



INTEGRITY COMMISSION

OFFICE OF THE EXECUTIVE DIRECTOR

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LETTER #2 – INDICATION OF RULING

June 20, 2023

The Hon. Marisa Dalrymple-Philibert, CD, MP
Speaker of the House of Representatives
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Senator the Hon. Tom Tavares-Finson, OJ, CD, QC, JP
President of the Senate
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Dear Honourable Speaker and Honourable President:

Re: Submission of Indicative Ruling – Concerning Investigation into Allegations of Breaches of the Corruption Prevention Act and the Integrity Commission Act by Dr. Moina Spencer, an Employee of the South East Regional Health Authority (SERHA)

I have the good honour and privilege to write to you further to the Commission's Notice to you of April 6, 2023, a copy of which is attached herewith for your ease of convenience and, more particularly, with reference to the directions of the Commission, its Director of Investigation and its Director of Corruption Prosecution, regarding the captioned Investigation Report.

The Integrity Commission, in keeping with, *inter alia*, the provisions of Sections 33, 53 and 54 of the ***Integrity Commission Act, 2017***, has completed its Report of Investigation into the captioned matter. The referenced Report of Investigation has already been submitted to you under cover of letter of even date entitled: **LETTER #1 – INVESTIGATION REPORT TO BE TABLED**.

As it regards the Commission's Reports of Investigation, Section 54(1) of the Act provides that:

“On completion of an investigation, the Director of Investigation shall prepare and submit to the Commission, through the Executive Director, a report of his findings and recommendations.”

Section 54(3)(b) of the Act expressly provides that:

“Where upon completion of an investigation, the Director of Investigation is satisfied that there are reasonable grounds for suspecting that-

(i) an act of corruption or an offence under this Act has been committed, the Director of Investigation shall, in his report to the Commission, recommend that the matter be referred to the Director of Corruption Prosecution who may take such action as may be deemed appropriate”

Additionally, Section 54(4) of the referenced Act provides that:

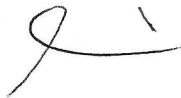
“Where the report to the Commission has a recommendation under subsection (3), the Commission shall submit it to Parliament for tabling, excluding such matters as the Director of Corruption Prosecution regards as likely to prejudice the prosecution of any proceedings in relation to matters referred to in the report.”

The Commission’s Director of Corruption Prosecution has, pursuant to the provisions of the Integrity Commission Act, inclusive of the aforementioned Sections 54(3)(b) and 54(4) of the Act, reviewed the subject Report and, upon careful consideration has determined that Dr. Moina Spence should be charged for breach of Section 15(2)(a) of the Corruption Prevention Act for Failure to File a Statutory Declaration for the periods ending December 31, 2016 and December 31, 2017.

Consequently, I now hereby so advise.

I avail myself of this opportunity to renew to you the assurance of my highest considerations.

Respectfully yours,



Greg Christie
Executive Director
for and on behalf of the Integrity Commission

Enclosure

Copy: Ms. Valrie Curtis, CD, BH (M), JP, Clerk to the Houses of Parliament
Hon. Mr. Justice (Ret’d) Seymour Panton, OJ, CD, Chairman, Integrity Commission
Mrs. Keisha Prince-Kameka, Director of Corruption Prosecution, Integrity Commission
Mr. Kevon Stephenson, JP, Director of Investigation, Integrity Commission



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URGENT

April 6, 2023

The Hon. Marisa Dalrymple-Philibert, CD, MP
Speaker of the House of Representatives
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Senator the Hon. Tom Tavares-Finson, OJ, CD, KC, JP
President of the Senate
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Ms. Valrie Curtis, CD, BH (M), JP
Clerk to the Houses of Parliament
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Dear Honourable Speaker, Honourable President and Madame Clerk:

Re: Notice Regarding Submission of Investigation Reports and Indicative Rulings

I have the good honour and privilege to write to you, at the direction of the Commissioners of the Integrity Commission, regarding the Commission's conveyance of Investigation Reports to Parliament for tabling, and its notification to you of the Indicative Rulings of the Commission's Director of Corruption Prosecution.

The Commission wishes to advise as follows:

- (1) "The Integrity Commission Act provides for the tabling in Parliament of reports done by the Director of Investigation. It forbids comment on a report prior to it being tabled. There is no provision in the Act as regards tabling or publishing the rulings of the Director of Corruption Prosecution."

(2) "For the avoidance of doubt, the Commission wishes to indicate its policy as follows:

An investigation report that contains a recommendation for the consideration of the Director of Corruption Prosecution will be sent in the usual manner to Parliament for tabling. If the ruling is available, an indication of the ruling will be sent concurrently with the report in a separate letter for Parliament to table same after the report has been tabled. The reasons for the ruling of the Director of Corruption Prosecution will not necessarily be published."

For administrative purposes, where an investigation report, along with an associated ruling, are sent to the Parliament by the Commission, the transmittal letter for the investigation report, and its envelope, will be labelled "**LETTER #1**" in red, and the indicative ruling letter and its envelope will be labeled "**LETTER #2**" in red.

I avail myself of this opportunity to renew to you the assurance of my highest considerations.

Very respectfully yours,



Greg Christie
Executive Director
for and on behalf of the Integrity Commission

Copy: Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD, Chairman, Integrity Commission
Mr. Kevon Stephenson, JP, Director of Investigation, Integrity Commission
Mrs. Keisha Prince-Kameka, Director of Corruption Prosecution, Integrity Commission