Mr. Grindley, by way of his response dated July 23, 2019, stated, *inter alia*, the following:

“Upon my office receiving any request for donations, the practice is to pass on the request to the Public Relations Officer within the Human Resource department for review/processing; this was done as it relates to the donation requested by Munro College. Thereafter, the Public Relations Officer would carry out the necessary due diligence and provide a recommendation to my office for endorsement and subsequent final approval of the Board.

...

Telroy Morgan made a request to the company to support this donation, as he is an active member on the school board ... and wanted to support well needed infrastructure upgrades at the school. It should be noted that Munro College is also my Alma Mater and therefore, I could relate to the need to upgrade the facility for the betterment of the students’ future and potential contribution to Jamaica.¹¹⁰ (DI Emphasis)

¹¹⁰ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 20.



The Approval Process

Mr. Floyd Grindley the then General Manager, Petrojam Limited, by way of a memorandum dated March 29, 2017, wrote to the Board of Directors, Petrojam Limited, recommending the approval of a J\$2,000,000.00 as a contribution toward Munro College 160th Anniversary Development Programme. The referenced memorandum states, *inter alia*, the following:

“ ...

PROPOSAL

The recommended contribution is J\$2,000,000.00.

...

Why Sponsor this Initiative?

Our support of this initiative will result in the following benefit:

- *The initiative has the potential to benefit existing and future student population of Munro College by producing more rounded and equipped individuals. This will redound to the benefit of Jamaica by producing a more qualified workforce.*
- *This initiative supports one of the core focus areas of Petrojam's Corporate Social Responsibility programme – education. This contribution will assist in enhancing the organization's image as a major contributor to national development and provides the opportunity to improve brand awareness and visibility.*

PETROJAM REQUEST



We kindly request your consideration of this proposal to contribute two million dollars (J\$2,000,000.00) towards the Munro College 160th Anniversary Development Programme.”¹¹¹

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared for the Human Resource Development and Administration Manager, Mrs. Yolande Ramharrack on March 28, 2017. The submission was endorsed by Mr. Floyd Grindley, former General Manager on the same date. The submission however, did not include the signature of the Chairman of the Board of Directors, Dr. Perceval Bahado-Singh.

The following email regarding the referenced donation was seen on Petrojam Limited’s Donation files:

“From: Floyd A. Grindley” ...

Date: 07/04/2017 10:48 ...

...

Director Malcolm-

Please sign and forward your approval to Chairman. This is very time sensitive so your immediate action would be much appreciated.

Thanks

Floyd G”¹¹²

...

“From: Harold Malcolm ...

¹¹¹ Memorandum dated March 29, 2017, from Floyd Grindley, former General Manager, Petrojam Limited, to the Board of Directors, Petrojam Limited.

¹¹² Email correspondence sent by Mr. Floyd Grindley, to Mr. Harold Malcolm and copied to Dr. Perceval Bahado-Singh and Mr. Richard Creary.



Sent: Friday, April 07, 2017 12:37 PM

To: Floyd A. Grindley

...

Dear Chairman,

Please accept this email as confirmation of my approval. I will sign the documents when I visit the office on Monday.

Harold

...¹¹³

The 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one 'Maria A Colmen Ares' signed on behalf of PDV Caribe S.A.

Another 'Round Robin Resolution' which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

Verification of Receipt of Donation

Mr. Elias Azan J.P., President, Munro College Old Boys Association, by way of letter dated July 11, 2017, wrote to Mr. Floyd Grindley, acknowledging receipt of a cheque and thanking him for his generosity. The letter stated, *inter alia*, as follows:

“We acknowledge receipt of your company cheque in the amount of Two Million Dollars (JA\$2,000,000.00) in response to our letter of March 27th, 2017, regarding the Munro College 160th Anniversary Project.

¹¹³ Email correspondence sent by Mr. Harold Malcolm to Mr. Floyd Grindley, and copied to Dr. Perceval Bahado-Singh and Mr. Richard Creary.



We sincerely appreciate this significant donation and wish to express our heartfelt, deep appreciation for this gift towards our “160 Project”.

This donation will be put to good use on one of our many projects as outlined in our letter of March 27th.

Thank you for this act of generosity towards Munro College.¹¹⁴(DI Emphasis)

Mr. Elias Azan, President, Munro College Old Boys Association by way of his response of March 1, 2019, to the DI’s Requisition, stated, *inter alia*, the following as it regards his awareness of the request which was made of Petrojam Limited:

“I am aware of a request made by the Munro College Old Boys Association to Petrojam Ltd...as a contribution toward Munro Colleges Anniversary Development.

...I am aware of the request as I wrote a letter to Petrojam Ltd. making the request for Assistance for our 160th Anniversary Project. I wrote the letter on March 27th 2017, detailing the 160th Anniversary Programme, ...

...The basis upon which the request was made was that we had heard that Petrojam Ltd had assisted schools in the past with development projects so we made a request.

...

... The medium through which the request was made was through a letter to the General manager of Petrojam Ltd.

¹¹⁴ Letter dated July 11, 2017, from Mr. Elias Azan, J.P., to Mr. Floyd Grindley, General, Manager Petrojam Limited.



... No discussions or meetings were held with any person or officer at Petrojam Ltd, regarding this request for a donation. The letter was sent to Petrojam Ltd.

...The name and title of the person at the Munro College Old Boys Association who made and authorised the request is myself, Elias Azan, President.

...

The donation was received sometime after the 4th of July, I am not sure of the exact date it was delivered to the secretariat situated then at Musgrave Avenue.

...The total amount received on behalf of Munro College was \$2,000,000.00. The funds were deposited to the Munro College Old Boys Association account and later transferred to the Munro and Dickenson Trust school account, for Munro College to do the payments on the project.¹¹⁵(DI Emphasis)

The following was also stated by Mr. Elias Azan in relation to the utilization of the funds which were received from Petrojam Limited:

“The letter of request from the Munro College Old Boys Association dated march 27th 2017 did not specify an amount. The letter made a request for a donation towards the 160th Anniversary project as detailed in the letter, and the donation was requested and received specifically for that purpose.

...The project identified for the use of the funds was the renovation of the tennis courts. **Mr Adrian DePass, a private contractor was**

¹¹⁵ Requisition response of Mr. Elias Azan, President, Munro Old Boys Association, dated March 4, 2019. Response Nos. 2 and 3.



utilised to dig up the old surface, lay marl, compact, roll and apply asphaltic concrete. His contract and the first payment by the school as his deposit are attached/enclosed. We utilised some funds that we had raised and paid him to start the project. His local charges on the contract amounted to \$4,642,000.00 and we were to procure approximately US\$8202.00 plus shipping and local charges in sealers and paint, which he would apply. The project was started sometime in the summer, as we had to wait for exams to be finished before the digging could start so as not to disrupt the boys sitting exams. Rains further delayed the project, a shortage of asphalt also delayed the project so it was not until Mid October 2018 that the Asphaltic concrete was laid and left to cure. Attached/enclosed is an e mail correspondence between myself and the Acting Principal authorising the final payment to Mr DePass for the work done up to that point.

...The project is not yet completed as there were insufficient funds to purchase the required sealers and top coat paints. Some additional funds have now been raised, and we are hoping to go to completion phase of sealing and painting in a few weeks. I am also attaching/enclosing correspondence sent to [REPRESENTATIVE] with an update she requested for Petrojam Ltd. Also attached are before and after Photos of the tennis courts, awaiting the sealing and painting.”¹¹⁶(DI Emphasis)

The DI notes with interest the fact that the request for contribution towards Munro College did not specify an amount. (DI Emphasis)

¹¹⁶ Requisition response of Mr. Elias Azan, President, Munro Old Boys Association, dated March 4, 2019. Response 4.



The following photographs were submitted by Mr. Elias Azan, in support of his response that the funds were received from Petrojam Limited and utilized for the intended purpose:



MUNRO & DICKENSON TRUST - MUNRO COLLEGE No. 0025439

CHECK VOUCHER					
DATE	REFERENCE	ACCOUNT NO.	DEBIT	CREDIT	BALANCE
14-5-18	re. constant of the tennis court				2,321,000.00

PLEASE DETACH BEFORE DEPOSITING

PAYMENT VOUCHER
MUNRO AND DICKENSON TRUST



MUNRO COLLEGE

TRN NUMBER
Vendor Name AL DEPASS
Vendor Address

Cheque # 0025439
Cheque Date 5/14/18
Voucher #

INVOICE REF.	DETAILS	INVOICE DATE	AMOUNT
	RE: RENOVATION WORK OF TENNIS COURT		
TOTAL			2,321,000.00

MUNRO & DICKENSON TRUST - MUNRO COLLEGE No. 0025439
Munro College P.O. St. Elizabeth, Tel: (876) 963-14023

May 14, 2018

PAY TO THE ORDER OF AL Depass \$2,321,000.00
Two Million Three Hundred Twenty-one Thousand ⁰⁰/₁₀₀

FOR AND ON BEHALF OF MUNRO COLLEGE

NATIONAL COMMERCIAL BANK
SANTA CRUZ BRANCH
ST. ELIZABETH, JAMAICA

Signature: Chairman/Board Member
Signature: Principal

BURSA

0025439 1000890774 891008449* 766

Prepared By [Signature]
Approved By Board Member [Signature]

Cheque By [Signature]
Authorised By Principal [Signature]

Receipt A/C Payments

Recipient _____ Date _____ Tick if mailed/ lodged



Social Development Commission

The DI observed that a request was submitted by Mr. Russell Hadeed, Chairman, Petroleum Corporation Jamaica on behalf of the Social Development Commission. The request was in the amount of J\$2,000,000.00, in relation to the Social Development Commission's back to school programme.

By way of a letter dated July 12, 2017, from Mr. Russell Hadeed, to Dr. Perceval Bahado-Singh, Chairman, Petrojam Limited, the following, *inter alia*, was stated:

“ ...

Please be advised that the PCJ is desirous of contributing funds to the Social Development Commission (SDC) to assist with back to school efforts for needy students. The funding would be applied specifically to aid in the provision of school books and other educational materials and/or items that students require to commence the new 2017/2018 School Term.

Consistent with our Corporate Social Responsibility and being cognizant of the financial difficulties encountered by parents and/or guardians in relation to back to school expenses for children, we are desirous of providing the said funding as a Group initiative.

In light of the foregoing, we are seeking the support of Petrojam Limited to make a contribution of Two Million Dollars (\$2M) directly payable to the Social Development Commission on or before Friday, July 28, 2017... ”¹¹⁷ (DI Emphasis)

¹¹⁷ Letter dated July 12, 2017, From Mr. Russell Hadeed, Chairman, Petroleum Corporation of Jamaica, to Dr. Perceval Bahado-Singh, Chairman, Petrojam Limited.



A memorandum dated July 31, 2017, from Mr. Floyd Grindley, to the Board of Directors, Petrojam Limited, stated, *inter alia*, the following reason for sponsoring the initiative:

“Why Sponsor this Initiative?”

- *The initiative supports one of the core focus areas of Petrojam’s Corporate Social Responsibility programme – education. This contribution will assist in enhancing the organization’s image as a major contributor to national development.*
- *The initiative stands to benefit a vast number of students in securing a quality education.*

...

PETROJAM REQUEST

In light of the aforementioned, a proposal is being made to donate Two Million Dollars (J\$2,000,000.00) towards this initiative... ”¹¹⁸

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Ms. Yolande Ramharrack, Human Resource Development and Administration Manager on July 31, 2017. The submission was endorsed by both Mr. Floyd Grindley and Mr. Harold Malcolm, on behalf of the HR Social Sub-Committee on even date. The Chairman, Dr. Perceval Bahado-Singh also approved the Submission on July 31, 2017.

Verification of the Receipt of Donation

The DI by way of a requisition to the Social Development Commission dated April 9, 2019, sought to ascertain, *inter alia*, whether the entity was in receipt of sums which were donated and whether same was utilised for the intended purpose.

¹¹⁸ Memorandum dated July 31, 2017, From Mr. Floyd Grindley, Petrojam Limited, to the Board of Directors, Petrojam Limited.



Dr. Dwayne Vernon, Executive Director, Social Development Commission, in his response dated April 17, 2019, stated, *inter alia*, the following:

“I am aware of a request to the SDC by Petrojam Ltd. to implement a back to school assistance programme

3a. The SDC was approached to support a back to school initiative evidenced by email to myself date September 8th, 2016 from the Chairman of PCJ, Mr. Russell Hadeed ... The letter was copied to Mr. Winston Watson at Petrojam as well Mrs. Prudence Kidd-Deans, Board chairman of the SDC. Given that the SDC itself was implementing a programme to advance educational outcomes we welcomed the opportunity.

...

5. Funds were sent directly to the SDC ... dated August 7, 2017 ... in the amount of \$2,000,000 was received.

...

*The payments for the book vouchers from the \$2,000,000 book vouchers were primarily made in August and September please see copies of some invoices (**evidence 5c2**)”.*¹¹⁹

The above referenced evidence labelled “5c2” included a document titled “Social development Commission Special Projects Petrojam Back to School 2017 as at 31/03/2018”, which is attached hereto as Appendix 4, indicated that the St. Ann South West, St. Elizabeth South East, East Rural St. Andrew and the St. Catherine South East Constituencies were the beneficiaries of

¹¹⁹ Response dated April 17, 2019 which was addressed to Mr. David Grey, Director of Investigation, Integrity Commission from Dr. Dwayne Vernon, Executive Director, SDC. Responses 3-5.



the SDC's back to School Program. The document further detailed that the program had a total income of \$2,000,000.00 and constituency expenditure of \$2,667,000.00 resulting in a net loss of \$667,000.00.

The DI observed within the documents submitted by Dr. Dwayne Vernon, three (3) Social Development Commission Capital Payment Vouchers for the supply of school bags, treats and book vouchers from RoseDaley Foods Limited and Kingston Bookshop totaling \$2,085,000.00.

Of note, the 2018 Petrojam Limited, Donations Audit Review, stated, *inter alia*, the following in relation to the referenced donation:

**"... Table 1 shows transaction with no method of payment
(Cheque or wire transfer)"**

<i>G/L</i>	<i>Documents #</i>	<i>Text</i>	<i>Doc. Date</i>	<i>Amount</i>
658309	5000067366	Contribution Sdc Back To School Program 4.8.2017	04/08/2017	2,000,000.00

„120

Western Regional Health Authority

Documentation provided by Petrojam Limited revealed that the Western Regional Health Authority received a donation in the amount of J\$2,000,000.00 from Petrojam Limited. A cheque dated June 30, 2017, in the amount of J\$2,000,000.00, was made payable to the Western Regional Health Authority.

The DI's review of Petrojam Limited's donation files for 2018 revealed no evidence that a request was received from the Western Regional Health Authority by Petrojam Limited concerning the donation.

¹²⁰ 2018, Petrojam Limited, Donations Audit Review



The DI observed the following document labelled “*ultrasound Suite at the Savanna-La-Mar Public General Hospital March 24, 2015*”, and which detailed, *inter alia*, as follows:

“Executive Summary

The Savanna-La-Mar Public General Hospital (SPGH) through the efforts of its partners in currently establishing an ultrasound suite on its property. The ultrasound suite will serve patients from not only Westmorland but also other parishes in the Western Region.

...

Background

The Western Regional Health Authority (WRHA) is a statutory body of the Ministry of Health. It is one of four regional Health Authorities formed as a result of the health sector reform and established by the National Health Services Act of 1997. The region serves the parishes of Westmorland, Hanover, St. James and Trelawny ...

...

Scope

The ultrasound suite will house the already existing ultrasound Machine. It will consist of one examination room, a small waiting area, changing area and bathroom.

...

The timeline for completion is six months once the funding has been identified.



Budget

Item	Unit cost (JMD)	Number Units	Total Cost (JMD)
Computer server/workstation	\$250,000	1	\$250,000
UPS	\$50,000.00	1	\$50,000
Air Conditioning Units	\$120,000	2	\$240,000
Internet Connectivity	\$0	1	\$0
Picture Archiving Communication System	To Be Negotiated	1	Pending
Examination Bed	\$200,000	1	\$200,000
Stool	\$15,000	1	\$15,000
Chairs	\$7,000	4	\$28,000
Bathroom Fixtures	\$100,000	1	\$100,000
Electrical Fixtures	\$30,000	1	\$30,000
Ultrasound Probe	\$200,000	1	\$200,000
Construction Material	\$500,000	1	\$600,000
Labour Costs	\$300,000	1	\$300,000
Total			\$2,013,000

„121

Mr. Errol Greene, Regional Director (Actg), Western Regional Health Authority, in response to the DI's Requisition provided the following email which was sent to Mr. Floyd Grindley by Dr. Alfred Dawes, Senior Medical Officer, Savanna-La-Mar Public General Hospital:

“Mr. Grindley,

*As per our conversation please see the attached proposal for the ultrasound suite at the Savlamar Public General Hospital. Please note that I will personally be managing this project as per the wishes of the Chairman of the Western Regional Health Authority, Mr. Tony Hart. I propose we create a stakeholder group if the proposal is approved and use this approach to navigate through the red tape usually associated with projects of this nature. Looking forward to a favourable response. Thanks Much.”*¹²²

¹²¹ Document titled ultrasound Suite at the Savanna-La-Mar Public General Hospital March 24, 2015

¹²² Requisition response of Mr. Errol Greene, Regional Director (Actg), Western Regional Health Authority. Response 1



The Approval Process

Mr. Floyd Grindley, by way of a memorandum dated March 29, 2017, wrote to the Board of Directors, Petrojam Limited, proposing the contribution in the amount of \$J2,000,000.00 towards the establishment of an ultrasound suite at the Savanna-La-Mar Public General Hospital. The referenced memorandum stated, *inter alia*, the following:

“ ...

Why Sponsor this Initiative?

Our support of this initiative will result in the following benefits:

- *The establishment of an Ultrasound Suite will increase the efficiency of the hospital and will be of tremendous benefit to patients who require the service. It will bolster efforts to better manage acute emergencies.*
- *This initiative supports one of the core focus areas of the organization’s Corporate Social Responsibility programme which is healthcare. Sponsorship of this project will highlight Petrojam’s commitment to the welfare of Jamaicans, particularly to those in that region of the island who will benefit from the service.*
- *This provides the opportunity to forge new partnerships with key national institutions and private entities.*
- *It also provides the opportunity to build positive, socially responsible image for the organization, improve brand awareness and visibility.*

SPONSORSHIP REQUEST

We kindly request your consideration of this proposal to donate two million dollars (J\$2,000,000.00) to the Savana-La-Mar Public General Hospital for the establishment of an ultrasound suite.



„123
...

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared for Ms. Yolande Ramharrack, on March 28, 2017. The submission was endorsed by Mr. Floyd Grindley, on the same date. The submission however, did not include the signature of the Chairman of the Board of Directors, Dr. Perceval Bahado-Singh.

The ‘Round Robin Resolution’ which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one ‘Maria A Colmen Ares’ signed on behalf of PDV Caribe S.A.

Another ‘Round Robin Resolution’ which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. The signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were also observed.

By way of an email which was dated April 7, 2017 sent by Mr. Harold Malcolm to Mr. Floyd Grindley and copied to Dr. Perceval Bahado-Singh and Mr. Richard Creary, the following was stated:

“ ...

Dear Chairman,

Please accept this email as confirmation of my approval. I will sign the documents when I visit the office on Monday.

Harold

„124
...

Verification of the Receipt of Donations

¹²³ Memorandum dated March 29, 2017, from Mr. Floyd Grindley, former General Manager, to the Board of Directors, Petrojam Limited.

¹²⁴ Email correspondence between Mr. Floyd Grindley, Mr. Harold Malcolm and Dr. Perceval Bahado-Singh



The DI by way of a requisition dated February 27, 2019, sought to ascertain whether the Western Regional Health Authority was in receipt of the referenced donation, as well as whether it was utilised for the intended purpose. Mr. Errol Greene, Regional Director (Actg), Western Regional Health Authority, by way of his response which was dated March 14, 2019, stated, *inter alia*, the following:

“2. Dr Alfred Dawes, Senior Medical Officer – Savanna-la-Mar Public General Hospital, received donation on or around July 20, 2017.

3. Funds received were utilized for the establishment of the Ultrasound Suite, Savanna-la-Mar Public General Hospital.

(a) The name of the contractor selected for works:

- Danrick Design Construction Ltd total cost \$1,182,200*
- One Stop Computers Ltd (UPS) \$14,950*
- Weathersheild Ltd (Waterproofing of Roof) \$100,423*
- Shekinah Trading Ltd.(Genealogical Bed with stirrups) \$675,234*
- AlphaMed Global Ltd stainless steel utility cart \$80,385*
- Medical Link Ltd. (Drip Stand). \$7,572.50*
- Troy Traders (wall mounted AC Unit) \$88,540*
- Knight Trading Ltd (suction machine & patient screen) \$122,266.32*

(b) The total expenditure amounts to \$2,271,570.82

(c) Project completed April 2018, defects liability period ended February 2019. ...”¹²⁵

The following photographs were provided by Mr. Greene in support of his response:

¹²⁵ Requisition response of Mr. Errol Greene, Regional Director (Actg), Western Regional Health Authority. Response Nos. 2 and 3



In addition to the above pictures, supporting documents, in the form of purchase requisition forms, purchase orders and invoices were provided by Mr. Errol Greene.

St. Mary Technical High School

Documentation provided by Petrojam Limited revealed that the St. Mary Technical High School received a donation in the amount of J\$1,845,653.58 from Petrojam Limited.

By way of a letter dated March 30, 2017, which was sent by email to Mr. Floyd Grindley, on behalf of Mrs. Glascine McCormack- Lazarus, Principal, St. Mary Technical High a request was made J\$1,845,653.58 as contribution towards the retrofitting of the school's Chemistry Lab. The email was sent by a Ms. Tanesha Williams Johnson, Vice Principal and stated, *inter alia*, as follows:

“ ...

RE: support for retrofitting Chemistry Lab

The St. Mary Technical High School is the only Technical High School in the parish of St. Mary. As such the Institution presently



caters to the needs of one thousand two hundred and three (1203) students who are academically and technically inclined.

...

We have sourced and attached a quotation for the retrofitting the Chemistry Laboratory will cost One Million Eight and Forty- Five Thousand Six Hundred Fifty-Three Dollars and Fifty-Eight Cents (\$1,845,653.58)...

...¹²⁶

The Approval Process

Mr. Floyd Grindley, by way of a memorandum dated March 30, 2017, sought the approval of the Board stating, *inter alia*, the following:

“Why Sponsor this initiative?”

...

- *The initiative presents an opportunity to bolster students’ interest in the Science, Technology, engineering and Mathematics (STEM) areas.*
- *The Company regards STEM education as critical to the sustainability of its operations and to the continued growth and development of the Jamaican economy.*

...

PETROJAM REQUEST

¹²⁶ Letter dated March 30, 2017, From St. Mary Technical High School to Mr. Floyd Grindley, former General Manager, Petrojam Limited.



We kindly request your consideration of this proposal to donate one Million Eight Hundred and Forty-Five Thousand Fifty Three Dollars and Fifty-Eight Cents (J\$1,845,653.58) for the retrofitting of the Chemistry Lab.

...¹²⁷

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Mrs. Yolande Ramharrack on March 30, 2017 and was endorsed by Mr. Floyd Grindley on even date. However, the section for the date and signature of Dr. Perceval Bahado-Singh, Chairman Board of Directors, was not completed.

The following email which was directed by Mr. Harold Malcolm to Mr. Floyd Grindley and copied to Dr. Perceval Bahado-Singh and Mr. Richard Creary was seen on Petrojam Limited's donation file:

“Dear Chairman,

Please accept this email as confirmation of my approval. I will sign the documents when I visit the office on Monday.

Harold

...¹²⁸

The ‘Round Robin Resolution’ which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh, Mr. Harold Malcolm and Mr. Richard Creary from the Petroleum Corporation of Jamaica. The signature of one ‘Maria A Colmen Ares’ was also signed on behalf of PDV Caribe S.A.

¹²⁷ Memorandum dated March 30, 2017, from Mr. Floyd Grindley, Former General Manager, Petrojam Limited, to The Board of Directors, Petrojam Limited.

¹²⁸ Email correspondence between Mr. Floyd Grindley, Mr. Harold Malcolm and Dr. Perceval Bahado-Singh et.al.



Another ‘Round Robin Resolution’ which was reviewed by the DI, bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A., the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

Mr. Floyd Grindley, the then General Manager, Petrojam Limited, by way of a response dated July 23, 2019, stated, *inter alia*, the following in relation to the donation in the amount of J\$1,845,653.58 which was made by Petrojam Limited to St. Mary Technical High School:

“A donation request to renovate the Chemistry Laboratory at the St. Mary Technical High School was received by Petrojam, at this time I do not specifically recall who submitted it to me.

...

It was subsequently conveyed to me by the Chairman, that this school is located in the area where Director Richard Creary is the counselor and as such, he wants the company to support same. However, this information did not influence the decision of the company to make what it considered to be a useful and needed donation to the education sector.

...

... I supported the submission to the Board for approval based on two (2) premises. First, it was not outside the norm for Petrojam to support educational efforts...



Secondly, the then Chairman requested that the company provide a favorable response for the necessary approvals...¹²⁹ (DI Emphasis)

Verification of the Receipt of Donation

The DI by way of a requisition to Mrs. Glascine McCormack- Lazarus, Principal, St. Mary Technical High School on February 26, 2019, sought to ascertain, *inter alia*, whether the entity was in receipt of the donation, as well as evidence of whether the funds were utilized in relation to its intended purpose.

Mrs. McCormack –Lazarus in her response which was dated April 24, 2019, stated, *inter alia*, the following:

“# 1) ... I was aware of a request made by the St. Mary Technical High School to Petrojam Ltd. as a contribution in support of retrofitting a Chemistry Laboratory.

a) The Councillor for the Division in which the school falls informed us that a facility existed for the school to benefit from Petrojam Ltd. to refurbish the Chemistry Laboratory, to the tune of 1.8 million dollars.

...

#2 a) The Bursar, Ms. Julian Wray as one of the accounting and accountable persons, received a cheque valuing \$1,845,653.58 in support of retrofitting the Chemistry Laboratory, on behalf of the St. Mary Technical High School.

b) The cheque detailing the amount was received on July 31, 2017.

¹²⁹ Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 22.



...

#3) I can categorically affirm that the monies received were used for the intended purpose.

Name of the Contractor: Chemical Medical & Scientific Supplies Ltd.

b) The Project was completed and handed over to the school, on Wednesday, September 20, 2017.

...

a) When the Chemistry Laboratory was completed and to be officially opened, His Worship the Mayor, Councillor Richard Creary informed us to include the General Manager, Mr. Flloyd Grindley and the Hon. Minister of Science, Energy and Technology Dr. the Hon. Andrew Wheatley, along with other guests.

A formal programme was planned and members of the Media were present for the official opening on the day we had our Science Achievers Awards Ceremony on Wednesday, September 20, 2017.”¹³⁰

The following photographs were provided by Mrs. McCormack –Lazarus in support of her response:

¹³⁰ Response dated April 24, 2019 which was addressed to the DI from Mrs. McCormack-Lazarus.





Additionally a quotation was provided by Chemical Medical & Scientific Supplies Limited in the amount \$1,845,653.58¹³¹. Further, the DI is in possession of a copy of two (2) cheques which were made payable in the amount of \$1,560,402.00 to the referenced company by St. Mary Technical High School and which are attached as Appendix 5.

University Diabetes Outreach Programme

Documentation provided by Petrojam Limited revealed that the University Diabetes Outreach Programme received a donation in the amount of US\$10,000.00 from Petrojam Limited, in relation to its 23rd Annual Diabetes Conference. By way of email dated April 12, 2017, Professor, the Hon. Errol Morrison wrote to Dr. Perceval Bahado-Singh stating, *inter alia*, the following:

“Subject: UDOP 2017

To: Perceval Bahadosigh ...

Cliff Riley ...

Thornia Smith...

Dear Percy, -

I think Cliff has already spoken with you and we’ve attached the letter hoping that you can help us badly badly this year.

A hard copy of the attachment will await you at Petrojam.

I Luv

¹³¹ Of this amount, a total of \$274, 884.58 was allocated as 17.5% General Consumption Tax (GCT). However, St. Mary Technical High School received a total of \$273, 070.35 zero-rated approval GCT for goods and services associated with the quotation received as evidenced by a letter dated May 10, 2017 which was addressed to the St. Mary Technical High School from the Tax Administration of Jamaica.



Eym”¹³²

By way of letter dated April 11, 2017, the following, *inter alia*, was stated:

“Re: UDOP Annual Diabetes Conference, April 20-22, 2016

The University Diabetes Outreach Programme (UDOP) will host its 23rd Annual International Diabetes Conference on April 20-22, 2017 on the theme “diabetes and the Skin: Be Aware”. UDOP has partnered with Heart Trust NTA as the theme has mutual significance to both entities wherein HEART trains most Skin Care practitioners inclusive of hair and nails; and these are all significantly affected by the common public health disease, diabetes.

...

The conference would be an opportunity for you to identify any aspect of collaboration that you would like to see happen through Petrojam such as this event where HEART has collaborated with the Ministry of Health, academia and the NGO sector to upgrade knowledge and infuse best practices across the nation.

...¹³³

The DI highlights the following emails between [REPRESENTATIVE] and Mr. Floyd Grindley, concerning a change in the “*Submission to the Board of Directors*” form. The following emails were attached to documentation concerning the 2017 donation to the University Diabetes Outreach Programme:

¹³² Email dated April 12, 2017, from Professor Errol Morrison, university diabetes Outreach Programme, to Dr. Perceval Bahado-Singh, Chairman, Petrojam Limited.

¹³³ Letter dated April 11, 2017, From Professor Errol Morrison, University Diabetes Outreach Programme, to Dr. Perceval Bahado-Singh, then Chairman, Petrojam Limited.



From: *Floyd Grindley*

Sent: *Monday, May 01, 2017 11:16 AM*

To: *Tameka K. McCalla; [REPRESENTATIVE]*

Subject:

Where is the form I asked for last week.

...

From: *Floyd Grindley*

Sent: *Monday, May 01, 2017 11:35 AM*

To: *[REPRESENTATIVE]*

Subject: *RE: RE:*

Need it to send to board this morning

...

On 1 May 2017, at 11:38 AM, [REPRESENTATIVE]... wrote:

Ok. Will take it to you in fifteen minutes.

...

From: *Floyd Grindley*

Sent: *Monday, May 01, 2017 11:40 AM*

To: *[REPRESENTATIVE]*

Subject: *RE: RE: RE:*

I'm out at a mtg. Send via email



...

From: [REPRESENTATIVE]

Sent: Monday, May 01, 2017 12:45 PM

To: Floyd A. Grindley

Subject: Board Submission Form:

Attachments: BOD Submission.pdf; BOD Submission. Docx

FG:

Please see attached. There was a slight delay as we were verifying from Tamara what is required on the form. She says that the Human Resource Sub-Committee or Chairman section is not required, as after you sign it, she would then send it to the HR Sub-Committee; who would same and then circulate the resolution to the Board. She said that the form should essentially end with the GM's signature.

However the form attached has all the signatories requested, Kindly review and inform whether we should remove the others

As guided by Tamara or if they should remain”

...¹³⁴

¹³⁴ Email correspondence between Mr. Floyd Grindley, former General Manager, Petrojam Limited and [REPRESENTATIVE].



The Approval Process

In a memorandum dated April 12, 2017, Mr. Floyd Grindley wrote to the Board of Directors, Petrojam Limited stating, *inter alia*, the following rationale and recommendation concerning the referenced donation:

“RATIONALE

Benefits of sponsoring the Twenty-Third (23rd) Annual University Diabetes Conference:

- *Benefit all Jamaicans as the company augments efforts of the UDOP to increase the awareness of health professionals about programs to prevent, manage and cure diabetes.*
- *Partner with the UDOP to heighten Petrojam’s Brand as a company committed to national development in areas such as health care, education and community development.*

...

RECOMMENDATION

Proposal to contribute United States (US) Ten Thousand Dollars (US\$10,000.00) or the Jamaican Equivalent as Silver Sponsorship of the In UDOP International Diabetes (23rd) conference.

...¹³⁵

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared for Ms. Yolande Ramharrack, on “1/5/17” and endorsed by Mr. Floyd Grindley, on even date. The submission however, did not include the endorsement by the HR Social Sub-Committee. Dr. Perceval Bahado-Singh approved the submission on May 2, 2017.

¹³⁵ Memorandum dated April 12, 2017 from Mr. Floyd Grindley, Former General Manager, Petrojam Limited, to the Board of Directors, Petrojam Limited.



Mr. Harold Malcolm gave his approval by way of email dated May 2, 2017. The referenced email stated, *inter alia*, the following:

“On Tue, May 02, 2017 at 8:44 AM, Harold Malcolm ...wrote:

Dear Mr. Chairman,

*Please accept my approval for sponsorship of the University
Diabetes Outreach Programme.*

*Harold Malcolm”*¹³⁶

The following emails which raised concerns about the requirement of a Board Resolution for the approval of the referenced donation were observed between Mr. Floyd Grindley, and Ms. Carlene Evans:

“On 2 May 2017, at 9:16 AM, Carlene Evans ... wrote:

Good Morning Mr. Grindley

***Checking if there is an accompanying BOD resolution for this
payment request. Based on the amount same is typically
provided.***

Please let me know in order to proceed.

...

From: Floyd A. Grindley

Sent: Tuesday, May 02, 2017 9:32 AM

To: Carlene Evans

Cc: [REPRESENTATIVE]; [REDACTED]

¹³⁶ Email correspondence between Dr. Perceval Bahado-Singh and Mr. Harold Malcolm.



Subject: Re: UDOP BoardSubmission

Carlene

Mt understanding is that the Social subcommittee approved, chaired by Mr Harold Malcolm and subsequently approved by Board Chairman.

Let me know if you need anything else.

...

On 2 May 2017, at 9:49 AM, Carlene Evans ... wrote:

GM

The resolution is required as per protocol ... we stand ready to proceed as soon as same is provided.

...

From: Floyd A. Grindley

Sent: Tuesday, May 02, 2017 12:46 PM

To: Carlene Evans

Cc: [REPRESENTATIVE]; Perceval Bahado-Singh

Subject: Re: UDOP BoardSubmission

Carlene

Per conversation with Board Chairman, this does not require a resolution.



Floyd G¹³⁷ (DI Emphasis)

The DI notes that no Board Resolution was seen on file for this donation.

Verification of the Receipt of Donation

The DI, by way of its requisition dated February 26, 2019, which was sent to Prof. the Hon. Errol Morrison, University Diabetes Outreach Programme, sought to ascertain, *inter alia*, the following in relation to the receipt and utilization of the funds disbursed by Petrojam Limited. Prof. the Hon. Errol Morrison in his response which was dated March 5, 2019, stated, *inter alia*, the following:

“ ...

- a) *US\$10,000 was received on February 5, 2017*

- b) *Donations are picked up by bearer who would take the cheque(s) directly to the bank*

- c) *See copy of cheque attached - US\$10,000...¹³⁸*

Professor the Hon. Errol Morrison also provided a copy of the cheque which was made payable to the entity in the amount of US\$10,000.00, copy of the Conference Booklet which was prepared in relation to the Conference and the following details pertaining to the cost of the Conference:

¹³⁷ Email correspondence between Mr. Floyd Grindley and Ms. Carlene Evans.

¹³⁸ Requisition response of Prof. the Hon. Errol Morrison, University Diabetes Outreach Programme, dated March 5, 2019.



March 4, 2019

UDOP CONFERENCE EXPENDITURE FOR 2017

DESCRIPTION	J\$	US\$
Staff Honorariums	\$1,195,000.00	
Media Advertisements	\$412,125.60	
Logistics & Promotion	\$890,253.06	\$485.96
Hotel		\$22,490.00
TOTAL	J\$2,497,378.66	US\$22,975.96

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The DI notes that documentary evidence to corroborate the amounts reflected in the above represented expenditure were not provided by Professor the Hon. Errol Morrison.

North Eastern Regional Health Authority

Documentation provided by Petrojam Limited revealed that the North-East Regional Health Authority (NERHA) received a donation in the amount of J\$1,200,000.00 from Petrojam Limited as contribution towards the procurement of an Incubator for the Annotto Bay Hospital. A copy of a cheque dated June 6, 2017 was made payable to the ‘N.E. Regional Health Authority’.

By way of a letter which was dated March 30, 2017, addressed to Mr. Floyd Grindley, from Mr. Tyrone Robinson, Board Chairman, North-East Regional Health Authority (NERHA), the following, *inter alia*, was stated:

“ ...

The North-East Regional Health Authority (NERHA), one of four (4) semi-autonomous bodies – the Regional Health Authorities (RHAs) in the Ministry of Health, is charged with the responsibility for the operation and management of health services within the parishes of St. Ann, St. Mary and Portland ...

¹³⁹ Requisition response of Prof. the Hon. Errol Morrison, University Diabetes Outreach Programme, dated March 5, 2019.



The Board of Management, as part of its mandate to facilitate the provision of cost-effective, accessible, integrated health care at an acceptable standard to the Jamaican public, has as one of its main priority, the need to ensure that all the health facilities under its management are in conformance with these standards.

It is in this regard that we write to seek financial support towards the procurement of an incubator for the Pediatric Ward at the Annotto Bay Hospital, St. Mary... *Currently, the staff at the Annotto Bay Hospital care for between two to four neonates on a weekly basis on its pediatric ward and one of the critical equipment required to effective care for these infants, is the availability on incubators, which are used to maintain environmental conditions suitable for the neonates.*

*There is a critical need for two additional incubators to reduce the risks levels associated with having to care for these infants and hence our appeal in seeking your support to partner with our health team by contributing toward the procurement of one unit, which will greatly enhance the health care delivery component at the hospital. **The estimated cost for one incubator is One Million, Two Hundred Thousand Dollars (\$1,200,000.00).***

...”¹⁴⁰ (DI Emphasis)

Ms. Fabia Lamm, Regional Director, North East Regional Health Authority, by way of her response of March 8, 2019 to the DI’s Requisition, advised of, *inter alia*, the following in relation to her knowledge of the solicitation of a donation from Petrojam Limited:

¹⁴⁰ Letter dated March 30, 2017, addressed to Mr. Floyd Grindley, former General Manager, Petrojam Limited from Mr. Tyrone Robinson, Board Chairman, North-East Regional Health Authority (NERHA)



“... I am aware of a request which was made by the North-East Regional Health Authority to Petrojam Limited, as a contribution in support of the procurement of an incubator for Annotto Bay Hospital.

...A letter dated 2017 March 30 was written to Mr. Floyd Grindley, Former General Manager, Petrojam Limited and signed by the Board Chairman, requesting funding to procure an incubator at an estimated value of \$1,200,000 for the Annotto Bay Hospital. As Regional Director, I was copied on the letter.

...

...I am not aware of whom discussions and or meeting were held with concerning the reference donation.

...The letter to Petrojam was prepared by me, Fabia M. Lamm, in my capacity of Regional Director and Secretary to the Board of Management and signed by Tyrone Robinson, JP, Board Chairman of the North-East Health Authority.¹⁴¹(DI Emphasis)

Ms. Lamm provided the following documentation in support of her responses:

1. Document entitled “*NORTH EAST HEALTH AUTHORITY Procurement Department – Approval Form*”, which indicated that NERHA received a Quotation from Medical Link Limited in the amount of \$578,290.00 on March 17, 2017. Further that Medical Link Limited was the successful bidder in the limited tender process utilized by the entity as they were the most economical supplier. The referenced document is attached as Appendix 6.

¹⁴¹ Requisition response of Ms. Fabia Lamm, Regional Director, North East Regional Health Authority, dated March 8, 2019. Response 1



2. A copy of a letter dated March 30, 2017 to Petrojam Limited which stated that “*the estimated cost for one incubator is One Million, Two Hundred Thousand Dollars (\$1,200,000.00).*”

The Approval Process

Mr. Floyd Grindley by way of a memorandum dated March 30, 2017, sought the approval of the Board for the referenced donation. The following, *inter alia*, was stated:

“... ”

Why Sponsor this Initiative

Our support of this initiative will result in the following benefits:

- *The procurement of an incubator will ensure that all neonates are provided with the requisite levels of care which will reduce perinatal mortality rates. The hospital will be able to offer effective care to the country’s most vulnerable – neonates. The availability of this vital service stands to benefit numerous families from St. Mary and adjoining parishes.*
- *This initiative supports one of the core focus areas of the organization’s Corporate Social Responsibility programme which is healthcare. Sponsorship of this project will highlight Petrojam’s commitment to the welfare of Jamaicans, particularly our youths.*
- *This provides the opportunity to forge new partnerships with key national institutions and private entities and to strengthen our image, improve brand awareness and visibility.*

PETROJAM REQUEST



In light of the aforementioned, a proposal is being made to donate One Million Two Hundred Thousand Dollars (J\$1,200,000.00) for the procurement of an incubator for the Paediatric Ward of the Annotto Bay Hospital.”¹⁴²

The Submission to the Board of Directors of Petrojam Limited for the referenced donation was prepared by Mrs. Yolande Ramharrack on March 30, 2017. The submission was endorsed by Mr. Floyd Grindley on the same date. The submission however, did not include the signature of the Chairman of the Board of Directors, Dr. Perceval Bahado-Singh.

The ‘Round Robin Resolution’, which was prepared and which included the approval for the donation was dated April 6, 2017.

The ‘Round Robin Resolution’ which was reviewed by the DI bore the signatures of Dr. Perceval Bahado-Singh and Mr. Richard Creary and for the PDV Caribe S.A. the signatures of Maria A Colmen Ares, Williams Martinez and Ramon Uzcateg were observed.

Mr. Harold Malcolm by way of email dated April 7, 2017 provided his approval as follows:

“From: Harold Malcolm...

Sent: Friday, April 07, 2017 12:37 PM

To: Floyd A. Grindley

...

Dear Chairman,

Please accept this email as confirmation of my approval. I will sign the documents when I visit the office on Monday.

¹⁴² Memorandum dated March 30, 2017, from Floyd Grindley, former General Manager, to the Board of Directors, Petrojam Limited.



Harold...¹⁴³

Verification of the Receipt of Donation

The DI, in a requisition dated February 27, 2019, to Ms. Fabia Lamm, Regional Director, North East Regional Health Authority, sought to ascertain, *inter alia*, whether the funds were received and utilized for its intended purpose. Ms. Lamm, by way of her response of March 8, 2019, provided, *inter alia* as follows:

“2. The donation was handed over to the North-East Regional Health Authority, at the Annotto Bay Hospital, during a scheduled tour of the Annotto Bay Hospital by the Minister of Health, Dr. the Hon. Christopher Tufton. Cheque #011431 dated 2017 June 30 from Petrojam Limited for J\$1,200,000 was delivered by His Worship the Mayor, Richard Creary, Mayor of Port Maria and Board Member of Petrojam Ltd. The cheque was received by Mr. Tyrone Robinson, JP, Board Chairman and Dr Ray Fraser, Senior Medical Officer, Annotto Bay Hospital in the Annotto Bay Hospital’s Conference Room on 2017 July 13. The donation was receipted by the North-East Regional Health Authority on 2017 July 17 ...

3. The donation was received on behalf of the North-East Regional Health Authority and was utilised as a contribution in support of the procurement of an incubator for the Annotto Bay Hospital. The Contractor utilized for the supply of the equipment was (a) Medical Link Limited, 14a Cargill Avenue. Kingston 10 (b) Cost of J\$578,290.00 (c) and delivered and commissioned at the Annotto Bay Hospital on 2017 October 05. Payment was

¹⁴³ Email correspondence between Floyd Grindley, Harold Malcolm and Perceval Bahado-Singh



made to medical Limited vide NERHA cheque # 047433 dated
2017 October 26 ...”¹⁴⁴ (DI Emphasis)

The following photographs were submitted by Ms. Fabia Lamm, in support of her response:



Representations Made by Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited Concerning Donations Made by Petrojam Limited for the Financial Years 2016/2017 and 2017/2018

By way of his response dated September 24, 2019, Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited, advised the DI of, *inter alia*, the following:

“...the Management Team of Petrojam has the sole operational responsibility to administer/properly manage the donations, and to disburse funds, in any particular fiscal year, on the condition that the Corporate Social Responsibility (CSR) donation budget has sufficient funds, as per the CSR policy (2003). This CSR policy, (2003) was explained to directors including me at orientation. As per the

¹⁴⁴ Response dated March 08, 2019 which was addressed to the DI by Ms. Fabia Lamm, Regional Director, North East Regional Health Authority. Responses 2 & 3.



*CSR policy for disbursements above the CEO's limit, the Board of Directors approval was required, but the disbursement of funds by Management was based on the CSR donation budget having sufficient funds. **The extent of my involvement as Chairman of the Board in any donation/grant, was limited to Board approval.***¹⁴⁵

(DI Emphasis)

Representations Made by Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology Concerning Donations Made by Petrojam Limited for the Financial Years 2016/2017 and 2017/2018

By way of his response dated October 18, 2019, Dr. Andrew Wheatley MP, former Minister of Science, Energy and Technology, advised the DI of, *inter alia*, the following:

*“...At no time did I give any directive or instruction or in any way influenced any person employed to Petrojam to approve and/or grant any donation to anyone or any entity.”*¹⁴⁶

¹⁴⁵ Response dated September 24, 2019 which was addressed to the DI by Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited. Response 4.

¹⁴⁶ Response dated October 18, 2019 which was addressed to the DI by Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology. Response 1.



Assessment of the Relationship(s) and/or Association(s) between/among Certain Persons and Entities

In accordance with the terms of reference for the Investigation, the Director of Investigation (DI) sought to examine whether there were any issues of conflict of interest, nepotism, cronyism and favoritism in relation to donations to certain companies and institutions and the employment of certain persons to Petrojam Limited.

The issue of conflict of interest is highlighted in Clause 3 of Petrojam Limited's Ethics & Conflict of Interest policy which was made effective October 2003 and updated March 2006, which states, *inter alia*, as follows:

“CONFLICTS OF INTEREST

The policy of Petrojam with respect to conflicts of interest requires that officers and employees avoid any conflict between their own interests and the interests of the Company, in dealing with suppliers, contractors, customers, and all other organizations or individuals doing or seeking to do business with Petrojam. All such individuals or companies should avoid any conflict between their own interests and the interests of Petrojam...

*While it is not practical to enumerate all situations, which might be in conflict with this policy, the examples given below indicate some of the relationships, which should be avoided. Thus, **it is considered to be in conflict with the Company's interest, or a violation of trust:***



- (i) **For an employee or any dependent member of his family to have an interest in any organization which has, or is seeking to have, business dealings with the Company or any affiliate where there is an opportunity for preferential treatment to be given or received, except with the knowledge and consent of the Board of Directors.**

...

- (iii) *For an employee or any dependent member of his family to be involved in a partnership with or Management arrangement with any individual or organization doing or seeking to do business with Petrojam.*

- (iv) **For an employee to serve as an officer or director of any other company, or in any management capacity for or as a consultant to any individual, firm or other company doing or seeking to do business with the Company, except with the knowledge and consent of the Board of Directors.**

...

1. **Full disclosure must be made to Petrojam by any employee who is involved in a related business.**

2. **Procurement must be done on the basis of a competitive bidding.**

Any deviation from this can only be done in exceptional circumstances in the interest of expedience and must be sanctioned at the highest level of the Company, that is to say the Board of Directors.”¹⁴⁷ (DI Emphasis)

¹⁴⁷ Clause 3 of Petrojam Limited’s Ethics & Conflict of Interest policy which was made effective October 2003.



Circumstances of Conflicts of Interest in the Donations by Petrojam Limited to Organisations/Institutions

In furtherance of its Investigation, the DI sought to ascertain whether there were any instances of conflict of interest, nepotism, favouritism and cronyism in the grant of donations to organisations/institutions by Petrojam Limited. Upon a review of the documentary evidence within its possession, the DI notes the following:

i. Homestead Primary School

In the grant of a donation to the Homestead Primary School for the construction of two (2) classrooms, the Director of Investigation (DI) observed that Mr. Lionel Myrie, by way of an email correspondence dated April 4, 2017, communicated with Mr. Floyd Grindley by attaching several documents in relation to the referenced donation.

By way of his response dated March 12, 2019, Mr. Lionel Myrie advised the DI that he is the Destination Manager, Tourism Product Development Co. Limited, Negril. He is also a Director at the Petroleum Corporation of Jamaica and served as the former Special Assistant to Dr. Andrew Wheatley, MP at the Ministry of Science, Energy and Technology. Mr. Myrie is also the former G2K General Secretary.

Mr. Myrie advised the DI that **he plays no role, executes no function, and is not affiliated to Petrojam Limited.**¹⁴⁸

Of note, Mr. Oswald Williams, Managing Director, Brighton Engineers Limited, the entity which was contracted to construct the two (2) classrooms at the Homestead Primary School, is the former Vice Chairman, Constituency Executive, North East St. Catherine Constituency.

¹⁴⁸ Response dated March 12, 2019 which was addressed to the DI by Mr. Lionel Myrie. Response 2.



Further, by way of his response dated March 13, 2019, Mr. Williams advised the DI that he is affiliated with Dr. Andrew Wheatley, MP, former Minister of Energy, and Mr. Richard Creary, former Director, Petrojam Limited as they are all members of the Jamaica Labour Party (JLP).¹⁴⁹ Mr. Williams also indicated that he is affiliated with Ms. Sophia Deer, current Principal of the Homestead Primary School, as she is a member of ‘one of his boards’, namely, the National Energy Solutions Limited and that she is also a member of the JLP.¹⁵⁰

Additionally, Mr. Williams indicated that Mr. Lionel Myrie is his tenant.¹⁵¹

Mr. Everton Thomas, former Principal, Homestead Primary School, advised the DI that Mr. Mark McLean, President of the Homestead Citizens for Action Benevolent Society, who requested a donation from Petrojam Limited, also serves as a member of the Board of the Homestead Primary School. The DI notes with emphasis that Mr. Mark McLean is the Councillor of the Homestead Division, St. Catherine Municipal Corporation and is a member of the JLP.

ii. *Amateur Swimming Association of Jamaica (ASAJ)*

Based on the circumstances surrounding the 2017 donation made to the Amateur Swimming Association of Jamaica by Petrojam Limited outlined herein, the DI reiterates that Mr. Handel Lamey, Senior Supervisor, General Services, Petrojam Limited, also served as President of the Association for the period December 2015 to December 2018.¹⁵²

¹⁴⁹ Response dated March 13, 2019 which was addressed to the DI by Mr. Oswald Williams. Response 7.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Response dated March 11, 2019 which was addressed to the DI by Mr. Handel Lamey. Response 1.



iii. *North East Regional Health Authority*

By way of his response dated March 21, 2019, Mr. Tyrone Robinson, Chairman, North East Regional Health Authority (NERHA), stated, *inter alia*, as follows:

“Discussions were held with Mr Richard Creary, Mayor of Port Maria, who was also a member of the Petrojam Board, in relation to the letter sent to Petrojam, seeking his assistance to advocate for the donation to the Annotto Bay Hospital, which was in his Parish.”¹⁵³ (DI Emphasis)

Other Identified Relationships and/or Affiliation(s)

The DI attaches hereunder a photograph taken at Dr. Perceval Bahado-Singh’s wedding, wherein Dr. Andrew Wheatley, MP was not only in attendance, but was a member of the bridal party:

¹⁵³ Response dated March 21, 2019 which was addressed to the DI by Mr. Tyrone Robinson, Chairman, North East Regional Health Authority (NERHA). Response 4.



Photograph 1



The DI also notes that based upon the photograph above, Mr. Ike Johnson and Dr. Cliff Riley were members of the subject bridal party.

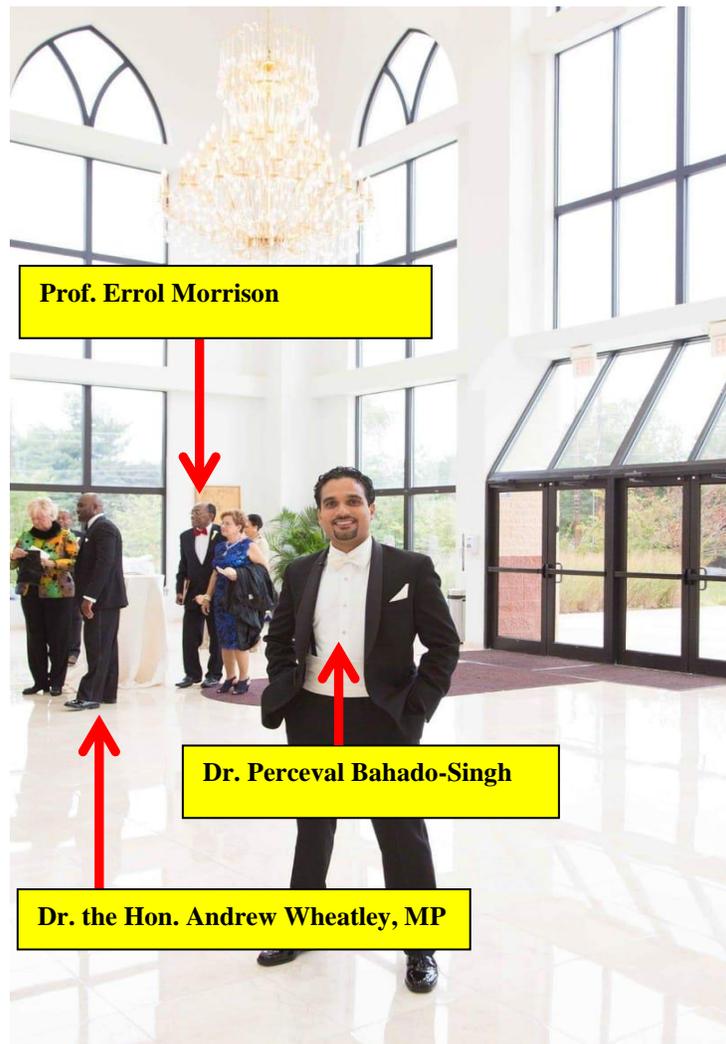
Further, as indicated by a Jamaica Observer article dated October 5, 2018 and entitled “*PetroJam review has started, says Holness*”, Mr. Johnson was selected as a member of the Commission empaneled by the Most Hon. Andrew Holness, ON, MP, Prime Minister of Jamaica, to review the operations of Petrojam Limited, amidst the allegations of corruption at the entity.

Dr. Cliff Riley is the Executive Director of the Scientific Research Council, which received a total of J\$7,560,000.00 as donations from Petrojam Limited. In point of fact, the referenced donations were approved by Dr. Bahado-Singh.



Further, the DI observed the following photograph which appears to have been taken at Dr. Bahado-Singh's wedding and which shows Prof. Errol Morrison in attendance in the background:

Photograph 2



In the furtherance of its Investigation, the DI deemed it prudent to review the document entitled “*Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet*”. The referenced document covers



appointments to 274 public sector boards, committees, councils, commissions, authorities, panels, appeal tribunals approved by Cabinet for the period April 2016 to 2020.

The DI notes that Dr. Andrew Wheatley was appointed as the Minister of Science, Energy and Technology on March 7, 2016.¹⁵⁴

i. *Dr. Andrew Wheatley, MP and Mr. Richard Creary*

During the course of a hearing held on March 4, 2018, Dr. the Hon. Andrew Wheatley, MP stated, *inter alia*, as follows:

“...Mr. Richard Creary, he is a member of the Jamaica Labour Party as myself...”¹⁵⁵ (DI Emphasis)

Mr. Richard Creary, former Director, Petrojam Limited, during the course of a hearing held on September 11, 2018, advised the DI of, *inter alia*, the following:

Q: In relation now to the former Minister Andrew Wheatley, is there any personal relationship or affiliation with Dr Wheatley?

*A: It depends on what is considered a personal affiliation. I have known because **we have served within the Jamaica Labour Party, we have served - at the time in 2003 we were both appointed Deputy Mayors at the time; we both became Mayors round about the same time. It is somebody I have known from that time.***

Q: So you had a collegial relationship then?

¹⁵⁴ Accessed on April 3, 2019 at <https://www.mset.gov.jm/dr-hon-andrew-wheatley>.

¹⁵⁵ Transcript of hearing held on March 4, 2019 involving Dr. the Hon. Andrew Wheatley, MP. Page 11.



A: *Yes, you could say that.*

Q: *Does that collegial relationship extend to any other facets of your public life?*

A: *I am not understanding the question.*

Q: *Are you close, close, close friends or mainly friends through the politics?*

A: **We are mainly friends through politics.** *I didn't know him previously but having interacted with him over time we have probably gotten a little closer but I had not known him previous to politics. Doctor Wheatley I think is - as I said I think we have served as Deputy Mayors, as Mayors; **he knows me personally**; we have attended meetings of the Party, et cetera, and I think he basically knows my abilitis [sic] and basically knows what I stands for.*

[IC OFFICER]: *Mr Creary, are you currently involved in representational politics?*

A: *Yes, I am.*

[Q]: *In what capacity?*

A: **I am the Councillor for the Richmond Division in St Mary. I am Mayor of Port Maria.**¹⁵⁶ (DI Emphasis)

Based on the foregoing representations, Mr. Richard Creary is a member of the JLP and as indicated by him, his affiliation with Dr. Andrew Wheatley spans the period 2003 to present.

Of note, Mr. Richard Creary is also the Councillor for the Richmond Division, the division in which St. Mary Technical High School is situated, and to which Petrojam Limited made a donation of \$1,845,653.58.

¹⁵⁶ Transcript of a hearing held on September 11, 2018 involving Mr. Richard Creary. Pages 21-22.



It is also the DI's observation that the following public sector appointments were made in relation to Mr. Richard Creary¹⁵⁷:

Table 5

#	Name of Entity	Ministry
1	Jamaica Aircraft Refuelling Services Limited	Ministry of Science, Energy and Technology
2	Petrojam Limited	Ministry of Science, Energy and Technology
3	Petroleum Corporation of Jamaica	Ministry of Science, Energy and Technology
4	Social Development Commission	Ministry of Local Government and Community Development

The DI highlights that of the four (4) entities to which Mr. Richard Creary was appointed, three (3) operated pursuant to the Ministry of Science, Energy and Technology, the ministry for which Dr. Andrew Wheatley, MP, had portfolio responsibility.

Additionally, the DI takes note of the appointment of Mr. Creary as the Deputy Chairman to the Board of the Social Development Commission (SDC), an entity to which Petrojam Limited made two (2) donations amounting to \$7,000,000.00 in 2017.

ii. Dr. Andrew Wheatley, MP and Mr. Lionel Myrie

Based upon a review of the responses provided by Dr. Andrew Wheatley, MP, by way of a hearing held on March 4, 2019, he advised the DI that the nature of his affiliation with Mr. Lionel Myrie, stems from the latter's appointment to the Board of the Petroleum Corporation of Jamaica (PCJ) and his affiliation with the JLP.¹⁵⁸

The DI also reiterates that, as indicated by Mr. Myrie, he served as the Special Assistant to Dr. Andrew Wheatley, MP, at the Ministry of Science, Energy and Technology.

¹⁵⁷ Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet for the period 2016 to 2019.

¹⁵⁸ Transcript of hearing held on March 4, 2019 involving Dr. Andrew Wheatley, MP. Page 25.



iii. *Dr. Andrew Wheatley, MP and Ms. Sophia Deer*

In furtherance of its Investigation, the DI sought to ascertain whether a relationship and/or affiliation exists between Dr. Andrew Wheatley, MP and Ms. Sophia Deer.

During the course of a hearing convened on March 4, 2019, Dr. Andrew Wheatley, MP, indicated, *inter alia*, as follows:

“CHAIRMAN: *I am going to ask you now Dr. Wheatley some specific names and it is for you to indicate whether or not you have any relationship or affiliation and any other relationship with any of the following persons...*

...

CHAIRMAN: *Sophia Deer?*

A: *She was my technical assistant.*

CHAIRMAN: *Technical assistant? When you say technical assistant, an explanation?*

A: **She worked with me at the Ministry as my technical assistant** -- trying to recall her exact title. *She worked with me at the Ministry. I think that is the safest, I don't recall right now her exact title at the time.*

CHAIRMAN: *Is she an educator?*

A: *She is also an educator.*



CHAIRMAN: *Principal of a school?*

A: *She was a principal of a school and she is now principal of another school. I am sure you are aware of that.*

CHAIRMAN: *Principal of Homestead Primary?*

A: *Yes.*¹⁵⁹ (DI Emphasis)

By way of her response dated March 7, 2019, Ms. Deer advised the DI of her affiliation, if any, to Dr. Wheatley as follows:

“...Yes, he is known to me. He is the Member of Parliament for South Central St. Catherine while I serve as Constituency Secretary. I also served as his Technical Assistant while he was Minister of Science, Energy and Technology.”¹⁶⁰

(DI Emphasis)

The DI notes the following responses provided by Mr. Desmond Davis, Acting CEO, Registrar General’s Department (RGD) dated March 18, 2019:

“Research reveals that Sophia Deer had a son named [Child 1]¹⁶¹ born June 17, 2006... [Child 1]’s father as indicated on his birth record is André Wheatley...At the time of [Child 1]’s birth Sophia Deer indicated her occupation as a Teacher. Both parents were residing at...Spanish Town, St. Catherine.

¹⁵⁹ Transcript of hearing held on March 4, 2019 involving Dr. Andrew Wheatley, MP. Pages 21, 24-25.

¹⁶⁰ Response dated March 7, 2019 which was addressed to the DI by Ms. Deer. Response 10.

¹⁶¹ Name withheld for security purposes.



Mr. Andre Wheatley was born on November 18, 1978...His father is as Uriel Douglas Wheatley...

Research revealed that Uriel Wheatley fathered three other children these are

- a) **Andrew O'Brien Wheatley, born January 8, 1973...**¹⁶²
(DI Emphasis)

Attached to Mr. Davis' response are copies of the birth certificates of the referenced individuals, confirming the above relationships.

It is the DI's observation that Dr. Andrew O'Brien Wheatley, MP, is the uncle of Ms. Deer's child.

It is also the DI's observation that the following public sector appointments were made in relation to Ms. Sophia Deer¹⁶³:

Table 6

#	Name of Entity	Ministry
1	National Energy Solutions Limited	Ministry of Science, Energy and Technology
2	Spectrum Management Authority Limited	Ministry of Science, Energy and Technology

The DI highlights that the two (2) entities to which Ms. Sophia Deer was appointed operated pursuant to the Ministry of Science, Energy and Technology, the Ministry for which Dr. Andrew Wheatley, MP, had portfolio responsibility.

- i. *Dr. Andrew Wheatley, Mr. Richard Creary and Mr. Tyrone Robinson*

¹⁶² Response dated March 18, 2019 which was addressed to the DI by Mr. Desmond Davis, Acting CEO, RGD. Response 1.

¹⁶³



As it regards the existence of any relationship and/or affiliations to Petrojam Limited or GoJ officials in the foregoing regard, Mr. Tyrone Robinson, PCJ Director and Chairman, NERHA, provided, *inter alia*, that:

“i) **Dr. the Hon. Andrew Wheatley, by virtue of us both being a member of the Jamaica Labour Party**

ii) **Mr Richard Creary, by virtue of us both being a member of the Jamaica Labour Party as well as board members for PCJ**¹⁶⁴ (DI Emphasis)

The DI notes the following public sector appointments which were made in relation to Mr. Tyrone Robinson¹⁶⁵:

Table 7

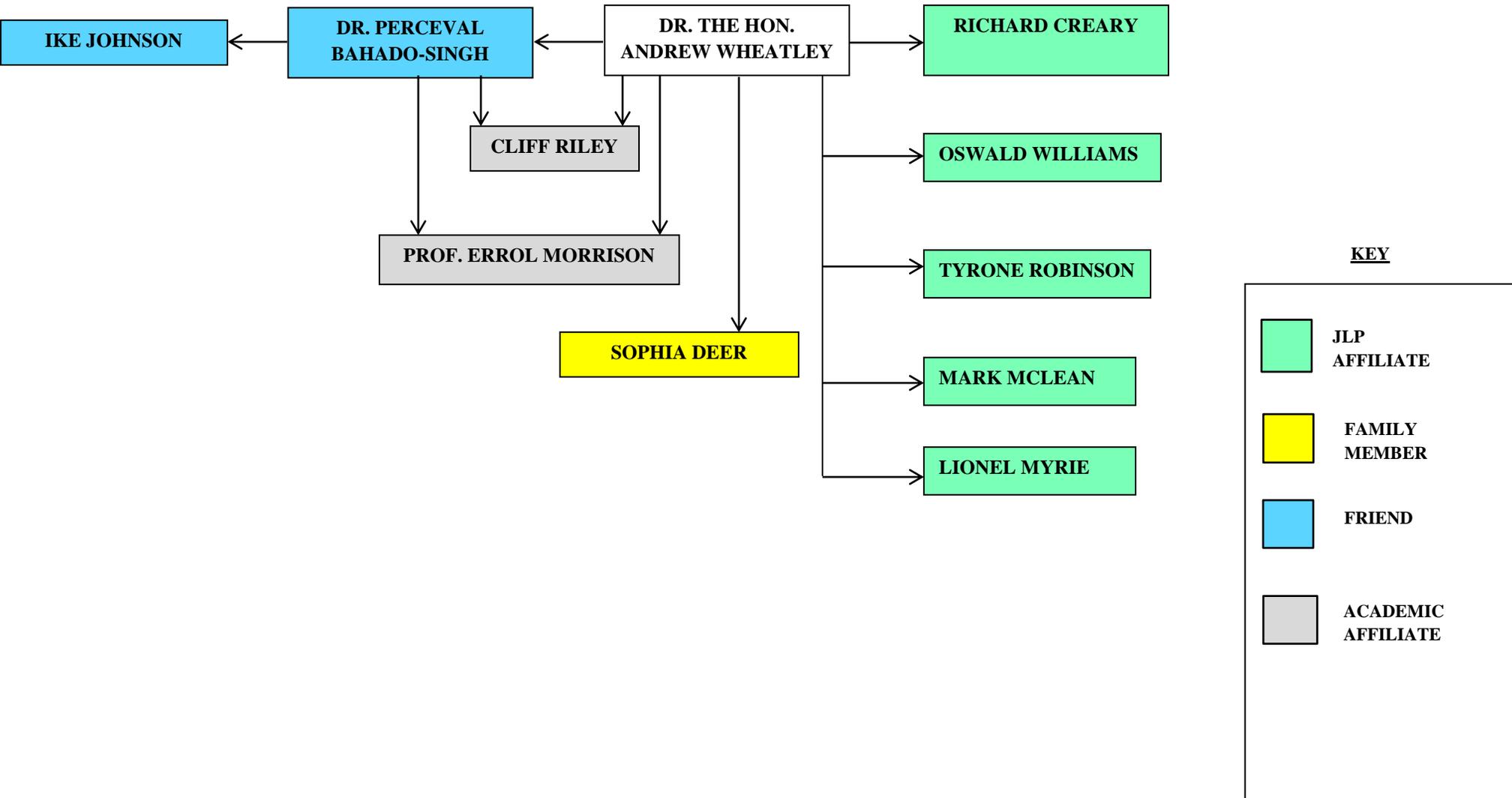
#	Name of Entity	Ministry
1	Jamaica National Heritage Trust	Ministry of Culture, Gender, Entertainment and Sport
2	Petroleum Corporation of Jamaica	Ministry of Science, Energy and Technology
3	National Water Commission	Ministry of Economic Growth and Job Creation
4	North East Regional Health Authority Board of Management	Ministry of Health
5	Tourism Product Development Company Limited	Ministry of Tourism

¹⁶⁴ Response dated March 21, 2019 which was addressed to the DI by Mr. Tyrone Robinson, Chairman, North East Regional Health Authority (NERHA). Response 5.

¹⁶⁵ Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet for the period 2016 to 2019.



Attached hereunder is a diagram constructed by the DI outlining the relationships and/or affiliations between Petrojam Limited officials, GoJ officials and other persons detailed herein:





The Failure of Mr. Floyd Grindley to Respond to the Statutory Requisition of the Director of Investigation

On February 27, 2019, the Director of Investigation (DI), by way of a statutory requisition, wrote to Mr. Floyd Grindley, former General Manager of Petrojam Limited, requiring that responses be provided to several questions which are material to the DI's Investigation. The DI's requisition required a response on or before March 8, 2019.

The DI is in possession of information which indicates that Mr. Grindley is currently outside of the jurisdiction. Mr. Grindley has communicated to the DI that he required additional time to collate information and to obtain legal advice in relation to same, prior to the provision of his response to the DI.

Mr. Grindley further advised the DI that he would be able to accurately and completely respond to the DI's statutory requisition on or before May 31, 2019, despite several attempts by the DI to have the information provided before the date stated above. A further request for an extension of time to June 24, 2019 was received from Mr. Floyd Grindley on May 31, 2019. This was granted by the Director of Investigation on May 31, 2019 as a final extension of time.

Upon the expiration of the referenced deadline of June 24, 2019, no response was submitted by Mr. Floyd Grindley and/or any other person acting on his behalf.

Mr. Grindley's response was provided to the DI on July 23, 2019, twenty-nine (29) days after the expiration of the referenced deadline pursuant to the DI's statutory requisition.

Having regard to Mr. Grindley's failure to comply with the Director of Investigation's statutory requisition, consideration must be given to whether his actions constituted a breach of the provisions of Section 48(3) of the Integrity Commission Act, which states that:

“For the purposes of an investigation, the Director of Investigation shall have the same powers as a Commissioner pursuant to the provisions of the Commissions of Enquiry Act in respect of the attendance and examination of witnesses and the production of documents and the provisions of sections



11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I, 11J, 11K, and 11L of that Act shall apply, mutatis mutandis, in relation thereto:...

Sections 11B (2) and (3) of the Commissions of Enquiry Act states that:

“(2) A person shall not, without reasonable excuse, refuse or fail to produce any book, plan or document that the person was required to produce by a summons under this Act served on the person under section 11 (a).

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or, in default of payment, to imprisonment for a term not exceeding six months.”



CONCLUSIONS

1. The Director of Investigation (DI) concludes that the grant of donations in excess of J\$320,000.00 was **irregular and unusual** based upon the trend observed by the DI for donations made during the financial years 2016/2017 and 2017/2018. Based on the DI's review, donations in excess of J\$320,000.00 were made in fifteen (15) instances referenced at Table 4 of this Report. In point of fact, the subject fifteen (15) donations were between J\$1,200,000.00 and J\$10,024,531.00.

The donations which were made by Petrojam Limited for the period 2017 to 2018, resulted in a 50.72% decrease in the number of donations issued by the refinery for the financial periods under review, however, for the same period, the company experienced a significant increase of 127.05% in the amount expended for donations.

2. The DI concludes that the imprudent management of the donations budget by Petrojam Limited resulted in the premature depletion of the 2017/2018 budget.
3. Mr. Floyd Grindley improperly inserted himself into the process by his unauthorized recommendation of the amount of \$2,000,000.00 as a donation to the Munro College Old Boys Association. It is the Director of Investigation's considered opinion that, Mr. Floyd Grindley in determining the amount of \$2,000,000.00 to be donated to the Munro Old Boys Association, breached of Clause 4.1 (c) of Petrojam Limited's Donations Policy which mandates that the Human Resource Development and Administration Manager shall determine the amount to be donated.

Further consideration must be given to whether Mr. Grindley's involvement in this particular donation gave rise to a conflict of interest, given his admission that Munro College is his alma mater.



4. The donation which was purportedly made in the amount of J\$6,000,000.00 for the sponsorship of the National Science and Technological Fair, is tainted with suspicion given the absence of documentary evidence establishing: (a) the receipt of the request for the donation to Petrojam Limited, (b) the accounting records indicating the disbursement of the funds by Petrojam Limited, and (c) the manner in which the funds were utilised by the recipient.

The lack of documentation, in this regard, demonstrates a disregard for the provisions of the Financial Administration and Audit Act (FAAA) and other relevant GoJ legislation/policies, enacted to promote fiscal prudence and accountability in the disbursement of public funds.

5. The Director of Investigation concludes that Petrojam Limited failed to apply standards and procedures, during the period 2017-2018, which would ensure sufficient checks and balances in relation to the internal processes for the approval, the disbursement of funds and verification exercises in relation to the use of the donated funds.
6. The Director of Investigation accepts the testimonies of **[REPRESENTATIVE]** and Mr. Delroy Brown that Petrojam Limited deviated from its policies, procedures and practices which were established in the receipt of requests for and the subsequent approval of donations under the leadership of Mr. Floyd Grindley and Dr. Perceval Bahado-Singh.
7. The statement provided to the Director of Investigation by Dr. Andrew Wheatley, MP in relation to his relationship and/or affiliation with Ms. Sophia Deer, is disingenuous. The Director of Investigation's conclusion is premised on the following:



Dr. Wheatley was less than truthful in his representations to the Director of Investigation when he described Ms. Sophia Deer as his former Technical Assistant. Ms. Deer has been revealed to be the mother of Dr. Wheatley's nephew.

The Director of Investigation has found no instances of nepotism and/or improprieties in the actions of Dr. Wheatley and his relationship with Ms. Deer in the context of this Investigation.

Further, it is the conclusion of the Director of Investigation that Dr. Wheatley was dishonest in his aforementioned representations and in this regard sought to mislead and did mislead the Director of Investigation contrary to Section 48 (3) of the Integrity Commission Act, Section 11E of the Commission of Enquiry Act and Section 4 of the Perjury Act.

8. Based on the documentary evidence provided herein, the Director of Investigation questions whether the strategic placement of certain individuals in key positions at Petrojam Limited served as corruption enabling mechanisms.

The strategic placement of certain individuals is evidenced by the appointment of Dr. Perceval Bahado-Singh and Mr. Richard Creary to the Board of Petrojam Limited. Dr. Bahado-Singh and Mr. Creary thereafter interviewed Mr. Floyd Grindley for the position as General Manager, Petrojam Limited, a post to which he was selected as the successful candidate. Mr. Floyd Grindley, after being appointed as the General Manager of Petrojam Limited, was a part of the three (3) member interview panel which recruited Mrs. Yolande Ramharrack as the Human Resource Development and Administration Manager, the position that oversees the grant of donations by the entity as well as the recruitment of staff.

9. The Director of Investigation notes the statements provided by Dr. Andrew Wheatley, Mr. Lionel Myrie, and Mr. Oswald Williams, regarding the alleged key involvement of



the late Councillor Owen Palmer and questions the sincerity of the representations. The Director of Investigation makes its conclusion on the basis that Mr. Owen Palmer is deceased and as a result the Director of Investigation is unable to corroborate the following:

- a. The representation by Dr. Wheatley that he had divested all matters pertaining to donations within his constituency to the late Councilor Palmer;
 - b. The representation by Mr. Lionel Myrie that the late Councilor Palmer instructed him to forward emails requesting donations from Petrojam Limited on behalf of Homestead Citizens for Action Benevolent Society; and
 - c. The representation by Mr. Oswald Williams that the late Councilor Palmer verbally contracted him to construct the classrooms at the Homestead Primary School;
10. The DI concludes that the approval of the donation in the amount of US\$60,000.00 (J\$7,560,000.00) and J\$6,000,000.00 by Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited, to the Scientific Research Council, constituted a conflict of interest. The DI premises his conclusion on the fact that Dr. Cliff Riley, Executive Director of the Scientific Research Council, is not only an academic affiliate of Dr. Bahado-Singh but was revealed to be a close friend. The DI's Investigation also revealed that Dr. Cliff Riley was a groomsman at the wedding of Dr. Bahado-Singh.¹⁶⁶

¹⁶⁶ Please see Photograph 1 enclosed herein.



RECOMMENDATIONS

1. The Director of Investigation recommends that this Report be referred to the Director of Corruption Prosecution pursuant to Section 54 (3) (b) of the Integrity Commission Act in relation to whether Dr. Andrew Wheatley, MP, was dishonest in his representations concerning Ms. Sophia Deer and whether he sought to mislead and did mislead the Director of Investigation contrary to Section 48 (3) of the Integrity Commission Act, Section 11E of the Commission of Enquiry Act and Section 4 of the Perjury Act.
2. It is recommended that a copy of this Report and in particular, the allegations and findings concerning the re-purposing of the donation of funds from the McCooks Citizens Association to the Sydenham Citizens Association and the allegations of fraud as it relates to the signatures which were purported to be that of one, Charmaine White, be referred to the Commissioner of Police for the conduct of criminal investigations. It is further recommended that a handwriting expert be engaged to examine the authenticity of the signatures purported to be that of 'Charmaine White'.
3. The Director of Investigation recommends that this Report be referred to the Financial Investigations Division for further investigations to be conducted in relation to donations made by Petrojam Limited for the period 2016 to 2018 to the Sydenham Citizens Association, Homestead Primary School, Camperdown High School, the University Diabetes Outreach Programme and the North Eastern Regional Health Authority.
4. The Director of Investigation strongly recommends that Petrojam Limited update its policies and procedures for the receipt, approval, disbursement and monitoring of donations to allow for stronger internal controls and transparency throughout the donations process.



5. The Director of Investigation recommends that Petrojam Limited ensures that actual public relations value is obtained where donations are made in keeping with the entity's corporate social responsibility mandate. Further, it is recommended that the donations portfolio is administered in a manner which ensures equity and prudent financial management in an effort to guard against illicit exploitation and the funneling of funds to special interest group and affiliates.
6. Having regard to the conflict of interest that arose in the circumstances surrounding the donations made by Petrojam Limited to the Scientific Research Council and Munro College, the Director of Investigation recommends that the Board of Directors at Petrojam Limited as well as other public officials affiliated with the entity, apprise themselves of and abide by the provisions of the Public Bodies Management and Accountability Act (PBMA), other legislation and policies, in relation to issues of conflict of interest, whether real or perceived, in the making of donations.
7. The Director of Investigation strongly recommends that Petrojam Limited, in the management of its donations budget, ensure greater accountability and efficient management of the funds earmarked for donations. This recommendation is made as it relates to the following:
 - (a) The depletion of Petrojam Limited's 2018-2019 donation budget;
 - (b) The lack of accountability by Petrojam Limited in monitoring its donation budget;
 - (c) The failure of the North Eastern Regional Health Authority to provide Petrojam Limited with a quotation or invoice for the procurement of an incubator as well as the failure of Prof. Errol Morrison to provide the entity with official documentary evidence to substantiate that the donations received by the University Diabetes Outreach Programme and the National Council on Science and Technology were utilised for their intended purposes;
 - (d) The lack of accountability on the part of Petrojam Limited in monitoring the manner in which the funds donated were expended by the Homestead Primary



School, Camperdown High School and the North Eastern Regional Health Authority ; and

- (e) The inability of Petrojam Limited to qualify whether it fulfilled its corporate social responsibility mandate.
8. It is further recommended that in the interest of good governance, accountability and transparency, Petrojam Limited revise its donations policy and procedures to ensure the following:
- (a) make it mandatory that recipients comply with the accountability mechanisms which are enshrined in the FAA Act and GoJ procurement procedures, especially in instances where the donations fall within the threshold which requires Board approval.

The entity's donations policy and procedures should also be revised to ensure that recipients of donations provide evidence that the funds received were utilised for their intended purpose.

9. The Director of Investigation recommends that, in the interest of good governance, accountability and transparency, Public Bodies which are in receipt of donations ensure that there is strict compliance with the provisions of the FAA Act, the PBMA and the GoJ procurement procedures, especially in instances where the donations fall within the threshold which requires Board approval.
10. As outlined in the Framework for Commonwealth Principles on Promoting Good Governance and Combatting Corruption, the Director of Investigation reiterates the following:

“...the rule of law should apply to all those involved in the administration and provision of services in the public interest, as it does to the whole of civil society. Those holding offices of trust need to be bound by well



publicized Codes of Conduct with appropriate sanctions for breaches that are enforced consistently and vigorously. These Codes should, inter alia, cover: standards of integrity, potential conflicts of interest, acceptance of gifts, misuse of information for personal gain, and disclosure of assets and financial interests. Ethical standards should be promoted--through education and training where necessary-- which instil pride in the virtues of integrity, professionalism, efficiency, transparency, and impartiality in the public service”.¹⁶⁷

(DI Emphasis)

David Grey, JP

**Director of Investigation
Integrity Commission**

¹⁶⁷ Nicholls, Colin. *Corruption and Misuse of Public Office, 2nd Edition*. Oxford University Press. 2011. Para. 11.96, Page 407.



APPENDICES



Appendix 1

Scotiabank
Jamaica

Scotia Online for Business Reporting Enhancement

We have made recent enhancements to Scotia Online for Business providing compatibility with the new Internet Explorer version. You will now be able to view the Report Summary Header information when exporting some reports in excel format. Please contact us if you have any questions or require any assistance utilizing the upgraded excel format of your reports.

Previous Day Account Activity

For Account: [Redacted] 5,698,306.21 JMD

[View Account](#)

Account Name	Account Number	Available Balance	Overdraft Limit	Current Balance
SDC SDF	[Redacted]	5,698,306.21 JMD	0.00 JMD	(N/A)

View By

Transaction For GENERAL DEPOSITS

Reference # [Redacted]

From Amou

From Date 07/06/2017
MM/DD/YYYY

07/06/2017

Viewing 1 - 1 of 1 Items

Date	Ref#	Transaction Type	Description	Debits	Credits
07/06/2017		GENERAL DEPOSITS	CREDIT MEMO RTGS-PETROJAM		5,000,000.00
Total 0 Debits and 1 Credits:				0.00 JMD	5,000,000.00 JMD

Net bal

*Net 1,000,000
B/b 1,500,000*



Appendix 2

SOCIAL DEVELOPMENT COMMISSION
SPORTS FOR COMMUNITY DETAILED PROGRAM REPORT
2017/2018
As at March 31, 2018

Details	Netball	TOTAL
Sponsorship	5,000,000	5,000,000
Registration		-
Booth Rental		
Gate Sales		-
GOJ Subvention	1,000,000	1,000,000
Total Budget 2017/2018	6,000,000.00	6,000,000
<u>INCOME</u>		
Sponsorship	5,000,000	5,000,000
Registration	121,000	121,000
Transfer Fees		-
Gate Sales		-
GOJ Subvention	1,000,000	1,000,000
TOTAL INCOME	6,121,000	6,121,000
<u>EXPENSES</u>		
<u>Parish/National Phase</u>		
Refreshment	537,079	537,079
Venue Preparation	59,000	59,000
Officials	404,000	404,000
Rental of Tents	91,000	91,000
Printing		-
Town Cryer	3,000	3,000
Entertainment	91,000	91,000
Sundry/casual		-
Transportation	134,274	134,274
Cleaning & Sanitation	10,963	10,963
Sub- Total	1,330,316	1,330,316
<u>Feature Games</u>		
Transportation & Haulage	-	-
Music / Rental of PA System	100,000	100,000
Announcers	40,000	40,000
Accomodation	-	-
Refreshment	127,135	127,135
Town Cry	-	-
Transportation (JUTC)	133,750	133,750



Generator/Stage & Lighting/Tents, Chairs/Equipment	64,500	64,500
Professional Services	-	-
Sub- Total	465,385	465,385
<u>Public Relations</u>		
Media/Advertising	192,808	192,808
Branding/Promotions	-	-
Press Launch	-	-
Sub- Total	192,808	192,808
<u>Operational Cost</u>		
Clothing / Gears/Materials	3,675,200	3,675,200
Accommodation	-	-
Balls	-	-
Sub- Total	3,675,200	3,675,200
<u>Finals</u>		
Accommodation	-	-
Transportation	60,000	60,000
Generator/Stage & Lighting/Tents, Chairs/Equipment	-	-
Sundry Expenses	-	-
Sub- Total	60,000	60,000
<u>Prizes</u>		
National Prizes	94,750	94,750
Parish Phase Prizes	5,000	5,000
Community Project (Building Material)	13,750	13,750
Trophies/ Plaques	-	-
Batsman/Bowler of Match	-	-
Sub- Total	113,500	113,500
TOTAL EXPENSES	5,837,209	5,837,209
Net Profit/Loss	283,791	283,791
Balance on Budget	162,791	162,791



Appendix 3

BUDGET -2017 Central America and Caribbean Swimming Championship

CCCAN - T&T June 28-July 2 2017

TRANSPORTATION	CCCAN 2017	COST US\$/PERSON	TOTAL PER EXPEDITION	G. TOTAL US\$
<i>Caribbean</i>				
KIN - POS - KIN			SWIMMERS	
27/06/2017 03/07/2017		\$590.00	\$11,800.00	\$11,800.00
<i>Total airfare accomodation outside POS</i>				
ACCOMODATION & PER DIEM				
Ground Transportation	\$0.00	\$0.00	\$0.00	\$0.00
Accommodation & Dining (quad)	\$100.00	\$600.00	\$12,000.00	\$12,000.00
Afternoon Meal @ Pool	\$10.00	\$60.00	\$1,200.00	\$1,200.00
Officials Per Diem	\$30.00	\$180.00		\$0.00
MEET COSTS				
Event Swimming	\$0.00	\$0.00	\$0.00	\$0.00
Event Open Water	\$0.00	\$0.00	\$0.00	\$0.00
Relay	\$0.00	\$0.00	\$0.00	\$0.00
CLOTHING & GEARS				
Track Suits	\$0.00		\$0.00	\$0.00
Team Uniform	\$0.00			
T-Shirts	\$11.00	\$110.00	\$2,200.00	\$2,200.00
Bags	\$0.00		\$0.00	
MISCELLANEOUS				
Medical Kit			\$0.00	\$0.00
Hydration and Supplements	\$20.00	\$120.00	\$2,400.00	\$2,400.00
Telephone/ Communication Costs			\$0.00	\$200.00
Cost For Officials		\$244.50		\$4,890.00
		\$1,904.50	\$29,600.00	\$34,690.00
Contingency 10%				\$3,469.00
TOTAL			\$29,600.00	\$38,159.00

TOTAL No. of ATHLETES	20
No. of Team Officials SW	3
No. of Team Officials OW	0
TOTAL No. of OFFICIALS	3
TOTAL TEAM SIZE	23
ROE US\$1 = JAS	\$130.00

\$4,960,670.00



Appendix 4

502

SOCIAL DEVELOPMENT COMMISSION
SPECIAL PROJECTS
Petrojam Back to school 2017
As 31/03/2018

	St Ann South West	St Elizabeth South East	East Rural St. Andrew	St. Catherine S.C	TOTAL
<u>INCOME</u>					
Opening Balance					-
Capital Grants					-
Program Income / Transfer from Head Office	300,000.00	600,000.00	300,000.00	1,500,000.00	2,700,000.00
	300,000.00	600,000.00	300,000.00	1,500,000.00	2,700,000.00
<u>EXPENSES</u>					
Transfer to Regions					-
Book/Voucher/school Supplies	100,000.00	582,000.00	485,000.00	1,500,000.00	2,667,000.00
Education/School Fees					-
	100,000.00	582,000.00	485,000.00	1,500,000.00	2,667,000.00
NET INCOME/LOSS	<u>200,000.00</u>	<u>18,000.00</u>	<u>(185,000.00)</u>	<u>-</u>	<u>33,000.00</u>

Summary	CONSTITUENCY
Total Income	2,000,000.00
Constituency Expenditure	2,667,000.00
NET INCOME/LOSS	(667,000.00)



Appendix 5

St. Mary Technical School - Fee A/C 007540

DATE 03.05.2017
D D M M Y Y Y

PAY TO THE ORDER OF Chemical Medical & Scientific Supplies Ltd. JMD \$ 785,384.⁵⁰/₁₀₀
Seventy Eighty-five Thousand Three Hundred & Eighty-four
Jamaican Dollars ⁵⁰/₁₀₀ DOLLARS

Scotiabank
THE BANK OF NOVA SCOTIA JAMAICA LIMITED
PORT MARIA BRANCH

Memo _____

Signature: *William Johns*

⑈007540⑈ [REDACTED]

Date _____
PRINCIPAL

St. Mary Technical School - Fee A/C 007571

DATE 30.05.2017
D D M M Y Y Y

PAY TO THE ORDER OF Chemical Medical & Scientific Supplies Ltd. JMD \$ 775,017.⁵⁰/₁₀₀
Seventy Seven Thousand Five Hundred & Seventeen
Jamaican Dollars ⁵⁰/₁₀₀ DOLLARS

Scotiabank
THE BANK OF NOVA SCOTIA JAMAICA LIMITED
PORT MARIA BRANCH

Memo _____

Signature: *William Johns*

⑈007571⑈ [REDACTED]



Appendix 6

**NORTH EAST REGIONAL HEALTH AUTHORITY
Procurement Department - Approval Form**

3A

CONTRACTS VALUED \$0.00-\$5,000,000.00 (Service)

- 1) Purchase Order #: 818957
- 2) Purchase Order Date: 12-4-17
- 3) Name of Project / Facilities: **Supply, installation and commissioning of one (1) Incubator-ABH**
- 4) Nature of Funding and Source: **NERHA**
- 5) Is the Supplier on the Government of Jamaica List of Approved Supplier? Yes No N/A
- 6) Procurement Method: Open Market Selective Tender Limited Tender Direct Contracting
- 7) Supplier awarded: **Medical Link Limited**
- 8) Description of Contract: **One (1) Incubator**
- 9) Amount Awarded: **\$578,290.00**
- 10) Evaluation Criteria: **Most economical**
- 11) Terms of Payment: **50% deposit required**
- 12) Date request received: **February 27, 2017**
- 13) Quotation by Price (lowest first):

SUPPLIERS	DATE QUOTATIONS RECEIVED	Prices
Medical Link Limited	March 17, 2017	\$578,290.00
Donemar Limited	March 17, 2017	\$1,163,310.75
Industrial & Technical Supplies Limited	March 20, 2017	\$1,467,900.00

14) If rejected or deferred, please give details below:

15) Approval

[Signature]
Signature of Procurement Manager
04/04/2017
Date

[Signature]
Signature of Regional Director
2017/04/10
Date

16) Approval Funding

[Signature]
Director of Finance

[Signature]
10/04/2017
Date



Appendix 7

Integrity Commission Act

Section 6 (1) (a) states, *inter alia*, that:

- “...the functions of the Commission shall be to —*
- (a) Investigate alleged or suspected acts of corruption and instances of non-compliance with this Act;”*

Section 33 (1) (a) and (b) of the ICA provides the following:

“The Director of Investigation shall—

- (a) Without prejudice to the provisions of any other enactment, and subject to any general or specific direction of the Commission, investigate, in the manner specified by or under this Act, any allegation that involves or may involve an act of corruption or any allegation relating to non-compliance with the provisions of this Act; on the basis of any complaint, information or notification referred to him by the decision of the Commission or by the Director of Information and complaints;*
- (b) subject to section 52(2), monitor and where necessary, investigate, in the manner specified by or under this Act, the award, implementation or termination of any government contract, and the grant, issue, variation, suspension or revocation of*



any prescribed licence, with a view to ensuring that—

- (i) in the case of a government contract, it is awarded impartially, on merit, and in a financially prudent manner which do not involve impropriety, breach of any applicable law relating to procurement or other irregularity, and that the implementation or termination of the contract conforms to the terms thereof, without prejudice to the functions of any public body in relation to the contract; and*
- (ii) in the case of a prescribed licence, the circumstances of such grant, issue, variation, suspension or revocation do not involve impropriety or breach of any applicable law relating to procurement or other irregularity and where appropriate, that the prescribed licence is used in accordance with the terms and conditions thereof;”*

Section 48(3) states that:

“For the purposes of an investigation, the Director of Investigation shall have the same powers as a Commissioner pursuant to the provisions of the Commissions of Enquiry Act in respect of the attendance and examination of witnesses and the production of documents and the provisions of sections 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I,



11J, 11K, and 11L of that Act shall apply, mutatis mutandis, in relation thereto: ...

Section 52 (1) (a) expressly provides that:

“Subject to subsection (2) and the specific or general direction of the Commission, the Director of Investigation may, in relation to government contracts and licences, conduct an Investigation into any or all of the following matters—

- (a) in relation to government contracts—*
 - (i) the registration of contractors;*
 - (ii) tender procedures relating to government contracts awarded to public bodies;*
 - (iii) the award or termination of any government contract;*
 - (iv) the implementation of the terms of any government contract;”*

Commissions of Enquiry Act

Sections 11E of the Commissions of Enquiry Act states that:

“(1) A person shall not give evidence before the Commission that he knows is false or misleading in a material particular.



(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding six months.”

Perjury Act

Section 4 of the Perjury Act states that:

“4. (1) Every person who, being lawfully sworn as a witness or as an interpreter in a judicial proceeding, willfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, shall be guilty of the misdemeanour of perjury, and on conviction on indictment thereof liable to imprisonment with hard labour for any term not exceeding seven years, or to a fine, or to both such imprisonment and fine.

(2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorized by law to administer an oath to the person who makes the statement, and to record or section, be treated as having been made in a judicial proceeding.



(4) A statement made by a person lawfully sworn in the Island for the purposes of a judicial proceeding-

(a) in another part of the Commonwealth; or

(b) in a tribunal lawfully constituted in any place by sea or land outside the Commonwealth, shall,

for the purposes of this section, be treated as a statement made in a judicial proceeding in the Island.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

Section 8 of the Perjury Act states that:

“Every person who knowingly and willfully makes “otherwise than on oath” a false statement in a material particular, and the statement is made –

(a) in a voluntary declaration;

(b) in an abstract, account balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document, which he is authorised or required to make, attest, or verify, by any enactment for the time being in force; ...

(c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any enactment for the time being in force,



shall be guilty of a misdemeanour, and liable on conviction on indictment thereof to imprisonment with hard labour for any term not exceeding two years, or to a fine, or to both such imprisonment and fine”.