



**INTEGRITY COMMISSION**  
**Special Report of Investigation**

**REPORT No. 1**

**Conducted Into Allegations of Acts of Irregularity and/or Impropriety, Conflict of Interest,  
Corruption, Nepotism, Cronyism and Favouritism at Petrojam Limited**

**Petrojam Limited**

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## INTEGRITY COMMISSION

### Special Report of Investigation

#### **Conducted into Allegations of Acts of Irregularity, Impropriety, Conflict of Interest, Corruption, Nepotism, Cronyism and Favouritism at Petrojam Limited**

#### **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The enactment and subsequent gazette of the ICA, partially repealed the Contractor General Act (1983) and established the Integrity Commission (IC).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 IC. 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 Jamaica<sup>1</sup>.

The decision to commence an Investigation into the stated matter(s) was prompted by an anonymous allegation received by the DI. The allegations referred to certain acts of corruption, impropriety and irregularity in relation to, *inter alia*, the following:

- (a) The recruitment of Mrs. Yolande Ramharrack to Petrojam Limited as the Human Resource Development and Administration Manager, the salary and benefits which formed a part of her employment contract and the existence of a personal relationship between Dr. Andrew Wheatley and Mrs. Ramharrack;
- (b) The tenure of Dr. Perceval Bahado-Singh as the former Chairman of Petrojam Limited, and in particular issues of conflicts of interest owing to an alleged close personal relationship with Dr. Andrew Wheatley and the purchase of airline tickets and associated accommodations in respect of business trips which were not attended;
- (c) The employment of: (i) Mr. Clayton Smith; (ii) Mrs. Michon Daley nee Bell; (iii) Mr. Olivier Cole; (iv) Reverend Dorothy Grant; and (v) Mr. Floyd Grindley; and

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



- (d) The alleged use of state funds for the hosting of a surprise party for the former Minister of Science, Energy and Technology and the former Chairman, Petrojam Limited.

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 under which Petrojam Limited entered into employment contracts with the following individuals: (i) Mrs. Yolande Ramharrack; (ii) Mrs. Michon Daley nee Bell; (iii) Mr. Clayton Smith; (iv) Mr. Olivier Cole; (v) Reverend Dorothy Grant; and (vi) Mr. Floyd Grindley; (c) the circumstances surrounding the alleged reimbursement of overseas travel expenses to the former Chairman, Dr. Perceval Bahado-Singh, by Petrojam Limited; and (d) the circumstances surrounding certain identified affiliations and/or associations and whether they gave rise to a conflict of interest.

The foregoing objectives formed the basis of the DI'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 July 23, 2018 to March 4, 2019, a total of fifteen (15) persons were summoned to appear before the Director of Investigations to give evidence pursuant to Section 48 of the Integrity Commission Act. A total of ten (10) 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.

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 DI; and (c) the responses provided by the respondents during the course of hearings.



This report is the first 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**

#### **The Recruitment of Certain Individuals to Petrojam Limited for the period November 2016 to December 2018**

##### **The Recruitment of Mrs. Yolande Ramharrack**

1. The persons who comprised the panel which interviewed Mrs. Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited were: Mr. Floyd Grindley, former General Manager, Petrojam Limited, Mr. Richard Creary, Director, Petroleum Corporation of Jamaica and former Director, Petrojam Limited and Dr. Lowell Dilworth, Chemical Pathologist and Lecturer at the University of the West Indies.
2. Clause 10.2 of Petrojam Limited's Recruitment Policy provides that the panel of persons selected to conduct interviews for prospective employees at the entity should include a representative of the Human Resource Department, the relevant manager or his designate and a senior employee in the specific discipline.
3. Mrs. Roselee Scott-Heron advised the DI that, during her tenure as Human Resource Development and Administration Manager, Board Directors of Petrojam Limited were not utilised in the conduct of interviews for prospective employees at the entity, with the exception of the position of General Manager.
4. Mrs. Yolande Ramharrack advised the DI that:



- (a) A Director of the Board of Petrojam Limited's Human Resource Sub-Committee was a member of the panel which interviewed her for the post of Human Resource Development and Administration Manager;
  - (b) The Human Resource Officer and Head of Department determine the members of the interview panel; and
  - (c) A Manager may decide to select a subject matter expert to sit on the interview panel.
5. Mrs. Ramharrack advised the DI that, during her tenure as Human Resource Development and Administration Manager, she did not observe Petrojam Limited utilising external persons as members of interview panels.
6. Mrs. Nordia Sandford, Human Resource Development Officer, was not a member of the interview panel that interviewed Mrs. Ramharrack for the position of Human Resource Development and Administration Manager. Further, the panel which interviewed Mrs. Ramharrack did not include any member of the Human Resource Department of Petrojam Limited.
7. The Human Resource Department of Petrojam Limited is responsible for the placement of advertisements for vacancies and utilises the email address, '[HRD@Petrojam.com](mailto:HRD@Petrojam.com)', in this regard.
8. The advertisement placed in the Sunday Gleaner dated January 1, 2017 for the position of Human Resource Development and Administration Manager, and to which Mrs. Ramharrack responded, was not published by Petrojam Limited's Human Resource Department and the department does not utilise the email address 'energysect@gmail.com', to which applicants were instructed to submit their applications.



9. Dr. Lowell Dilworth, a Chemical Pathologist and Lecturer at the University of the West Indies, has no affiliation, business relations, role or function at Petrojam Limited nor has he ever executed any tasks at Petrojam Limited or undertaken a consultancy at the entity.
10. Dr. Lowell Dilworth has no professional and/or educational background in the field of Human Resource Management.
11. In the recruitment of Mrs. Yolande Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited, Dr. Lowell Dilworth did not receive the job description prepared by the entity to complete his assessment and was only provided with a copy of her résumé.
12. Dr. Lowell Dilworth is an acquaintance of Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited and has been so acquainted since their tenure at the University of the West Indies.
13. Dr. Dilworth was acquainted with Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology, as they were members of the same research group at the University of the West Indies.
14. Dr. Lowell Dilworth is a member of the Board of the Council for Community Colleges of Jamaica (CCCJ), the University Council of Jamaica (UCJ), the Rural and Agricultural Development Agency (RADA) and the North East Regional Health Authority (NERHA).
15. As at the date on which Mrs. Yolande Ramharrack was interviewed for the position of Human Resource Development and Administration Manager by Mr. Richard Creary, he was the Chairman of the Human Resource Committee of Petroleum Corporation of Jamaica (PCJ).



16. In the recruitment of Mrs. Yolande Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited, Mr. Creary did not receive the job description prepared by the entity to complete his assessment and was only provided with a copy of her résumé.
17. Both Dr. Lowell Dilworth and Mr. Richard Creary indicated that Dr. Bahado-Singh asked them to be members of the panel to interview Mrs. Yolande Ramharrack for the position of Human Resource Development and Administration Manager.
18. Petrojam Limited did not conduct a second interview with Mrs. Yolande Ramharrack for the position of Human resource Development and Administration Manager.
19. The psychometric test which was completed by Mrs. Ramharrack was not utilised by Petrojam Limited as a second interview was not conducted by the entity.
20. The employment contracts of Petrojam Limited employees are the same as the offer letters which are prepared by the entity.
21. Clause 2.1 of the Productivity Incentive Policy of Petrojam Limited provides that regular employees who have successfully completed their period of probation are eligible to receive a productivity incentive.
22. Mr. Floyd Grindley waived the required three (3) month probation period for Mrs. Ramharrack, the period which is required to evaluate a new employee's performance and suitability for the position for which he/she was hired.

The Director of Investigation has seen no basis upon which the probationary period was waived for Mrs. Ramharrack.



23. Mrs. Yolande Ramharrack was awarded a productivity incentive for the period February 13, 2017 to March 31, 2017 in the amount of \$173,652.34.

The Director of Investigation has seen no evidence which substantiates the basis upon which the productivity incentive was awarded to Mrs. Ramharrack.

24. Petrojam Limited employed Mrs. Ramharrack as the Human Resource Development and Administration Manager notwithstanding the fact that she failed to meet the minimum educational requirements for the referenced position as advertised and as detailed in the Job Description.

*The Recruitment of Mr. Clayton Smith*

25. By way of letter dated January 28, 2017, Mr. Clayton Smith applied to Petrojam Limited without stating a specific role for which he so applied.

Mr. Smith advised the DI that he was made aware of a job availability at Petrojam Limited by his sister, Mrs. Yolande Ramharrack. Of note, on January 28, 2017, the date of Mr. Smith's application letter, Mrs. Ramharrack was not employed to Petrojam Limited.

26. Clause 12 of Petrojam Limited's Employment Policy provides that Petrojam Limited, in its absolute discretion, may consider the applications of employees' relatives, with the exception of spouses (formal or informal), parents and siblings.

27. Petrojam Limited employed Mr. Clayton Smith, the brother of Mrs. Yolande Ramharrack, who does not fall within the category of relatives, within which, the entity may exercise its discretion in hiring.



28. The interview records which were completed in relation to Mr. Clayton Smith revealed that the interview panel did not recommend him to be employed as an Instrument and Electrical Technician.
29. In the recruitment of certain specialized fields, Petrojam Limited utilises a number of aptitude tests in the recruitment process. The following tests include: English Comprehension, Arithmetic, Mental Ability<sup>2</sup> and Mechanical Comprehension.
- In relation to the mentioned aptitude tests which were administered on March 29, 2017, Mr. Clayton Smith scored below the desired grade of 75%.
30. The same aptitude tests were re-administered to Mr. Clayton Smith on April 10, 2017 and he again failed to obtain the score of 75%, with the exception of Mental Ability.
31. Notwithstanding the fact Mr. Clayton Smith was rejected by the interview panel and that he failed the competency tests with the exception of one of the Mental Ability Tests, he was employed to Petrojam Limited in the capacity of Instrument & Electrical Technician for a period of two (2) years.
32. It is not the usual practice of Petrojam Limited to re-administer aptitude tests to prospective employees.
33. Mrs. Claudia Ellis-Lindsay advised the DI that she was instructed by Mrs. Yolande Ramharrack to re-administer the competency tests to her brother, Mr. Clayton Smith.
34. Clause 14.2.2 of Petrojam Limited's Recruitment Process Policy provides that the signatures of the Human Resource Development and Administration Manager, the relevant Department Manager and the 'Managing Director' must be affixed to the offer letter/employment contract.

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<sup>2</sup> The tests administered in the field of Mental Ability were undated.





35. Mr. Clayton Smith's offer letter/employment contract was only signed by Mrs. Yolande Ramharrack.

*The Recruitment of Mrs. Michon Daley nee Bell*

36. The Director of Investigation has seen no evidence that a formal recruitment process was undertaken by Petrojam Limited in the employment of Mrs. Michon Daley nee Bell. In point of fact, Mrs. Yolande Ramharrack was the only person who interacted with Mrs. Daley prior to her employment.

37. Petrojam Limited employed Mrs. Michon Daley nee Bell as the Telephone Operator/Receptionist notwithstanding the fact that she did not provide evidence of her stated academic qualifications.

38. Mrs. Daley's offer letter/employment contract was only signed by Mrs. Yolande Ramharrack.

*The Recruitment of Mr. Olivier Cole*

39. Mr. Olivier Cole was employed by Petrojam Limited in the capacity of Project Director for the Vacuum Distillation Unit Project.

40. The Director of Investigation has seen no evidence to suggest that the position of Project Director for the Vacuum Distillation Unit Project at Petrojam Limited was advertised by the entity.

41. The Ministry of Finance and the Public Service did not approve the position of a Project Director for the Vacuum Distillation Unit Project at Petrojam Limited.



### *The Recruitment of Reverend Dorothy Grant*

42. Reverend Dorothy Grant was awarded a consultancy agreement as Counselor at Petrojam Limited for the period of one (1) year commencing December 14, 2017 to December 13, 2018 at a rate of \$4,000.00 per hour.
43. Reverend Dorothy Grant was paid an amount of \$1,296,000.00 for the provision of chaplaincy services for the period April 12, 2017 to December 31, 2017.
44. Reverend Dorothy Grant's offer letter/employment contract was only signed by Mrs. Yolande Ramharrack.

### *The Recruitment of Mr. Floyd Grindley*

45. The members of the panel which interviewed Mr. Floyd Grindley for the position of General Manager at Petrojam Limited, included: Mrs. Yolande Ramharrack (PCJ Director at the relevant time), Mr. Phillip Chambers, PCJ Director, Dr. Perceval Bahado-Singh, former PCJ Director and Dr. Ike Johnson, former Assistant VP, Scotia Investment Limited.

### *Circumstances Surrounding the Reimbursement of Overseas Travel Expenses to Dr. Perceval Bahado-Singh*

46. During the period December 2016 to June 2018, Petrojam Limited reimbursed Dr. Perceval Bahado-Singh the total amounts of US\$61,372.69 and J\$18,668.99 for travel related expenditure which was proffered by him as having been incurred in his capacity as Chairman of the Board of Directors.



47. The amount of US\$10,506.75 was made payable to Rose Hall Development Limited for a “private function” which was held on “September 19, 2017”. The payment was classified by Petrojam Limited as a “private function for 25 persons hosted by Chairman-September 19, 2017”.

48. Petrojam Limited was unable to locate supporting documentation to account for reimbursements made to Dr. Perceval Bahado-Singh in relation to the following disbursements:

**Table 1**

Payee	Amount	Date	Reason for Payment
Perceval Bahado-Singh	US\$2,323.78	5/5/2017	REIMBURSEMENT – TRAVELLING EXPENSES P.SINGH 5.5.17 (RUP AND CRUDE SUPPLY MEETING) PHILADELPHIA TO KINGSTON – BALTIMORE
Perceval Bahado-Singh	US\$944.94	11/3/2017	REIM FOR AIRFARE – TRAVEL TO TORONTO RE MEETING WITH RODNEY DAVIS

49. Petrojam Limited was unable to corroborate and provide supporting documentation that the meetings were held on the dates specified in relation to the following disbursements to Dr. Perceval Bahado-Singh:

**Table 2**

Payee	Amount	Payment Date	Reason for Payment
Perceval Bahado-Singh	US\$2,743.88	3/3/2017	REIMBURSEMENT FOR OVERSEAS TRAVEL EXP- DR. P.SINGH –MANAGEMENT MEETING (AIRLINE TICKET AND HOTEL ACCOMMODATION)
Perceval Bahado-Singh	US\$1,951.80	4/5/2017	REIMB: OF TRAVEL EXPENSES RE CUSTOMER & INVESTOR MEETING
Perceval Bahado-Singh	US\$ 999.71	7/5/2017	REIMBURSEMENT FOR TRAVEL EXPENSES
Perceval Bahado-Singh	US\$2,270.38	4/11/2018	REIM AIRFARE, 5.4.2018, 19-21.4.2018 RE PJAM BUSINESS BALTIMORE/TORONTO/KGN



50. The following travel expenditure stated to have been incurred by Dr. Bahado-Singh, and/or in relation Dr. Bahado-Singh, and for which he was reimbursed, were not determined to be official company business:

**Table 3**

Payee	Amount	Payment Date	Reason for Payment
Perceval Bahado-Singh	US\$837.45	4/20/2018	REIMB: HOTEL RE 71 <sup>ST</sup> HORATIO ALGAR AWARDS IN WASHINGTON
Perceval Bahado-Singh	US\$3,963.44	9/7/2017	REIMB OF EXPENSES FOR LNG FORUM IN LONDON
Perceval Bahado-Singh	US\$1,135.62	11/29/2017	REIMBURSEMENT FOR TRAVEL -- Conference in Canada re 'Presidents of Enterprising Organisation.
Perceval Bahado-Singh	US\$ 550.00	5/12/2017	(ADMIRALS CLUB) AIRLINE MEMBERSHIP DUES 2017/18-P.BAHADO-SINGH
Perceval Bahado-Singh	US\$1,431.12	6/30/2017	REIMBURSEMENT FOR HOTEL ACCOMMODATIONS SUNSCAPE
Rose Hall Developments	US\$10,506.75	5-Dec-17	INV# MO92017001 (PRIVATE FUNCTION FOR 25 PERSONS HOSTED BY CHAIRMAN- SEPT 19, 2018)
<b>Total</b>	<b>US\$18,424.38</b>		
Perceval Bahado-Singh	J\$18,668.99	12/12/2017	REIM FOR ACCOMN/TRAVEL-PBAHADOSINGH 1/12/17
Rose Hall Developments	J\$20,970.00	28/11,2107 [sic]	INV# MO92017001 (PRIVATE FUNCTION FOR 25 PERSONS HOSTED BY CHAIRMAN- SEPT 19, 2018)
<b>Total</b>	<b>J\$39,638.99</b>		

51. In relation to two (2) instances where reimbursement were made in the amounts of US\$2,323.78 and US\$944.94, Petrojam Limited was unable to confirm the dates that the meetings were held based on the dates specified in the travel itinerary.

52. In five (5) instances, noted below, Dr. Bahado-Singh did not attend Conferences and/or engagements for which he had sought and received reimbursements from Petrojam Limited:

**Table 4**

Payee	Amount	Payment Date	Reason for Payment
Perceval Bahado-Singh	US\$1,949.22	12/12/2017	REIMBURSEMENT FOR O/SEA TRAVEL – FAMILY FUN DAY 6.12.17 & 35 <sup>TH</sup> ANNIVERSARY
Perceval Bahado-Singh	US\$7,873.29	5/10/2018	REIB. FOR AIRFARE – RE: BRAZIL CRUDE CONFERENCE
Perceval Bahado-Singh	US\$3,963.44	9/7/2017	REIMB OF EXPENSES FOR LNG FORUM IN



<i>Singh</i>			<i>LONDON</i>
<i>Perceval Bahado-Singh</i>	<i>US\$4,758.04</i>	<i>11/3/2017</i>	<i>REIM FOR AIRFARE-TRAVEL KGN TO FRANKFURT RE GAS FORUM</i>
<i>Perceval Bahado-Singh</i>	<i>US\$8,384.21</i>	<i>3/5/2018</i>	<i>REIMB AIRLINE TICKET &amp; HOTEL RE LONDON INSURANCE MEETING</i>

53. Dr. Bahado-Singh refunded the total amount of US\$24,978.98 to Petrojam Limited in relation to travel related expenditure for Conferences for which he did not attend and for which he had sought and received reimbursements from Petrojam Limited. The following are the reimbursements which were made by Dr. Bahado-Singh:

- (a) Travel related expenses to London regarding Insurance meeting in the amount of US\$8,384.21. Documents retrieved from Petrojam Limited revealed that the dates for travel were February 25, to March 1, 2018 and that the reservation dates for the tickets which were purchased by Dr. Bahado-Singh were March 1- 6, 2018. Petrojam Limited reimbursed Dr. Bahado-Singh on March 5, 2018 and the amount was subsequently refunded to Petrojam Limited on May 30, 2018.
- (b) Travel related expenses to Brazil regarding a Crude Oil Conference in the amount of US\$7,873.29. In this regard, the date of the visit was during the period May 20 to 25, 2018. The reservation dates for the tickets purchased by the former Chairman were May 21 to 27, 2018. The sum was reimbursed by Petrojam Limited on May 8, 2018 and the amount refunded by the Chairman on May 30, 2018.
- (c) Travel related expenses to London regarding a LNG Forum in the amount of US\$3,963.44. The reservation dates for the tickets which were purchased by the Chairman were during the period September 11, 2017 to September 21, 2017. The Director of Investigation is unaware of the date on which Dr. Bahado-Singh reimbursed Petrojam Limited.



- (d) Travel related expenses to the Frankfurt Gas Forum in the amount of US\$4,758.04. The ‘date of the visit’ was during the period December 13 to 14, 2017, and the reservation dates which were made by then Chairman Dr. Bahado-Singh were December 10- 17. Petrojam Limited reimbursed the Chairman on November 3, 2017 and the Chairman refunded Petrojam Limited on July 6, 2018.
54. There is no evidence that the amount of US\$1,949.22 which had been reimbursed as travel related expenses in relation to Family Fun Day “6.12.17” and “*Petrojam 35<sup>th</sup> Anniversary*”, and for which Petrojam Limited indicated that the Chairman did not attend, was refunded by Dr. Bahado-Singh.
55. The DI was advised by letter dated April 1, 2019, that Petrojam Limited was reimbursed funds in the amount of US\$31,798.53 by Dr. Perceval Bahado-Singh for expenditure incurred by him which were either unauthorized or did not fall within the category of legitimate company business.
56. In all 27 instances in which a reimbursement was made by Petrojam Limited to Dr. Perceval Bahado-Singh, the approval of the former General Manager, Mr. Floyd Grindley was provided.
57. In the instances in which payments were made to Half Moon Jamaica and Rose Hall Development Limited for travel related expenditure associated with Dr. Perceval Bahado-Singh, the approval of the former General Manager, Mr. Floyd Grindley was provided.
58. In relation to the thirty-one (31) instances in which reimbursements were made to Dr. Perceval Bahado-Singh, and/or in relation to travel related expenditure associated with Dr. Bahado-Singh, the approval of the portfolio Permanent Secretary in the Ministry of Science Energy and Technology was only received once. This approval was received for



the disbursement which was made for the amount of US\$1,817.84 which was made payable by cheque dated December 23, 2016.

59. In all instances, during the period of December 2016 and June 2018, Dr. Perceval Bahado-Singh made his own travel arrangements in relation to expenses which were subsequently reimbursed to him by Petrojam Limited.

60. Circular No. 21 dated December 22, 2014, referred to as the “*Revised Procedures for Overseas Travel*”, is applicable to all public officials including Board Chairmen.

61. The referenced Circular makes the following stipulations:

- a. *“Officers travelling must not be allowed to make their own travel arrangements”;*
- b. *“All persons responsible for making decisions concerning these expenditures must determine whether the expense to be incurred represents creditable use of public funds”*
- c. *“There is accountability and transparency in the disbursement and reimbursement of expenses incurred or to be incurred”*
- d. *“Business travel arrangements are cost effective ensuring best value to the country.”*
- e. *“Application for approval of overseas travel by government officials (not involving any member of the political directorate) in respect of Ministries, Departments, Agencies, Local Authorities and Public Bodies must be submitted through the relevant Permanent Secretary/Financial Secretary to the Cabinet Secretary for approval.”*
- f. *“...the public official must provide a travel report on return from an overseas trip.”*



*Alleged Use of State Funds for the Hosting of a Surprise Party for the Former Minister of Science, Energy and Technology*

62. A Surprise Birthday Party was held on January 9, 2018 at Half Moon Jamaica for the former Minister of Science, Energy and Technology, Dr. Andrew Wheatley, MP.
63. Dr. Andrew Wheatley, MP, former Minister of Science Energy and Technology, was born on January 8.
64. An invoice in the amount of US\$11,260.25 which was dated January 4, 2018, was directed to Mrs. Yolande Ramharrack, former Human Resource Development and Administration Manager, in relation to the Surprise Birthday Party for Dr. Andrew Wheatley, MP.
65. Mr. Floyd Grindley, former General Manager, authorized payment to Half Moon Jamaica by way of instructions to Mr. Delroy Brown, Chief Financial Officer, on “5/1/2018”.
66. By way of letter dated January 5, 2018, instructions were given by Petrojam Limited under the signatures of both Mr. Floyd Grindley and Mr. Delroy Brown to the National Commercial Bank to make payment to Half Moon Jamaica in the amount of US\$10,361.35.
67. The amount of \$1,370,850.00 was made payable by cheque dated December 21, 2018, to Petrojam Limited by one, ‘Elizabeth Moyston’ as a means of reimbursing Petrojam Limited for the amounts which were expended on the Surprise Birthday Party for the then Minister, Dr. Andrew Wheatley, MP.
68. The list of invitees to the Surprise Party for Dr. Andrew Wheatley, MP are as follows:

*Andrew Wheatley*

*Earle Keene*





*Wayne Harvey*

*Kirk Tyrell*

*Richard Creary*

*Clemente Ebanks*

*Chescott Brown*

*Robert Thomas*

*Floyd Grindley*

*Simeon Hall*

*Courtney Wilkinson*

*Sadiq Mahabeer*

*Ronique Budram-Ford*

*Harold Malcolm”*

69. Neither Petrojam Limited, Half Moon Jamaica nor Dr. Wheatley, MP, was able to confirm the persons who attended the party in celebration of Dr. Wheatley’s birthday.

70. Half Moon Jamaica stated that Mrs. Yolande Ramharrack was the person with whom the Hotel liaised in relation to the referenced party. Further, Mrs. Ramharrack communicated to Half Moon Jamaica that “...*they will be having a meeting in Montego Bay and wanted to have a surprise party after the meeting*”.

71. Half Moon Jamaica advised the DI that contact was also made by Mrs. Ronique Budram-Ford with the Hotel and that the discussions which were had related to payment for the referenced surprise birthday party.

72. Mrs. Yolande Ramharrack advised the DI on September 10, 2018, when asked whether she had planned a Surprise Birthday Party for Dr. Andrew Wheatley, MP, of the following:



*“Yes, I was asked to facilitate the food and the drinks and a cake for the Minister.”*

Ms. Ramharrack further stated that she was not aware that it was Dr. Wheatley’s Birthday and that she was asked to facilitate food, drinks and a cake by the former General Manager, Mr. Floyd Grindley.

73. Mrs. Yolande Ramharrack confirmed sending and receiving emails which were sent to and received from Half Moon Jamaica during the period January 3, 2018 to May 7, 2018 detailing, *inter alia*, menu options, the guest list and payment.

74. Mrs. Ronique Budram-Ford informed the DI on October 17, 2018, that she was aware that there were emails between Mrs. Yolande Ramharrack and Half Moon Jamaica for the Surprise Birthday Party for Dr. Andrew Wheatley and that the *“particular procurement did not come through my unit, that was something that was done through HR and Finance and Accounting Department.”*

75. Mrs. Budram-Ford advised the DI on October 17, 2018, that despite the fact that her name appeared on the Guest List she did not attend the party held at the Half Moon Jamaica on January 9, 2018, in celebration of Dr. Wheatley’s birthday.

76. Mrs. Budram-Ford informed the DI that at the time that the referenced party was held she was the Procurement Unit Head. In relation to questions which were posed by the DI relating to any actions which were taken by her upon becoming aware of the emails that were sent between Mrs. Yolande Ramharrack and Half Moon Jamaica concerning the party, Mrs. Budram-Ford stated as follows:

*“I did not say anything as I said I was waiting to see if the documents would have come to my desk before any necessary steps would have been taken by me.”*



77. Former Board Director, Petrojam Limited, Mr. Richard Creary, informed the DI of the following :

*“I can't remember if it was the first day, which day it was, there was over at a villa, I think that was where Dr Wheatley was staying, we went and had drinks and so on. As I say I don't remember when his birthday was but I know it could have been then because I remember there was the cutting of a cake and so on”.*

78. Former Chairman of the Board, Dr. Perceval Bahado-Singh, advised the DI that he was not in attendance at this referenced party and that he had no input in the planning of this party, nor was he directed or influenced to make any decisions with respect to the referenced party.

79. Dr. Andrew Wheatley, MP, informed the DI on March 4, 2019, that he attended his Surprise Birthday Party but was “... *not aware of any type of arrangements like that as it relates to the party, none whatsoever, any of the parties*”.

80. In relation to the payment in the amount of \$1,370,850.00, which was made payable by cheque dated December 21, 2018, to Petrojam Limited by one, ‘Elizabeth Moyston’, Dr. Wheatley, MP, stated that he did not know Elizabeth Moyston and that he neither solicited any funds to make any payment nor did he approve the reimbursement.



*Alleged Use of State Funds for the Hosting of a Surprise Party for former Chairman of the Board, Petrojam Limited, Dr. Perceval Bahado-Singh*

81. A Surprise Birthday Party was held on September 20, 2017, at Rose Hall Palms at Palmyra for the former Chairman of the Board, Dr. Perceval Bahado-Singh.
82. Dr. Perceval Bahado-Singh, former Chairman of the Board, Petrojam Limited, was born on September 19.
83. On September 19, 2017, **[REPRESENTATIVE 6]**, Rose Hall Development, wrote to Mrs. Ronique Budram-Ford, former Procurement Unit Head, Petrojam Limited, by email correspondence under the subject “*Special Event – Rose Hall Palms at Palmyra*”, expressing excitement in working with her on the “*surprise Birthday party for Stevie Bahado-Singh*”.
84. Several emails were sent during the period September 19, 2017 and December 8, 2017, between **[REPRESENTATIVE 6]** and Mrs. Ronique Budram- Ford regarding payment details concerning the ‘special event’ which was held in celebration of Dr. Bahado-Singh’s Birthday.
85. A Bid Evaluation Approval Control Sheet was prepared by Petrojam Limited, which indicated that the Direct Contracting Procurement Methodology was utilized in the procurement of services relating to a “*Pre-Strategic Planning Retreat Meeting*”. The recommended vendor was stated as ‘Rose Hall Hotel’ with the quoted bid amount of US\$10,506.75. The Bid Evaluation Approval Control Sheet was endorsed by Mrs. Yolande Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley on October 3, 11, 6 and 12, 2017, respectively.



86. An invoice in the amount of US\$10,506.75 which was dated September 19, 2017, and which listed Mrs. Ronique Budram-Ford as the contact person, was prepared by Rose Hall Developments, in relation to the “*surprise Birthday party for Stevie Bahado-Singh*”.
87. A Purchase Order was prepared on October 30, 2017, in the amount of US\$10,506.75, in relation to the “*Provision of Accommodation Services re Petrojam Limited Strategic Planning Retreat.*”
88. Mrs. Budram-Ford, during her appearance before the Director of Investigation, advised the DI that she was instructed by former General Manager, Mr. Floyd Grindley, to convene a meeting for 25 guests. She advised that she was unaware of the details of the meeting and that:
- “[She] contacted Rose Hall and asked if they make accommodations [and that Mr. Grindley] asked since around that time it coincides with the Chairman’s Birthday that arrangements be made for cake to be kept at the location as well.”
89. Ms. Maureen Freebourne, Corporate Planning and Risk Management Coordinator, was responsible for the planning of pre-strategic meetings and retreats during the principal time. Ms. Freebourne did not plan a strategic meeting or retreat on September 19 or 20, 2017, at the Rose Hall Palms at Palmyra. In point of fact, the pre-strategic meeting which was planned by Ms. Freebourne was facilitated at the Hyatt Ziva Hotel, Montego Bay, Jamaica.
90. Dr. Perceval Bahado-Singh advised the DI on March 11, 2019, that he attended the “*surprise birthday party ... held at the Palmyra resort on September 19<sup>th</sup>, 2017*” and the party was unbeknownst to him. He further advised the DI that he gave no directives or instructions for Petrojam Limited to host the surprise Birthday Party.



91. The amount of \$20,970.00 was reimbursed by Petrojam Limited, as a reimbursable expense, to Mr. Grindley, for the cost of a “*Cake for Strategic Planning Retreat function*”.

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

92. Dr. Perceval Bahado-Singh characterized his relationship with Dr. Andrew Wheatley, MP as ‘a fond friend’. It is also the Director of Investigation’s observation that Dr. Andrew Wheatley, MP was a groomsman at Dr. Bahado-Singh’s wedding.

93. Mr. Ike Johnson, former Assistant VP, Scotia Investments Limited, and who was a member of the panel which interviewed Mr. Floyd Grindley for the position of General Manager at Petrojam Limited, was a groomsman at Dr. Bahado-Singh’s wedding.

94. Mr. Ike Johnson was a member of the Commission empaneled by The Most Hon. Andrew Holness, ON, MP, Prime Minister of Jamaica, to conduct a review into the operations of Petrojam Limited, amidst the allegations of corruption at the entity.

95. Dr. Andrew Wheatley, MP, was appointed as the Minister of Science, Energy and Technology on March 7, 2016.

96. 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.

97. Mrs. Michon Daley *nee* Bell, former Telephone Operator/Receptionist at Petrojam Limited, is a former employee at the Constituency Office of the Member of Parliament for South Central St. Catherine, Dr. Andrew Wheatley, MP.



*The Failure of Certain Petrojam Limited Officials to Submit Statutory Declarations*

98. Mr. Floyd Grindley, Mrs. Yolande Ramharrack and Mrs. Ronique Budram-Ford failed to submit statutory declarations for the period 2017 to 2018.

Having regard to the findings and documentary evidence adduced in the course of its Investigation, several *prima facie* criminal and administrative breaches 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 Corruption Prevention Act, the Perjury Act, the Forgery Act, the Financial Administration and Audit 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 under which Petrojam Limited entered into employment contracts with the following individuals:
  - (a) Mrs. Yolande Ramharrack;
  - (b) Mrs. Michon Daley *nee* Bell;
  - (c) Mr. Clayton Smith;
  - (d) Mr. Olivier Cole;
  - (e) Reverend Dorothy Grant; and
  - (f) Mr. Floyd Grindley.
3. The circumstances surrounding the alleged reimbursement of overseas travel expenses to the former Chairman, Dr. Perceval Bahado-Singh, by Petrojam Limited;
4. The circumstances surrounding the alleged use of public funds for the hosting of parties for the former Minister of Energy, Dr. Andrew Wheatley, MP, and then Chairman, Dr. Perceval Bahado-Singh;
5. The circumstances, if any, in which Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology, is related and/or affiliated with Mrs. Yolande Ramharrack, former Human Resource Development and Administration Manager,





Petrojam Limited and whether such a relationship and/or affiliation amounted to a conflict of interest and/or favouritism and cronyism;

6. The circumstances, if any, in which Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology, is related and/or affiliated with Dr. Perceval Bahado-Singh, former Chairman of the Board of Directors, Petrojam Limited and whether such a relationship and/or affiliation amounted to a conflict of interest and/or favouritism and cronyism;
7. The circumstances, if any, in which Dr. Andrew Wheatley, MP, former Minister of Science, Energy and Technology, is related and/or affiliated with Mr. Floyd Grindley, former General Manager, Petrojam, Limited and whether such a relationship and/or affiliation amounted to a conflict of interest and/or favouritism and cronyism; and
8. The circumstances, if any, in which, relatives and/or associates of Mrs. Yolande Ramharrack received benefits from Petrojam Limited and whether such act(s) amounted to a conflict of interest, nepotism and/or cronyism.



## **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 the Investigation, relied upon Sections 4 and 8 of the Perjury Act, Sections 3 (1) and (2) and 5 (3) (j) of the Forgery Act, Section 16 of the Financial Administration and Audit Act and Section 17 and 25 of Public Bodies Management and Accountability Act in determining *prima facie* evidence of criminal culpability and/or administrative breaches.

The DI has attached at Appendix 7, extracts of the referenced legislation.



## **METHODOLOGY**

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

- Mrs. 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
- Mr. Simeon Hall - Manager, Technical Services, Petrojam Ltd. - September 10, 2018
- Ms. Michon Bell, Petrojam Ltd. was summoned to appear on the following days:
  - September 10, 2018
  - October 22, 2018
- Ms. Latoya Pennant - Public Relations Officer, Petrojam Ltd. was summoned to appear on the following days:
  - September 10, 2018
  - November 20, 2018
- Mr. Richard Creary - September 11, 2018
- Dr. Lowell Dillworth - Lecturer, UWI, Chemical Pathologist - September 11, 2018



- Mrs. Claudia Ellis-Lindsay - Human Resources System Administrator, Petrojam Ltd. - September 11, 2018
- Ms. Maureen Freebourne - Corporate Planner/Risk Coordinator, Petrojam Ltd. - October 17, 2018
- Mrs. Ronique Budram-Ford – Former Head of Procurement Unit, Petrojam Ltd. - October 17, 2018
- Mr. Delroy Brown - Chief Financial Officer was the summoned for the following days:
  - October 22, 2018
  - October 23, 2018
- Mr. Clayton Smith - October 22, 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. Desmond Davis, Registrar General Department, dated February 15, 2019;
- Mr. Floyd Grindley, Former General Manager, Petrojam Ltd., dated February 27, 2019;
- Dr. Perceval Bahado-Singh, Petrojam Ltd., dated February 27, 2019;
- Mr. Paul Tyndall, Petrojam Limited, dated February 27, 2019 and March 14, 2019;
- Mr. Andrew Wynter, Passport, Immigration and Citizenship Agency (PICA), dated February 19, 2019; and
- **[REPRESENTATIVE]**, Half Moon Hotel, dated March 7, 2019.

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



## **DISCUSSION OF FINDINGS**

### **The Circumstances Surrounding the Recruitment of Certain Individuals to Petrojam Limited for the period November 2016 to December 2018**

The Commission is mandated to investigate “*alleged or suspected acts of corruption*” pursuant to Section 6 of the Integrity Commission Act.

In the conduct of its Investigation, the DI deemed it prudent to determine the policy guidelines, if any, which governed the recruitment of employees to Petrojam Limited. By way of a policy/procedural manual entitled “***THE RECRUITMENT PROCESS***”, which was made effective January 2005 and approved by Mr. Winston Watson, Managing Director, the following, *inter alia*, was stated:

#### **“BASIC EMPLOYMENT PRINCIPLES**

***Goal:*** *The aim of the recruitment policy is to provide a framework for managing recruitment and selection within the workplace. The goal of the recruitment process at Petrojam is to hire people with the required technical competence that will contribute to achieving the Company’s strategic objectives and display the expected behaviours that match the Company values.*

...

*...Other guiding principles in the recruitment process are:*

- i) Recruitment and selection processes will be administered in a fair and consistent manner*
- ii) This policy applies to the recruitment of all staff.*

...



## **FILLING VACANCIES EXTERNALLY**

**External Sourcing:** *It is recognized that the need for replacements, specialists in technical fields, as well as expansion of operations, will require hiring new employees for vacancies which cannot be filled by promotion or transfer or for which a suitable candidate is not available within the Company.*

*External sourcing includes both solicited (received in response to advertisements placed in local or overseas newspapers or referrals received directly) and unsolicited (received on a daily basis) applications.*

**Recruitment Advertising:** **Petrojam Limited will place job advertisements in the print media (Gleaner) or other medium as vacancies or new posts arise.** *All job applications from interested candidates must be in legible writing or print.*

*Applications are assessed and filed by job category in a **Skills Bank**. Applications must include a resume and a cover letter indicating the job or job category being applied for.*

**Recruiting Agencies:** *Executive Recruiters are contracted to facilitate the recruitment process as necessary.*

**Recruitment Events:** *From time to time the Company will take part in recruitment events either locally (UWI/UTECH) or overseas e.g. UWI St. Augustine.*



...

## **PROCEDURE**

...

**Job Description:** From the **organization chart**, designed to accomplish the Company's **Mission**, a job analysis is done to determine the duties of the job and the kind of person needed to fill the position in terms of skill, experience, character and behavioural traits (Job Fit). From this, a clearly defined **Job Description** with measurable **Performance Criteria** is prepared for each job. The following guidelines apply:

- i) Job content is aligned to the Company's Strategic Objectives.
- ii) The JD should bear the signatures of both the relevant Department Manager and the Manager Human Resource & Development, and the date it was modified or updated.
- iii) JDs are reviewed and updated whenever there is a significant change in the job function. Any such change is made after consultation with the Department Manager and discussion with the relevant employee.
- iv) Job Descriptions are prepared for new jobs as necessitated by reorganization and restructuring or other changes such as expansion of the Company's operations.



**Job Profile:** *A Job Profile, which describes the qualities the candidate needs to display to fit the specific Job Function and the Values of the organization, must be generated. This includes both technical and behavioural competencies.*

**Technical Competence** – *This is the basic set of skills, knowledge, training, qualification and experience necessary for the employee to perform the minimum requirements of the job function. Care must be taken to ensure that the evaluation of the applicant's qualification is not influenced by biases based on perceptions of the certifying educational institutions.*

**Behavioural Competence** – *Behavioural competence is intrinsic to a person and is an underlying characteristic that is consistently displayed by the employee. It relates to **how** the employee carries out his/her job.*

**Note:** *Listings of the technical and behavioural competencies for specific jobs, as well as sample questions, are included in the Interview Package.*

...

### **OPTIONAL PSYCHOMETRIC ASSESSMENT**

*Candidates may be referred to a Consultant for a preliminary psychometric assessment of their attitude in four critical areas:*





- i) ***Integrity*** – *Can the applicant be trusted?*
- ii) ***Substance Abuse*** – *Is he/she drug free?*
- iii) ***Reliability*** – *Is he/she dependable?*
- iv) ***Work Ethic*** – *will he/she be long-term, hard-working employee?*

### **TESTING - APTITUDE**

...

*Candidates applying for managerial, professional or technical positions may be required to undergo a psychometric assessment conducted by a qualified Consultant (tested for trainability or to determine personality profiles or special skills) at Management discretion.*

#### ***Purpose:***

- i) *Assesses Applicant in areas not normally brought out in the interview.*
- ii) *Reveals the total person vis-a-vis what is presented in the prior interviews.*
- iii) *Evaluates Applicant against previously determined Job Profile as follows:*

...

### **INTERVIEW PREPARATION**

*On receipt of the formal request, the **Interview Panel** is selected and the **Interview Package** is compiled for the specific job by the*



*HRD department in consultation with the manager of the relevant department.*

***The Interview Panel consists of a minimum of two persons including a representative of the HRD department, the relevant manager or his designate and a senior employee in the specific discipline. A meeting should be convened with the Interview Panel to review the package and agree on the job profile and the process to be followed in the interview.***

***The Panel must review all the available data prior to the interview to ensure consistency in approach which will aid in selecting the Candidate that best fits the Job Profile.***

*Interview Package (guide): This is compiled by the HRD Department for the selected Interview Panel and includes the following:*

- i) A copy of the Company's Mission, Vision & Values Statements*
- ii) Interview Guidelines*
- iii) A listing of the Job Profile – Technical & Behavioural Competencies*
- iv) Sample Interview Questions*
- v) The Candidates Application*
- vi) The relevant Job Description*
- vii) A copy of the job advertisement*
- viii) Interview Evaluation Form (revised)*
- ix) A copy of the Qualification Record (QR) form. All applicants seeking employment with the Company*



*must complete a QR form. This is added to the package when completed.*

### **INTERVIEW GUIDELINES**

***Before the Interview:*** *Prior to the commencement of the interview each panel member must be aware of the structure the interview will take. It is recommended that the panel meet prior to the interviews in order to plan adequately.*

*The interview should serve to acquaint the candidate with the requirements of the position and to impart information about the Company as well as to evaluate the Applicant's qualifications for the job.*

- i) **The Interview Panel** is formally advised of interview time, date and venue and is **provided** with a copy of the **Interview Package** (3 days in advance).*

...

#### ***During the Interview:***

- i) The interview is conducted in accordance with the agreed approach*
- ii) The candidate is advised of the Interview Agenda – approach & guidelines.*
- iii) The Applicant is advised that it is a preliminary interview*
- iv) The Applicant is requested to submit copies of their qualifications. These should be copied and the originals returned to the Applicant.*



- v) *The Information on résumé is checked against certified copies of the original documents (certificates, etc.)*
- vi) *The Applicant should be asked to provide details of reference or names and details of references if not included on résumé and QR form.*
- vii) *Notes should be taken during the interview to assist in the post interview discussion and for subsequent filing.*
- viii) *The Applicant is advised that the conduct of background checks and pre-employment medical examinations are a required part of the process.*

...

### **DECISION MAKING**

***Short-listing:** Candidates will be selected for pre-employment medical, background screening and reference checks based on their scores in the interviews. The scores are arrived at using the Interview Rating Matrix.*

### **Employees will be short-listed as follows:**

- i) **Behavioural competence – above 75%**
- ii) **Technical competence – above 75%**

...

### **HIRING**

***An offer of employment is made to a candidate based on positive results of pre-employment medical and background and reference checks. If there are two such candidates, then the one***



***with the higher score on the interview rating matrix will be selected.***

***Offer Letter:***

*The Offer Letter is prepared in advance and reviewed with the Manager of the relevant department. It includes critical information concerning the terms and conditions of employment as follows:*

- i) Job Title, Category and Department*
- ii) Compensation Package*
- iii) Terms and Conditions of employment (duties and responsibilities and possibility of reassignment)*
- iv) Start Date & Working Hours*
- v) Probation & Termination*
- vi) Entitlements & Benefits*
- vii) Company Rules, Policies & Procedures*
- viii) Ethics & Confidentiality*

*...*

*Employment is effected by the candidate affixing his/her signature to the **offer letter** signifying his/her acceptance of the terms and conditions of employment.”<sup>3</sup> (DI Emphasis)*

In the course of its Investigation, the DI deemed it prudent to ascertain further details of the recruitment procedures which obtained at Petrojam Limited prior to the commencement of Mrs.

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<sup>3</sup> Recruitment Process Policy of Petrojam Limited which was made effective January 2005.



Yolande Ramharrack's tenure as the Human Resource Development and Administration Manager. By way of a hearing held on September 5, 2018, the following, *inter alia*, was disclosed by Mrs. Roselee Scott-Heron, former Human Resource Development and Administration Manager:

*“Q: I would like to spend a little time now to talk about the recruitment process. Could you basically outline the procedures for when you are going to recruit candidates for positions within Petrojam briefly, the steps you would take.*

*A: Two steps we would take: first of all, the line manager would come to you with a request and of course, you know we are governed by the Ministry of Finance; the Ministry of Finance would have worked out how many persons would have to be in the organisation. So we are refilling a vacancy, most times you can have an oral discussion with someone at the ministry followed up with an e-mail confirming that you can go ahead. It depends on the level of the position that you are doing, but for all positions we do there is a procedure in terms of the Ministry of Finance. Once it is within the approved head count from the Ministry of Finance and the person has resigned, we could refill without going there but we would have to ensure that in our reporting to the Ministry of Finance we indicate that this position could be a replacement for the position that would have existed.*

*Q: So you can't increase the numbers, you can only fill those approved.*



A: *Fill those. If you are going to increase your numbers you would have to develop a business case and submit that to the Ministry of Finance for approval. So that would be the definite thing that we would follow.*

Q: *You pointed out now the discussions with the line manager.*

A: ...

*The line manager would have a discussion; they would submit a hire request form to you and you would assess as to whether or not this role is justified before you even make a step forward. If you have any queries around the role, you call in the line manager, you have a discussion with him as to why he wants this role filled and after which if you are comfortable, you sign off on it. It then goes to the general manager who would have to sign off as well.*

Q: *That is to just fill the role.*

A: *That is to fill the role. You look at the grade level too, and of course you would have to put in a recommended compensation based on – because we have a grade structure as well.*

Q: *I want you to illustrate now for me the methodology used to find the appropriate candidate.*

A: *So we advertise as per the relations with the union, we advertise internally; if it's a position that we think we might not have – and I for one, I am always interested in promoting from within because it sends a good message and it motivates employees. So we look to see if have*



*persons who probably we would have had – sometimes we do have persons who we would have been on a training program because you see them as potentials to fill certain roles; so we look at those. If not, we advertise internally for a minimum of two weeks. If it's a role that we think we might not find internally we advertise externally at the same time; its done concurrently.*

*...*

*Q: From that process now you would have a cadre of candidates.*

*A: Yes, we have a cadre of candidates. Applications don't come – we have an e-mail address that it goes to, the employment officer, so we would have an HR officer who deals with employment. That person would go through, do the short listing and when they have come – as a matter of fact they would discuss with the line manager before it even comes to me as to who they would short list for interview purposes. If it's a high level employee they are looking for, I would be involved in the interview process but outside of that the employment officer manages the recruitment process. If they think that they need to do a second interview, I might be brought in for the second interview.*

*Q: And that is the accepted procedure that was in place.*

*A: Yes, that was in place, and we would have the policy that would guide us. If I am not giving you as clear on the policy, you have the policy we can share just so I can*





*refresh my memory, but that's what we do. So at all times we ensure that – and the line manager is involved in the short listing of candidates.*

*...*

*A: ... So we would go through, if say we have fifteen candidates who we think are suitable, we send those to the line manager; the line manager goes through and say I would want to see this set of persons. If its for like the technicians, we have a process around that: **there's a test that they do before they are even selected for interviews.** So like the technician category and stuff like that, they do an exam; based on the result from that exam they would say okay, we would short list these persons for interview and follow up the process.*

***There is also a very strict medical that has to be completed, so recruitment sometimes take two to three months to complete because we have to send some specimens overseas for assessment as well. What we try not to do is to employ anyone without those being completed.** There is one or two times when the doctor would give you – and we have an external doctor who assesses and says we could go ahead if there is an urgent need for the resource, and complete the medical. **We try to limit that as much as possible because you know when you start a process and have someone start working and they have adverse health, it might be extremely difficult to terminate the employment at that point in time.***



**And we do strict background checks as well. Those need to be completed before you start working in most instances.**<sup>4</sup> (DI Emphasis)

Mrs. Scott-Heron further provided the following information relating to the selection of the interview panel and pre-requisite competency tests:

“Q: But in relation to the hiring process now, having done the short listing and that would be the HR officer and the line manager, is the prospective candidate now subject to an interview?

A: They are, yes.

Q: And this is done for all categories?

A: That is done for all categories, yes.

Q: **How is that panel selected?**

A: **As I said, the line manager would be involved whether or not he has a supervisor who manages the area, the unit that the person is needed, he would be there as well. Normally we have at least four persons including the HR officer – three to four persons interviewing; or we would have a manager from another area being there as well, another area meaning somewhere – for example, if I am employing an engineer, the engineer might have to work closely with Safety or another area, if they are working closely with Safety, or working closely with Marketing, we would ensure that someone from that team is there just to see whether or not that person would be a good fit and how they would communicate amongst them within department or inter-department.**

Q: You also mentioned when it comes to the high level positions,

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<sup>4</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Roselee Scott-Heron. Pages 4-7.



could you outline how the recruitment process would take place for those high level persons? Let's say a general manager, let's say a HR manager.

A: So I can talk for the general manager before, because for those positions we don't normally do it internally; we would engage KPMG, PriceWaterhouse to manage that.

Q: That is established?

A: That is what has happened there under my watch. And too, for those high level positions, it has to be agreed; we have a joint-venture partner, the Venezuelan, the PDVSA, so they would have to approve those appointments.

...

Q: To follow up, we spoke of high level positions and the fact that its governed by the joint venture agreement.

A: Let me just clarify for you, Mr Grey: the CFO I know the joint venture covers, and the general manager. So for my position, no.

Q: It wouldn't affect a position at your level.

A: No.

Q: So its really the top end.

A: **The top end, yes and for positions at my level its more than one interview. So HR – a panel, its not one person; a panel would do the interview at the beginning; then if you are moving on – and there's a psychometric assessment that you do as well, and that goes on to the GM and his team who pivot the process that is followed, in my case.**

...

Q: ... You did also mention that, depending on the category of persons now they would have to do some test. In relation to the



respective categories of employee, there are different types of tests that is done?

A: Yes, especially around the technicians because they are technical roles and so you want to know, for example, they need to have certain requirements, certain subjects – physics, chemistry – so you want to test whether or not – because of the technical area they are working in.

Q: How is that process now administered? How do you do it? Is it a written document?

A: It is written, yes; it is written documentation and its updated from time to time. So from time to time you would have – you know of course, technology changes, so from time to time we would look at the curriculum around it and make changes to it, if we have change in the equipment and of course, we're moving away from – what now? – feet whatever...

Q: Feet to metric.

A: Yes, and of course, we would be getting more persons coming from university, so with change we would update it from time to time. If you have equipment change you would have to change the testing around the equipment. What we do is ask the respective departments to upgrade, look at the testing and see if it is still relevant and do updates accordingly.

Q: Some of the tests, in addition to the technical, would it also like cover grammar or knowledge of words?

A: Yes, it does; from my memory, yes.

Q: In relation to those tests, how do the HR's role and function evaluate those tests that are done in determining whether to hire a candidate?

A: Normally we look at the top scores – that is one; the top scores



are more likely to move on for interviews. As a matter of fact, at my level I don't compromise on that. If the standard is 70 percent and the pass mark is 70 percent, sometimes we might have persons who we would have taken on internship and they would have been there and you would have seen how they work. So they might not – I want to be careful how I say this – if my memory serves me right, they might or might not do the test based on how they would have performed, there's an assessment that is done to say whether or not they would be suitable. What we were trying to do was to have an internship program that feeds especially the technical area because we were having attrition amongst that area.

**Q:** *But it would be fair to say that the established policy at least during your tenure was, once the tests were administered, the candidate would have had to pass the test satisfactorily before they move to the next stage.*

**A:** *Absolutely, and as I said, if there is a decision to be made – take for example, if a line manager wants to employ someone and the employment officer is not satisfied, then she would come to me for a decision to be made.*

**Q:** So again the chain would be: line manager, HR officer; you as the manager would not be involved unless there is some special circumstance.

**A:** Absolutely, I don't influence the process any at all.

...

**[IC OFFICER]:** *I want to just jump back to the question concerning the panel selection, for example, in recruiting the HR manager, would it be usual for board members and persons external to Petrojam to form a part of that interview panel?*



A: **In my instance, no, it didn't form a part of it; it was the General Manager and persons internally who would have done the second interview.**

[IC OFFICER]: *Would you say that it is likely for any other senior positions at Petrojam where you would have board members and persons external to Petrojam forming a part of that interview panel?*

A: *For the General Manager, yes.*

[IC OFFICER]: *But not for any other role?*

A: *Not for any other role.*

...

Q: *I just want to ask you: We had spoken before and I asked the panel to note the General Manager. From your experience the General Manager is the ultimate decider in all hiring – is he, or she?*

A: *No – – all hiring? You're talking of positions below him?*

Q: *Yes.*

A: *Not alone, no; and each person has a rating sheet that they would do the assessment for the individual. There is a rating sheet, an interview rating sheet that persons would complete and put their comments around persons and you tally those to see who would be your top two or top three.*

Q: *...Using the premise that you utilise, you said that at all stages the line manager is involved and its an HR officer and then you go to the panel. In your experience has a general manager ever sought to influence the selection?*

A: *No, not under my watch; no.*

Q: **Government official influence the selection?**

A: **Put it this way: If they try to, under my watch they might have tried but they were not successful.**



- Q: **To try to select or influence.**
- A: **... or influence who to terminate or who to hire.**
- Q: **It might have been attempted but not successful.**
- A: **It might have been attempted but it was not successful.**
- Q: *Not successful with you. I just want to further clarify now, the general manager as you stated is not generally involved in the selections. In your tenure have you ever had to refer any hiring matter to the GM for let's say a line position, for an ultimate decision?*
- A: *Probably -- no, I wouldn't -- I am trying to recall. I would have probably asked him to support me in a decision that I would have made and I would have explained to him why I would have made that decision, but no, I would not have; the process is followed.*
- Q: *The last question I would put on that then: In your opinion would you say that if a general manager instructs HR to hire a particular candidate would you find that occurrence unusual?*
- A: *Yes. **Let me just repeat what I heard you saying: If a general manager influences....***
- Q: **... or states to HR, I want this person hired, you would find such a situation unusual?**
- A: **Yes, yes -- or a government official.**
- Q: **You would find it unusual.**
- A: **Yes, or asks me for my list of vacant roles, I would find that unusual.**<sup>5</sup> (DI Emphasis)

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<sup>5</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Roselee Scott-Heron. Pages 8-16.



### The Recruitment of Mrs. Yolande Ramharrack

In accordance with the terms of reference of its Investigation, the DI sought to ascertain the circumstances surrounding the recruitment of Mrs. Yolande Ramharrack to Petrojam Limited.

By way of an anonymous allegation, the following, *inter alia*, was indicated to the DI:

*“...What is the relationship between Dr. The Hon. Andrew Wheatley and the HR Manager who until recently was a junior HR officer at VMBS and recruited at \$12m a year.*

*...*

*The new HR manager at PetroJam, Yolande Ramharrack, was employed at a salary of \$12 million annually. This is a significant jump in pay from the \$9 million paid to the previous HR manager. Ms. Ramharrack was previously employed in a junior management post at a private sector firm at \$5 million annually. She has served on Andrew Wheatley’s constituency executive, was appointed to the boards of the Petroleum Corporation of Jamaica (PCJ) and the Spectrum Management Authority of Jamaica (SMAJ). She resigned from the PCJ Board to take up the job as HR manager at PetroJam. She is known to be a personal friend of Minister Wheatley. [REDACTED]<sup>6</sup> (DI Emphasis)*

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<sup>6</sup> Anonymous allegation received by the Integrity Commission.





Upon a review of documents seized at Petrojam Limited on June 26, 2018, the DI notes that Mrs. Yolande Ramharrack, then Human Resource Development and Administration Manager commenced her employment at the entity on February 13, 2017<sup>7</sup>.

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<sup>7</sup> Contract of employment entered into between Petrojam Limited and Mrs. Yolande Ramharrack, then Human Resource Development and Administration Manager.



### Educational and Professional Qualifications

In an effort to ascertain the veracity of the allegations made in relation to the recruitment of Mrs. Ramharrack to Petrojam Limited, the DI posed the following questions to her as it regards her professional and academic credentials during the course of a hearing held on August 20, 2018:

*“Q Could you indicate how you became aware of a job opening at Petrojam?”*

*A Well, I usually read the paper and I saw it in the -- I don't remember which paper it was, but I would have seen it in the paper.*

*Q And in relation to that you would have submitted an application?*

*A Yes, sir.*

*Q And from that application the advertisement, do you recollect what the qualification requirements would have been?*

*A Yes, I would read it and I would have said well, this looks like me or sounds like me, or this seems as if something that I could apply for or so.*

*Q I am going to show you a document which is advertisement which was placed in the Sunday Gleaner dated January 1, and I will ask you to look at it to see if this, to your recollection, would be the application to which you would have referred?*

*(Document handed to Miss Ramharrack)*

*A This looks like it, this looks like it.*

*Q And the qualifications, could you read them for the record what they were stated to be?*



A *It says qualification and experience: MBA designation in HR or Business Management from a recognised tertiary institution; demonstrated track record in developing and/or implementing strategic business and HR initiatives; superior coaching, mentoring and communication; negotiation and consultative skills; ability to engage with and win the respect of leaders to successfully influence them on key change initiatives; demonstrated commitment to safety, health and environmental policies and procedures.*

Q ***In relation to the job interview it requires that you have an MBA Degree in HR, my first question is, do you possess an MBA Degree in HR?***

A ***No.***

Q ***At the time -- So from the advertisement you were aware that it required an MBA?***

A ***I would have read it and I would have applied.***

Q *At any point during the interview were you asked about having an MBA?*

A *Let me go back to that interview. I remember when I went I was provided with and walked through with what the job description was by the person who was acting at the time.*

Q *And did the Job Description differ from that, the requirement as stated in the advertisement?*

A *I believe so.*

Q *Who would have a copy of that Job Description, who would have had a copy of that Job Description?*

...



A *Well, it would have resided in HR. It would have been the -  
- I am not sure who would have had the physical, but it  
would be part of the organisation's document.*

Q *I am going to show you a Job Description for the position  
titled "Manager Human Resource Development And  
Administration" and I am going ask that you look at it and  
see if this would have been the document that would have  
been presented to you or the one in which you would be  
aware of.*

*(Document shown)*

A *Yes, sir.*

Q *I would like you to look at the area that speaks to the  
qualification and read what it says?*

A *For the record I am going to read what I would suppose  
would suffice as the qualifications, since the JD states  
knowledge and skills required; and it states, "Graduate  
Degree in Human Resource Management/Management  
Studies or equivalent qualifications. A minimum of ten  
years experience at a professional or managerial level in  
the petroleum, manufacturing or mining industry;  
knowledge of Labour Laws relevant to government  
guideline and an awareness and sensitivity to the legal  
implications of management decisions". I am also going to  
read competencies and skills: "relationship building,  
building rapport at all levels within the organisation;  
establishing collaborative relationships to achieve  
objectives; conflict resolution; brings conflict to  
resolution; maintain impartiality and prevents conflicts  
from escalating. Leadership: inspires respect and trust and*



*motivate others to perform well. Business Ethics: propose organisational values and works well integrity and ethically; communication; financial responsibility; incorporates financial analysis, inter-strategic decision and implements operating budgets to address changing priorities".*

*Q Thank you, Miss Ramharrack.*

*In relation to the first item which speaks to Graduate Degree in Human Resource Management, do you have that skill set?*

*A Right, so Graduate Degree in Human Resource Management or Management studies or equivalent qualifications I do not have an MBA in HR or Management Studies.*

*Q Or equivalent?*

*A The equivalent would have been to the determination of the Panel that interviewed me, sir.*

*Q Do you have a minimum of ten years' experience in a petroleum manufacturing or mining industry?*

*A This is my first job in a refinery. With manufacturing, I have had a prior work experience in the manufacturing business; and mining, no, I have never worked in the mining industry.*

*Q Knowledge of Labour Laws, relevant guidelines and an awareness and sensitivity of the legal implications and of management decision?*

*A My first Degree in Human Resource Management had the component of industrial relations, but prior to that I do have a Certificate in Industrial Relations and*



**Personnel Management as well as a Diploma in Industrial Relations and Personnel Management.**

...

CHAIRMAN:

*Just to close off that area, as we had indicated earlier the Job Description required that you have a Graduate Degree in Human Resource and/or Management Studies and/or equivalent qualifications. And in an article in the Gleaner where you reported to the Public Administration and Appropriations Committee, it's an article in the Gleaner dated July 5, 2018, I am taking a quote that "during an appearance before the Whykeham McNeil chaired Public Administration and Appropriations Committee Ramharrack who was a member of team from Petrojam advised the sitting that she was half way through completing my MBA, specific qualifications stated in the advertisement".*

**Question is, firstly is that an accurate statement and secondly, could you provide us with proof that you are currently pursuing your MBA?**

A **I am enrolled, yes, with the -- well, I have been actually with the Institute, the Graduate School Edinburgh Business School, yes.**

Q **So you are registered?**

A **I have been attending the requisite classes. I have had instances where it has, my job has required me to travel where I have missed possibly some exam dates, I would say: but, yes, I am registered.**

Q *That's the first part. The article suggests that you are half-way through and what I have asked is if the article is true and your answer is that you are registered. Second*



question is, can you provide us with documentary proof that you are half-way through completing the MBA or the academic requirements to complete the MBA?

A Well, half-way through would have meant that, yes, I do have a -- I have already had a Graduate Certificate that matriculates me into whichever Programme. So, yes, meaning that I am half-way through meaning that, yes, the MBA, the general MBA is made up of nine electives, seven which are core and then two others that you can choose. So, yes, I actually have exams in December because I would have missed some exams given the nature of my role, yes.

Q There are seven core and two optional. The seven core and two optional, how many have you pursued and have passed to date?

A I haven't sat any exams yet, sir. I have my exams to sit in December. I have to have that done again since one, my coming to Petrojam I was sent overseas to Trinidad and so -- my actual job doesn't really give me a lot of time to do anything, but nevertheless it is where I am now.

Q Are you half-way through, yes or no?

A Half-way through, yes, meaning I have my exams to sit in December, to resit in December. I haven't taken them but to sit in December, yes.

Q So the answer would be no and the answer then would be you have the exams that you are going to sit in December?

A Yes. So half-way through -- actually if you allow me to just expound on that.

Q Please?



A                    *Half-way through would mean that I was actually on the programme before. An MBA Programme actually takes, depending on which institution or graduate school you go through, you can do that in 18 months 16 months, one year; whatever the case. Half-way through meaning that this time next year I am finished. So that is my meaning of half-way through the programme.*

Q                    *All things being equal on the assumption you pass all the courses?*

A                    *I will pass all the courses. I never fail courses.”<sup>8</sup>*  
(DI Emphasis)

During the course of a hearing convened on September 5, 2018, the DI was advised by Mrs. Nordia Sandford, then Human Resource Development Officer, Petrojam Limited of further details regarding the role of the current Human Resource Department in the recruitment process. She stated, *inter alia*, the following:

“Q:                *Firstly, what would HR do in relation to the hiring of an HR manager?*

A:                *For HR we would send out the ad – no, first thing we would go to Ministry of Finance. The position has been vacated, we go to Ministry of Finance, we send them the job description and they give approval to fill the post, then we send out the ad. The ads come in, we go through it to ensure that all the persons who have applied have met the qualifications. We do a short listing and after the short listing then we do the interviews. After the interviews we select three/four – it all depends on how many persons we have gotten,*

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<sup>8</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 5-8, 20-21.





and then we do the interviews, select from that again and then pass those persons now to the **General Manager and two other members of the management team.**

Q: In the process, after you've gotten the advertisements and you're doing the short listing, would you have played an integral part in that short listing role?

A: In the short listing – yes.

Q: Right. As you would have played a part in it, what is that you were looking for in relation to that short listing that would have assisted you to....

A: Are you speaking about a specific situation or generally?

Q: Generally first.

A: **Generally, you look to make sure that the person has the – first of all that the qualifications have been met. You look at the industry that the person has worked in, at what level the person has worked in, and you may do some calls to make sure that you are calling somebody who is worthy.** You look what area they have covered because Petrojam is highly unionised, so you have to get someone who has been working in a highly unionised environment. So that's one of the things you would out for.

Q: What about their academic qualifications?

A: That is the first thing that you would look for. So you would look at the qualifications and then you look at where they have worked, the industry they have worked in and at what levels they have worked.



*Q: So would it be the norm then that in the short listing process that if an employee – if your job advertisement say, indicates that they should have a Master’s Degree and the person has a Bachelor’s Degree, in the short listing process would that person have been selected?*

*A: No, they would not have been selected.*

*Q: Wouldn’t have been selected. Would there have been any extenuating circumstance which would have led that person or persons to be selected for an interview without that criterion?*

*A: No, because the policy states that you have to have the qualification.*

*[IC OFFICER]: Which policy specifically is that?*

*A: That is the Employment Policy.*

*CHAIRMAN: And you are guided by that.*

*A: Yes, we are guided by that.”<sup>9</sup> (DI Emphasis)*

At this juncture, the DI highlights below, Clause 6 of Petrojam Limited’s Employment Policy which was made effective January 2008:

**“EDUCATION**

**The Company will not employ any candidate who cannot meet the minimum educational requirements for the position for which he/she is considered.** The Company will not consider in any

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<sup>9</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Nordia Sandford. Pages 37-39.



case the **employment of illiterates**, whether directly or contractually.”<sup>10</sup> (DI Emphasis)

### Interview Process

Mrs. Ramharrack also advised the DI of the circumstances which obtained in her interview with a panel of Petrojam Limited officials and other persons during the recruitment process. She stated, *inter alia*, the following:

*“Q Were you interviewed for the job and could you recollect who comprised the Panel that interviewed you?”*

*A I know definitely that the General Manager would have been on the Panel. I know definitely that there would have been a Director for the HR Subcommittee for Petrojam. I am not so certain of the third person who formed part of Panel. I know there was a third person and his name was proffered but I am not sure. Those were the three persons that were on the Panel.*

[IC OFFICER]: *Do you recall the name of that second person?*

CHAIRMAN: *You mentioned the General Manager and you said the Chair of the HR Subcommittee.*

*A I believe if memory serves me correct it was mentioned that that was a Director on the HR Subcommittee.*

*Q Do you recollect that person's name?*

*A I believe it to be Mr -- Director Creary.*

*Q And that's the HR Committee?*

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<sup>10</sup> Clause 6, Petrojam Limited's Employment Policy dated January 2008.



*A I was told he was a Director with Petrojam.*

*Q The third person?*

*A I can't remember the name but I remember that it was a Dr. Something. I don't know the party's real name.*

*Q And during the process, the recruitment process did they go through the qualification requirements with you?*

*A Yes, they would have.*

*Q And can you recollect, to the best of your ability, the essence of those discussions leading to that point?*

*A I would have -- whatever I -- I know that I was required to fill out an Application Form prior to the interview and I would have stated all my requisite qualifications at the time.*

*...*

*Q You said earlier that you responded to an advertisement placed in the paper and I was asking now to whom would you have responded to at the time of application?*

*A I would have responded -- whatever the advertisement dictated I would respond. And quite frankly I remember sending out at least six or so Resumes because I was actually job hunting.*

*Q To Petrojam?*

*A No, just generally, generally.*



*Q You also have just mentioned that there was a Panel of three to which the General Manager, Director Creary.*

*A Yes.*

*Q Could that be Richard Creary?*

*A Yes. Yes, yes. Yes, sir.*

*Q And you indicated that the third name you recollect was a Dr, could I ask if the name Dillworth comes to mind?*

*A After one year and seven months, no, I couldn't confirm. I know why I remembered his title of doctor because I remember him posing a lot of diversity and questions relating to workplace and how we actually deal with that if persons are found positive. I think he was the one who drove a lot of the occupational health issues as it related to HR. But I can't remember his full name, sir.*

...

*Q In relation to the General Manager do you have any personal relation or affiliation to the General Manager?*

*A No, sir.*

*Q It would have been the first you would have met him?*

*A The first I would have met him on an Interview Panel, yes.*

*Q Any previous acquaintance?*

*A No, sir.*



*Q     In relation now to Director Creary -- and I am putting it to you, his name is Richard Creary, do you have any personal knowledge of him or affiliation with him?*

*A     I don't have any personal knowledge of the Director or any affiliation or relation, no...<sup>11</sup> (DI Emphasis)*

Additionally, Mrs. Ramharrack advised the DI of the process which was obtained in her recruitment as well as the procedures implemented by Petrojam Limited in the hiring of new employees. The following, *inter alia*, was disclosed:

*“[IC OFFICER]:     Miss Ramharrack, can you just chronologically outline the step by step process involving your recruitment at Petrojam, commencing with your submission of application to Petrojam, as you can recall.*

*A     I would have responded to an ad. I would have been notified of an interview, I would have taken-*

*Q     How were you notified of the interview?*

*A     I don't remember. I don't remember but I would have been notified, notified the day I would have come to the interview.*

*Q     Where was the interview conducted?*

*A     At Petrojam.     So I would have been at the interview at Petrojam at 96 Marcus Garvey Drive. And I would have been contacted based on whatever decision or outcome from that interview.*

*Q     How were you contacted? I am trying to understand the step by step process?*

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<sup>11</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 8-10.



*A So that is the process but I can't recall or I cannot remember if I got a telephone call, if I got an e-mail but I know I was contacted.*

*Q Did you only did one interview or it was a series of interviews?*

*A I remember one interview.*

*Q And that is as far as your memory will-*

*A In terms of the process?*

*Q In terms of the recruitment process?*

*A I didn't find it to be outside of the norm.*

*Q And outside of the package that you would have received, there were no other formal communications made with you in respect of recruitment, whether e-mail or general mail?*

*A Let me go back in memory. I know I would have - I know prior to me starting I would have gone to -- I believe there was an instance where I had to call the office. I think there was something that I was clarifying in terms of my medical and I remember calling the office. I don't remember who I spoke to. It must have been somebody in HR about the medical as to where -- the medical stated going to Dr. Cooper and I remember having to call and clarify something that I was unsure of, prior to going. I believe it must have been the time because as I said I would have been employed and so I was trying to figure out if I needed to make an appointment or I could have just gone or something like that.*

*Q And in terms of the recruitment procedures as HR Manager now -- and I am abbreviating your title, but as HR Manager now, can you just outline the procedure that you*



would steward in terms of how you would recruit new employees, just detail step by step how that process is undertaken by you now?

A For clarification I would guide the process. So there is a recruitment policy and it does outline the steps and so I would oversee that execution.

Q Could you outline that procedure emanating from the policy?

A So, the first would be a submission from a Department Head or Manager requesting manpower. That Requisition Form has to have on it, should have on it some justification as to why the position or the role was needed. It is vetted by the HR officer. It is signed off by myself and submitted to the General Manager. Well, prior to being signed by me it has to be signed by the Department Head.

...

A Once it has my signature on it, it goes to the General Manager for approval. It doesn't necessarily mean that it gets approved; it can come back. So hence his decision is final.

Q And what happens if it goes forward with the General Manager's approval?

A If it goes forward then we start the recruitment process. Recruitment process can either be a conjunction of external, internal. Well it usually has internal for most parts. If it's contractual we do not need to go through the same obligation of having the Ministry of Finance, because it's not a change to the Establishment of contractual engagements, because contractual engagements as you





*know those are deemed as short term. So if persons are going off on leave or maternity or so we sometimes get references from internal members to say I know that somebody has worked here prior and we would request that -- usually the name is a proffered or given and we consider it. Other than that if it's a- if it forms part of the Establishment then it goes to the Ministry of Finance for -- so we prepare that submission and we send with the requisite justification to the Ministry of Finance for approval.*

*Q And going forward once it's approved by the Ministry?*

*A So once it's approved and it comes back then we continue the cycle, the recruitment cycle. We send out the ads. We get the responses either hard, electronic or otherwise. We shortlist - there is a shortlist done by the officer.*

*Q Could you pause one second. So you send out the ad and whose responsibility would it be to prepare the advertisement for that?*

*A Usually the HR officer does that.*

*Q Either Miss Stanford or Ellis?*

*A Right.*

*Let me just pause to indicate that a lot of times we don't start from scratch so if -- like I said if it's a position that's on the Establishment already we might have gone out prior to that, so when it's being done we have the involvement or the collaboration with the Manager, just to see if there is any change. If this is what it is we look at it and we sign it off and then the HR officer uploads it or sends it out for publication. So we don't necessarily generate an new JAD.*



*Q But in terms of the publishing of the advertisement that is normally an assigned task?*

*A HR Officer.*

*Q By the HR Officer.*

*A That forms part of the duty of the HR Officer.*

*Q You may continue.*

*A And the shortlisting and interviews are scheduled. Three or five candidates it might warrant a first interview, it might warrant a second interview. **If there are no candidates found suitable we might go back out. So we might readvertise and we go through the same process.***

*Q **Does your HR policy, your recruitment policy stipulate that where a candidate is not found to be suitable that the Panel or the powers that be will go back out or readvertise the position?***

*A **That's a determination. Like I said, HR would facilitate that process and I would have to involve the General Manager where that is concerned.***

*Q So then it's not documented, it is based on the determination of whomever is in charge of the recruitment process?*

*A Not in charge of the recruitment process, but who gives the final approval in terms of spend. Because if we are going back out to market then it means that I have to incur additional cost; and that's something that I can't approve on my own.*

*Q Right. But it's not documented in the process?*

*A I don't have the process with me. Maybe it's not. What I would caution is that the steps documented in a policy don't*



*necessarily, although I have seen it where it has it and it doesn't, but these policies they are quite outdated actually. So it just tells you process one, two, three, four, five; it doesn't tell you what happens, what you do. So there is no process improvement that has been done, well prior me coming or even now. We are actually trying to do that.*

*Q And in terms of determining whether or not you will use more than one interview that also is not a documented procedure?*

*A No, no it's not, no it's not.*

*Q And in your experience being HR Manager at Petrojam, what are the circumstances in which you would require more than one interview?*

*A All right. So a number of factors. It could possibly be that in selecting a candidate the compensation is something that we can't negotiate and the person refuses the offer, which to my experience usually you go to another candidate. Also for argument sake the first candidate rejects then you possibly might revert to a second candidate. If there is no possibility of that then you would have to make a determination if it is that you now go back to market. But like I said that's not my decision, that decision is not entirely on me. I would have to state what has happened and bring it to the attention of the General Manager.*

*Q And in terms of where decisions are made by the General Manager, or by you as HR Manager, are those documented decisions?*

*A Let me caution. I don't make decisions, I recommend. I give recommendations and I facilitate the process. So if*



*there is a decision to be made -- and let me use the recruitment since we are on this -- if it is that we don't find a suitable candidate for whatever reason, then I have to now liaise and bring that to the attention of the General Manager as to why it is that we one, we don't have a -- the candidate rejected and two, if it is that we should go out to market. Do we pose an offer to the second person or not; or if the Panel has said -- because a lot of times the Panel will indicate something and that forms part of the recruitment document. So it's not left up to me to decide.*

*Q Thank you for the caution. My question really was whether or not it is documented. Can we go back to look at what took place outside of just recalling from your memory.*

*A No, it's not documented.*

*Q And finally on this topic, in terms of determining the persons who will form a part of interview panels or shortlisting of candidates, how is that procedure administered?*

*A So let me speak to the shortlisting. The shortlisting of candidates primarily is the HR Officer's responsibility.*

*Q That's Miss Stanford and Ellis?*

*A Miss Ellis, Mrs. Ellis. And the second one was -- what was the second part of the question?*

*Q Shortlisting and determining the Panel for -*

*A Right. And the determination of the Panel is a discussion with the HR Officer and the Department Head.*

*Q That is the process that you inherited or is it the process that you have started since becoming HR Manager?*



A I haven't started any processes, I have just continued what has prevailed at the entity. So it would have -- so what I am speaking to it would have prevailed and that continues. So she would send out the invites to whoever, a Manager might indicate his desire or her desire to have somebody else, a subject matter expert as you might say. So if it's for the refinery maybe somebody who is more closely aligned to a process, so a subject matter expert might be identified to form part of the Panel.

Q And in terms of inviting these persons that is outside that is documented, meaning that it's sent by formal communique?

A E-mails...

...

Q And in terms of the selection of the these interview panellists, is it your experience or knowledge that these persons could be external to Petrojam?

A I believe the policy, the policy has something in there that says yes, you could invite an external panellist, but I have not seen where that has been done. I haven't seen where that has been the practice; possibly because we haven't had any senior roles. Usually for high-level positions you might want to utilise that. It's on the policy so it's not something that I had initiated there. But I can't remember having an external person on a Panel.

Q And what about the involvement of Board Directors on these Interview Panels, is it your experience or knowledge that this is a practice?

A Right. So I am going to have to use my recruitment to say that for senior roles it's usually -- I am sure it's



**documented somewhere in one of the policies, where you must or you should have a Director from the HR SubCom that forms part of the Panel. That's the most I can say. I know I have seen it. I think it's on one of the policies.**<sup>12</sup>

(DI Emphasis)

Of note, Mrs. Nordia Sandford provided further details in her account of the specific circumstances which obtained in the recruitment of Mrs. Ramharrack to Petrojam Limited. By way of a hearing convened on September 5, 2018, the following, *inter alia*, was disclosed:

*“Q: As the HR officer then would you have been involved in the hiring of one Yolande Ramharrack?”*

*A: Alright, let me – you can decide, I am going to tell you what happened: I was given a list of persons, three persons, to say that these are the short listed candidates.*

*Q: Who gave you that list?*

*A: Mr Grindley’s secretary at the time – Kailyn Burnett. So Kailyn sent it to me and said these are the persons and this is the time for the interviews.*

*Q: So let’s slow down. You established a procedure and the procedure is, HR would short list the candidates, and in your short listing you are going to ensure as per the policy that the individuals short listed meet the requirements as per the policy – right?*

*A: Yes.*

*Q: From the advertisement it would set out the qualifications required.*

*A: I am not aware of the advertisement that was done. The one I was aware of was sent to me by WhatsApp by*

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<sup>12</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 11-17.



someone.

Q: By someone – let's not go into the WhatsApp. But HR would have gone through the persons who would have applied, and HR would have short listed based on the criteria.

A: Yes.

Q: I have heard you say now that you got a – – the secretary to the General Manager, what was the name of that person?

A: Kailyn Burnett.

Q: And what did she supply you with?

A: She supplied me with an e-mail, she forwarded an e-mail that was sent to her by Mr Grindley with short listed persons and date for the interview.

Q: So is it fair to ask you the question: HR did not...

A: No, we did not do the short listing.

Q: Did you ever question where the short listing was done?

A: I did; I asked him for the...

Q: Him, meaning?

A: Mr Grindley, I asked him for the ad and the rest of the persons with the ad, and he said that these are the persons. So he didn't respond to my question, he just said these are the persons you are going to do for the short listing. Because when I heard that the position was advertised, I asked him for the ad, thinking that I am also interested in the position and he told me that the date was closed. I asked him for the ad and he said that he didn't have it or something like that. I don't recall exactly what he said. I went back to my desk and I was enquiring if anyone in HR – because I was on leave when the post was



**vacated; so I asked if anyone knew of the ad and I was sent the WhatsApp.**

Q: *Of the ad.*

A: *Of the ad, which they are supposing that it was our ad.*

Q: *Was that an internal ad or external ad?*

A: *It was an external ad.*

Q: *You said you got a copy of it by WhatsApp.*

A: *By WhatsApp from someone asking if that's our ad.*

Q: *I am going to show you a document; we have it labelled already but I am going to show you an ad, if this is the ad that you would have seen based on what you said was sent to you by WhatsApp.*

*(Document shown to witness)*

A: *Yes,*

Q: *Identify what it states and where it was to be sent to.*

A: **The application was to be sent to EnergySect@G-Mail.com.**

Q: **And this advertisement that you are seeing is similar to the one you said you got via WhatsApp.**

A: **Yes.**

Q: **In your hiring process the HR function has an e-mail that all applicants go to?**

A: **Yes.**

Q: **Do you know the particular e-mail?**

A: **[HRD@Petrojam.com.](mailto:HRD@Petrojam.com)**

Q: **All applications?**

A: **All applications.**

Q: **Go to that one.**

A: **Yes.**





- Q: *This particular advertisement has the e-mail that persons are to respond to as [EnergySect@GMail.com](mailto:EnergySect@GMail.com). Are you aware of an e-mail like that?*
- A: *No.*
- Q: *And from your experience, you said you have been with Petrojam now for thirteen years, and from 2008 more or less in Personnel.*
- A: *No, I've been in HR since 2005 but I have been at different levels in HR.*
- Q: *So your entire thirteen year span has been in HR. This e-mail that is being used, have you ever seen it being used in relation to the hiring?*
- A: *No.*
- Q: *Never?*
- A: *Never.*
- Q: *The e-mail of which you spoke a while ago, it is [HRD@petrojam.com](mailto:HRD@petrojam.com), has that been the consistent e-mail?*
- A: *Yes, we had one [HRDmail@petrojam.com](mailto:HRDmail@petrojam.com). I am not sure what happened with that e-mail, but I know we had some issues with it but I am not sure exactly what happened to that, but then the 'mail' part of it was removed and then we just had [HRD@petrojam.com](mailto:HRD@petrojam.com).*
- Q: *And that has been the consistent e-mail utilised in relation to recruitment.*
- A: *Yes, apart from the one that we do externally.*
- Q: *Okay. When you are doing it externally now would it still come to that e-mail address?*
- A: *No, it would go straight to whoever is doing the*



*recruitment on our behalf.*

[IC OFFICER]: *Just a follow up question: Is the position of HR manager one that you would utilise an external recruitment for?*

A: *No, because HR is a field that is not that technical, so in terms of like a CFO, Refinery Production Manager, the General Manager or MD, those are kind of technical so you need help to ensure that you're getting the right person for those positions.*

CHAIRMAN: *That manager would fall directly under the HR portfolio.*

A: *Yes.*

Q: *So you said that you got an e-mail with the names of three persons to be selected from. By chance...*

A: *To be selected – no, for interview.*

Q: *For interview. By chance would you remember who were the other candidates?*

A: *Marie Hosang or something like that; I am not sure of that one, I didn't actually meet her – – no, I don't have the names.*

...

Q: ... *So the three names that you got from the General Manager, what next happened?*

A: *The date was set and we prepared the packages. He asked me the morning to brief the persons that came for the interview on the job. So the morning I had the job description, I was to go through the job description with each of the candidates.*

Q: *Did you do that?*



A: **Yes, only two turned up. Miss Ramharrack and – I don't remember the lady's name.**

Q: *The process would now have involved, after you briefed her, an interview panel.*

A: *Yes, she went to an interview panel.*

Q: **Were you a part of that interview panel?**

A: **No, I was not.**

Q: *Who, to the best of your recollection, would have been a part of that?*

A: *Mr Grindley was a part, I think Mr Creary and another person – Dale Forte [sic] or something like that. I forget the name of the person that was there.*

Q: *In relation to the hiring of a manager would that be the normal way in which a panel is selected?*

A: *You would use managers that – persons who you have to work alongside, those persons would also be part of the panel.*

Q: **So the panel would be an internal panel.**

A: **Yes, an internal panel.**

Q: *The GM would be a member?*

A: *The GM would be a member, along with other members who he would choose from the management team.*

...

Q: *So just for clarity, other than the fact that you are given an e-mail with the names and the list you were not involved in the selection process or whatever, and you are asked now as HR officer to outline the details of the job description to the three persons that would have been short listed but only two you said, came. Did the*



*third person ever show up?*

A: *I was told on the morning she said she was no longer interested in the position.*

[IC OFFICER]: *Do you recall who advised you that she was no longer interested?*

A: *Miss Burnett.*

CHAIRMAN: *That's the General Manager's secretary.*

A: *Yes.*"<sup>13</sup> (DI Emphasis)

The DI conducted a review of the Jamaica Gleaner Newspaper Archive which revealed an advertisement for the post of "*Manager-Human Resources Administration*", which was published on January 1, 2017<sup>14</sup>.

Attached below is a copy of the advertisement for the position of "*Manager-Human Resources Administration*" which was posted in The Sunday Gleaner dated January 1, 2017 and which was shown to Mrs. Yolande Ramharrack and Mrs. Nordia Sandford during the course of the hearings held on August 20 and September 5, 2018:

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<sup>13</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Nordia Sandford. Pages 39-44.

<sup>14</sup> Accessed on March 13, 2019 at <https://newspaperarchive.com/kingston-gleaner-jan-01-2017-p-33/>



Our **CLIENT**, a leading energy producer is seeking to identify a high-energy, pro-active individual for the role of:

### **MANAGER – HUMAN RESOURCES ADMINISTRATION**

Reporting to the General Manager, the successful candidate will have overall responsibility for developing and maintaining professional relationships with Line Managers and providing professional HR Service Delivery to the business including, but not limited to:

- Reporting and management of Human Resources Metrics
- Providing guidance on HR Policies and Programmes.
- Learning & Development
- Performance Management
- Industrial Relations
- Compensation & Benefits.

### **QUALIFICATION & EXPERIENCE:**

- MBA designation in Human Resources or Business Management from a recognized tertiary institution.
- Demonstrated track record in developing and/or implementing strategic business and HR initiatives.
- Superior coaching, mentoring and communication, negotiation and consultative skills.
- Ability to engage with, and win the respect of Leaders to successfully influence them on key change initiatives.
- Demonstrated commitment to safety, health and environmental policies and procedures.

*Project Management designation/certification would be an asset.*

Please submit résumés by **Friday, January 6, 2017** to:  
**energysect@gmail.com.**

*Only short listed applicants will be contacted.*

Of note, the DI deemed it prudent to ascertain certain details of the recruitment process from the panel of persons who interviewed Mrs. Yolande Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited.

At this juncture, the DI highlights below, an excerpt from a news article entitled “*Petrojam's HR manager interviewed by person with no ties to the entity*” which was dated July 20, 2018. The article stated, *inter alia*, the following:

*“The controversy surrounding the appointment of Yolande Ramharrack as Human Resources Manager at the state-owned oil*



refinery Petrojam, where allegations of nepotism and cronyism abound, is deepening.

**It has emerged that one member of the three-member panel that conducted the interview with Ms Ramharrack prior to her employment in early 2017, has no ties to the refinery. It also emerged that that person has no connection to Petrojam's parent company, the Petroleum Corporation of Jamaica (PCJ).**

These revelations were made during Wednesday's sitting of parliament's Public Administration and Appropriations Committee (PAAC).

**The PAAC was told that the three-member panel that interviewed Ms Ramharrack for the job included former board member Richard Creary, former General Manager Floyd Grindley and a Lowel [sic] Dilworth.**

**At this point Opposition member of the committee Fitz Jackson commented: "The third person, Mr Lowel [sic] Dilworth, we don't know what capacity he was sitting in on that interview." Jackson, then asked whether Dilworth was a staff member or a director from another ministry.**

**"He's not a director at Petrojam and I don't think of PCJ or the group," said Telroy Morgan, Acting General Manager at Petrojam. When asked how Dilworth became involved with the interview Morgan responded: "We haven't been able to unearth that information...we don't know in what capacity Lowel [sic] Dilworth was sitting in on that interview." The committee was**



**told that Dilworth is a chemical pathologist but that's all the information that was forthcoming.**<sup>15</sup>

By way of a hearing which was held on September 11, 2018, the DI posed the following questions to Dr. Lowell Dilworth, Lecturer, UWI, Chemical Pathologist and member of the referenced interview panel:

*“Q: And what is your occupation, sir?”*

A: **I am a lecturer at UWI. I am also a Consultant Chemical Pathology** [sic].

Q: **Were you or have you been engaged by Petrojam previously?**

A: **As in prior to this?**

Q: **Yes.**

A: **No.**

Q: **You have no business relations with Petrojam?**

A: **No.**

Q: **Have you undertaken tasks at Petrojam?**

A: **No.**

Q: *Never untaken [sic] any task at all?*

A: *No.*

Q: **And you have no stated role or function at Petrojam?**

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<sup>15</sup> LOOP news article dated July 20, 2018 which was entitled “Petrojam's HR manager interviewed by person with no ties to the entity”. Accessed at <http://www.loopjamaica.com/content/petrojams-hr-manager-interviewed-person-no-ties-entity> on March 11, 2019.



A: **None.**

Q: **No consultancy?**

A: **Nope, none.**

Q: **Were you involved in or asked to sit on an interview panel?**

A: **Yes.**

Q: *Do you recollect the nature of the panel that you were asked to sit on?*

A: **I was asked to sit on a panel of independent persons to interview somebody for a HR manager position.**

Q: **Who would have asked you to sit on that panel?**

A: **I was asked by phone call by Dr. Percival [sic] Bahado-Sing [sic], at the time.**

Q: *For clarity, Dr Dilworth, you said that you are a consultant and a chemical pathologist?*

A: *Well, it is a consultant chemical pathologist, but lecturer is my main function.*

Q: *What is the nature of that field? In brief.*

A: *Briefly, we are involved in managing all aspects of laboratory medicine and so we manage data, in-patient data, hospital data. We are also in charge of managing staff, managing a lab. We are trained to manage very large labs having been trained overseas and that sortof [sic]*





*thing so we do courses in management, accounting and all sort of that, but more importantly, we are also involved in diagnosing diseases, consulting with medical consultants regarding treatment follow up or even spotting persons predisposed to diseases, well we are involved in research obviously. We have to do a lot of research, publications, that sort of thing, so it's bench work as well as management. We always thought it is a fifty/fifty thing. So that's basically what I do.*

...

*Q: Do you have any reason why you were asked to sit on that panel?*

*A: Well, I know my capabilities. He knows – I am just assuming here but he knows I have served in many different capacities, I am still serving, including managing people both in my private businesses, private companies as well as in the public sphere as well as where I work. He knows I am always about giving unbiased view of things; calculated, thoughtful assessment of situations, people at all times. That is why I am assuming, that is the reason I would assume he asked me. Well apart from the fact he said he would be unable to come and would I be so kind as to sit in for him as an independent on assessor this panel.*

...

*Q: Are you personally acquainted with Dr Bahado-Singh?*



A: *I am, we went to university together; we went to UWI together.*

Q: *Okay. So you have been lifelong friends?*

A: *I wouldn't say lifelong, but we studied together at UWI.*

...

Q: *But you could safely say that you were friends?*

A: *Friends is a bit generous but we are acquaintances. I know him; we studied together; we did the same things; we went to university together.*

...

Q: *...you consider the request from Dr Bahado-Singh to be unusual?*

A: *That is a good question because I don't really hear from him, you know we don't really talk like that.* *If we have a conversation, it is academic, so a particular something, briefly, a research idea or something. It was strange. He knows I am serving and I have served. From UWI days I have often been on committees to set things right, take an unbiased look. I am also a very numerical person; so in addition to the qualitative assessment, I could do a quantitative assessment on things.*

*I think if you ask, not just him, persons I have been to school with, I try to be unbiased, that's what I try to be. So I didn't think it was strange the fact that he knows this about me and he said hey, I have a meeting, I can't make it.*



*It's last minute, but would you please sit in on this thing for me. I just want an unbiased opinion. So I didn't. If I thought it was strange or if I knew anybody involved I would not have gone because this is not the first time I am interviewing people. Well not at this level but I have interviewed people over time and even on the committees I sit on now, I sit on all manner of different things. If I know the person, I am excusing myself. I don't want it to be said that you are biased towards the process. So I didn't think it was strange. If it was, I wouldn't have gone, really.*

[IC OFFICER]: ***But on the basis though, that you would have been external Petrojam, would that have been of concern to you?***

A: ***No. Actually, well maybe I am wrong I don't know, but I thought it was a good thing.*** *The type of management I did, you are taught that sometimes when you are doing certain assessments, for example in doing procurement of certain types of equipment and that type of thing, sometimes you have to get an external person who is unbiased and who has no allegiance to whichever company. I have done it and I have seen benefits really because some people tend to go for cheapest things. So somebody external to the process who is a thinker and who can assess can provide*



*unbiased opinion, in my opinion I thought it was a good thing.*

CHAIRMAN: *And because he asked you, you just assisted?*

A: *Yes. I said okay, fine.*<sup>16</sup>(DI Emphasis)

Dr. Lowell Dilworth provided further details regarding the other individuals who comprised the interview panel and subsequent procedures which obtained. He stated, *inter alia*, as follows:

“Q: *In the discussion you just gave you intimate that you were not knowledgeable of the parties, the persons to be interviewed?*

A: *Not even the panel, persons to be interviewed, nobody.*

Q: *Could you recollect in relation to that interview process how many persons, if I can remember, who I was told they were short listed so their credentials would have been checked, so it was just for us to go in now and assess them. There were supposed to be three persons but in the actual interview I think two persons turned up.*

CHAIRMAN: *By chance could you also recollect the persons who were a part of the panel? How many persons were there?*

A: *Three.*

Q: *It comprised three persons?*

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<sup>16</sup> Transcript of hearing held on September 11, 2018 involving Dr. Lowell Dilworth. Pages 41-48.



A: *In total, right and I was meeting these persons for the first time. One was Grindley...*

Q: *You had never met him before?*

A: *No, I saw him for the first time. I didn't even know where Petrojam was, I had to use my GPS anyways. So Grindley was one person and another guy as well. I [think] he was on the board.*

Q: *You never met him previously?*

A: *I have never seen these persons.*

Q: *You haven't seen him recently?*

A: *...I don't quite remember his name.*

Q: *Could that person have been Creary?*

A: *Creary, yes, right.*

Q: *Richard Creary?*

A: *Yes.*

...

Q: *Was anybody from HR a part of the interview panel?*

A: *Okay. So having met those persons for the first time, I really had no clue what their roles were. I had no clue who knew about HR. It was just those two persons introduced themselves; CVs came out, discussed and then...*



*Q: In relation to the panel was there anybody who would have given you an indication as to the process that would be undertaken and how the process would be undertaken?*

*A: So there was a brief prelude, I think, wherein it was explained.*

*Q: Who did that explanation?*

*A: I think it was Grindley who said we are the panel, we are going to interview some persons for this post. They were shortlisted, I believe; their credentials were checked and we just need to assess based on what they present and their CVs in an unbiased way. That was generally it. I don't quite remember if anything else was said. I think they would just get our information, we would have a discussion and then they would decide internally.*

...

*Q: No external person came in to brief you about the process or the procedure or was that handled by the General Manager? Meaning, no other person walked into the room to say this is what we are going to do, here are the forms or anything? To the best of your recollection?*

*A: Somebody came in, somebody else came in as you mentioned forms. I don't remember if they were doing paper work, just bringing stuff. I don't remember if they explained anything. I think somebody came in with forms or documents or CVs, I don't remember but I really cannot remember.*



...

Q: *Who would have led the session now with the three of you to say we are going to do an interview and this is how you must do the interview?*

A: *As far as I remember I think Grindley was the person who was basically spearheading the activities.*

Q: *Could you briefly indicate what he said the activity would entail, because you are there for an interview?*

A: *Right. Basically, as I said, listen, there are some persons. I think three persons it was, who were supposed to be interviewed for this post of HR manager. Their CVs are available; they are the shortlisted candidates, I believe, and we will ask questions alternatively of the candidates just to make sure that they are fit and proper; we are going to look at the CVs and weigh them; just assess the candidates individually and then we give an assessment at the end.*

Q: *Just to get the process right, did anybody show you the job description or was it focused purely on the CV?*

A: *I don't remember seeing a job description, actually. I really don't remember seeing a job description.*

Q: *But you saw the CV?*

A: *Yes, I saw the CVs.*

Q: *In relation to process now, did they tell you that you would have an interview sheet or a record of the interview which*



*you would be required to fill out in your assessment of the candidate?*

*A: I don't remember that, especially for the fact that I don't think I did that, I don't think that was done. I don't remember.*

*Q: You don't remember.*

*A: I don't remember doing it but I remember making my notes.*

*...*

*Q: Did an interview record?*

*A: Yes, as in a written document to submit.*

*Q: I am going to show you a document which is a record of an interview and I want you to look at it.*

*[Document shown to witness]*

*A: Oh, yes.*

*Q: Could you identify that document. That document, Dr Dilworth, could you indicate what it is?*

*A: It is a record of interview, Petrojam at the top.*

*Q: Who was the interviewer?*

*A I am the interviewer here.*

*Q: And who was the name of the person, the applicant?*

*A: This is Yulande [sic] Ramharrack.*





...

*Q: ...The document now, this rating, **Record of Interview**, how did you derive the rating scale that was there? You personally asked questions or listened or formed your own opinion?*

*A: Well, it is a multiplicity of factors because some of these would not be covered by me but I listened – I was the last person told to ask questions – I listened to what the other interviewers asked; how the candidates presented themselves – well, I started from the candidate entered; how they presented themselves based on appearance; first impression, all of those things. Listen to when the other interviewers would have interviewed the persons; what their responses were; how I believe they conducted themselves and of course when I got the chance to ask my questions and of course using my communication skills and all those things, [then] I would make an assessment. So it was based on other interviewers' questions as well as mine that I would have formed these opinions really.*

*Q: I want you to look at the technical ability area and your ratings for the technical ability under Education was excellent?*

*A: Right.*

*Q: Were you given the job description required for the position of Manager, Human Resource and Development?*



A: *I don't remember getting that at all.*

Q: *So how would you have formulated an opinion for education?*

A: *Well, I can remember about the CV, she had competency in the area; she also had competence in more than one company. Well on probing she would have had to explain what some of them were, to me at least, and I thought she was well read; I thought she was up to par with regard to the questions I asked regarding the background checks I did regarding what a HR practitioner should know. So she had a degree at least, which is what I thought persons for the position should at least have and she had other certification which she had to explain and of course she answered questions, I believe as I mentioned before about HR and HR operations. That's why I picked excellent.*

...

Q: *You did not find any factors that would dis-favour the applicant's employment? You made no note. This area here is blank.*

A: *Within the paradigm under which we were operating at the time, assessing the situation, assessing everybody based on the questions asked, based on the questions I asked; based on how she presented herself; based on what the CV was looking like, to me I really did not see a problem at the time. I really didn't.*

Q: *Okay. And your overall rating was four?*



A: **Yes.**

Q: **Which means that you would be rating her what, good?**

A: **Yes. I didn't think she was excellent, I thought she was overall – she was good but I didn't think she was excellent.**

...

Q: *If it is that a job description would say a graduate degree and it lists areas and/or equivalent, how would you read that?*

A: *If it says?*

**CHAIRMAN: Competence Required – Graduate Degree Human Resource Management or another skill or equivalent qualification.**

A: *If that is presented to me, I am going to firsthand, off the bat, believe the candidate needs a post graduate degree.*

Q: *That would have to be at the Masters level?*

A: *Right.*

...

Q: *Your rating in terms of Education is **excellent**. I will just read for you the first line of the job description which you pointed out you never saw.*

**The skills required –**



*Graduate Degree in Human resource Management/Management Studies or equivalent qualifications.*

*If you were given this job description and a candidate was presented to you with a first degree, would your rating be excellent?*

A: No.

Q: *Given all the other factors, would your rating be excellent?*

A: *It wouldn't be. I mean as an academic person that comes first. It doesn't matter how you present yourself; it doesn't matter your experience unless you have that sort of allocation made. As an academic person if the academic qualifications are Masters, Graduate Level, it has to be. If it is not at that level, you cannot be an excellent candidate.*

Q: *I am just going to show you the job description, just briefly look at the knowledge and competencies levels.*

*[Documents passed to witness]*

*That's the job description for the Human Resource Manager; the job description for the position of which you were a member of the panel, and as you have pointed out, as an academic, if you were shown that, education could never be excellent?*

A: *No.*



...

Q: *For clarity, you were never personally acquainted with Miss Ramharrack, never met her before?*

A: *I have never even seen the name before; never seen her before or after.*

[IC OFFICER]: *Dr Dilworth, are you trained in HR, Human Resource?*

A: *No.*

Q: *Industrial Relations?*

A: *No, just general management, not HR specifically.*

Q: *Do you have any specialized expertise in human resource management or industrial relationship?*

A: *I have never been hired in the area per se but just what I have learnt as part of the management course and the fact that I have to manage persons, but I wouldn't take on HR matters, we have have HR people who manage that.*

Q: *Thank you. And did you ever see a copy of the advertisement that was placed to recruit candidates for the post of HR Manager for Petrojam?*

A: *No.*<sup>17</sup> (DI Emphasis)

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<sup>17</sup> Transcript of hearing held on September 11, 2018 involving Dr. Lowell Dilworth. Pages 48-61.



The DI highlights at Appendix 4 (a) the referenced document entitled “**Record of Interview**” which was completed by Dr. Lowell Dilworth in his assessment of Mrs. Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited.

Further, based on the representations which were made before the Public Administration and Appropriations Committee (PAAC) by then Acting General Manager, Petrojam Limited, Mr. Telroy Morgan, and Mrs. Ramharrack<sup>18</sup>, the DI sought to determine whether Dr. Lowell Dilworth had any other affiliations and/or relationships with other public officials and/or government entities. He stated, *inter alia*, the following:

**Q: Were you acquainted with Dr Andrew Wheatley?**

**A: Yes, at Uwi we were in the same research group but he was clearly my senior. He was my senior in the research group.**

**Q: And that would be the full extent of your acquaintance with Dr Andrew Wheatley?**

**A: Yes.**

*CHAIRMAN: Academic?*

**A: Yes.**

**Q: No personal?**

**A: No. We didn't have anything in common I think. We were from different places, we were different age groups. I just had a small circle and we are still friends to this day, who I had common interest with.**

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<sup>18</sup> As indicated by the LOOP news article dated July 20, 2018 which was entitled “Petrojam's HR manager interviewed by person with no ties to the entity”. Accessed at <http://www.loopjamaica.com/content/petrojams-hr-manager-interviewed-person-no-ties-entity> on March 11, 2019.



...

Q: *And other than your university career with Dr Wheatley, no other interaction?*

A: *That's it.*

Q: ***Have you ever been called to do any other interviews in relation to any other ministry as an independent person?***

A: ***No. I have been asked to do other things but not interviews.***

Q: *In relation to MSET?*

A: *No not the Ministry of Science. I thought you said other ministries. I have been asked to do things but not interviews, like probably look at procurement of some piece of specialized equipment that I may be knowledgeable about but I have never been asked to interview anyone. **I can't remember being asked to interview anybody. On the boards I sit they have these subcommittees, they would deal with that.***

Q: ***...You said on the boards on which you sit. You sit on government boards?***

A: *Right.*

Q: *Which other boards do you sit on?*

A: ***I sit on NERHA, Northeast Regional Health Authority; UCI, that is the University Council for which I am the person in charge of the subcommittee that deals with***



**accreditation – which is quite a bit of stuff; CCCJ, that’s the Counsel [sic] of Community Colleges in Jamaica...and most recently RADA, Rural Agricultural Development Authority.**

**Q: All of your appointments are ministerial appointments?**

**A: Yes. As far as I can remember, yes.**

**Q: Although you are an academic, are you affiliated with the Jamaica Labour Party?**

**A: I am not...**<sup>19</sup>(DI Emphasis)

At this juncture, the DI notes the following government boards to which Dr. Lowell Dilworth has been appointed and the Minister with portfolio responsibility for same at the date of his appointment:

1. Council for Community Colleges of Jamaica (CCCJ) – Mr. Ruel Reid, former Minister of Education, Youth and Information
2. University Council of Jamaica (UCJ) – Mr. Ruel Reid, former Minister of Education, Youth and Information
3. Rural and Agricultural Development Agency (RADA) - The Hon. J.C. Hutchinson, Junior Minister of Industry, Commerce, Agriculture and Fisheries
4. North East Regional Health Authority (NERHA) – Dr. the Hon. Christopher Tufton, Minister of Health

In the course of its Investigation, the DI sought to determine from Mr. Richard Creary, former Board Director, Petrojam Limited, the circumstances surrounding his involvement in the recruitment of Mrs. Ramharrack to Petrojam Limited. By way of a hearing held on September 11, 2018, he advised the DI, *inter alia*, of the following:

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<sup>19</sup> Transcript of hearing held on September 11, 2018 involving Dr. Lowell Dilworth. Pages 63-69.





*“CHAIRMAN: While you were a part of the Board, were you asked or required to attend any interviews of any personnel that is going to be hired by Petrojam?”*

*A: Yes, I was.*

*Q: Could you state how many such interviews you would have conducted while you were a Board member.*

*A: I was asked to sit on two such interviews, however, the first one I was unavailable and did not attend. I was asked the second time. **I was asked to sit on the interview pertaining to the hiring of the HR Manager as the HR Chair who was Mr Harold Malcolm, was overseas, I was asked as the only Board member who was present in Jamaica to sit on the interviewing panel.***

*Q: Do you recall the name of the other persons that you were asked to sit on the interview that you were not able to attend?*

*A: You mean the other person who was being employed?*

*Q: Yes?*

*A: You see what happened, the Board has a policy that for management positions that they would ask a Board member to attend such interviews. So when the General Manager was being interviewed, I was also asked but was unable to attend due to another meeting that I had at that time.*

*Q: So the other interview that you would have attended if you were available, would have been for the General Manager?*



A: Yes.

[IC OFFICER]: *Just to go back to the response that you just gave, Mr Creary. You indicated that the Board had a policy that a Board member would be a part of any interviews for senior management, can you say whether that is a policy which exists in writing or was it a practice which was agreed upon by the Board?*

A: *I wouldn't have that information available.*

CHAIRMAN: *In that regard who would have invited you? How would you have been informed?*

A: *For the one that I attended I got a call from the Chairman who said to me that both himself and Harold Malcolm were overseas so since I was the only member here present if I could have attended.*

[IC OFFICER]: *The name of the Chairman?*

A: *Doctor Percival [sic] Bahado-Sing [sic].*

CHAIRMAN: *In relation to the General Manager, who would have initiated the call for that one?*

A: *Based on my recollection, I think it was the Chairman as well.*

Q: *The same Doctor Percival [sic] Bahado-Sing [sic]?*

A: Yes.

Q: *... The interview that you attended was in relation*



*to several candidates?*

A: *Two candidates attended the interview.*

Q: *You recall their names?*

A: *No. I recall one which is Miss Ramharrack. Well with obvious reasons, she got the job and we had to interact thereafter.*

Q: *But there were two persons attending the interview.*

A: *Yes.*

Q: *That interview would it have been the first time you would have met Miss Ramharrack?*

A: *No, it was not.*

Q: *You knew her previously?*

A: *Yes.*

Q: *In what capacity?*

A: *I met Miss Ramharrack as a member of the Petroleum Corporation of Jamaica Board and I met her at that time when we were appointed to that Board, hence we interacted thereafter.*

Q: *So in relation now to the matter of – you made mention of the fact that when you were appointed to the Petroleum Corporation of Jamaica Board.*

A: *Yes.*

Q: *How many boards were you a part of, or appointed*



to?

A: *I was appointed to a total of four boards.*

Q: *Namely?*

A: *Petrojam, Petroleum Corporation of Jamaica – it is actually five sorry. Petrojam, Petroleum Corporation of Jamaica, Petroleum Company of Jamaica, which is PETCOM, which was sold; JARS, Jamaica Aircraft Refuelers’ Service and SDC which is Social Development Commission.*

Q: *Those are five boards which you were a part of?*

A: *Yes. PETCOM I think I presided over probably two or three meetings then PETCOM was sold.*

Q: *Oh, you were the chairman?*

A: *Yes.*

Q: *In relation now to the information that you have supplied that you met Miss Ramharrack through the Petroleum Corporation of Jamaica Board?*

A: *Yes.*

Q: *And would you say that, that acquaintance would have been personal or professional?*

A: *Professional.*

[IC OFFICER]: *Just to go back a little. In relation to the five boards mentioned, and the disclosure that PETCOM has been sold and you have resigned*



*from the Petrojam Board, can you indicate whether you are still a serving member of the other three boards?*

A: Yes.

Q: Thank you.

A: *to the best of my knowledge unless something has changed recently that I am not aware of.*

CHAIRMAN: *We move now to the recruitment of Miss Ramharrack and as you pointed out there [are] two persons scheduled for interviews and in relation now to your membership of a panel, this would have been your second such panel that you would have been a part of?*

A: First.

Q: Well, in relation. It would have been the second if you had done the first.

A: Yes, but I couldn't say I was a part of the panel if I was not in attendance, so it's the first.

...

Q: **Are you a person with knowledge of human resource management?**

A: **I would say I have not had any formal training but I have be[sic] a member of the St. Mary Municipal Corporation for the last fifteen years** of which I have chaired that Board for probably – let be



accurate from -- 2007 to 2012; that's roughly five years; and then again from 2016 to now, that's what? Seven years, basically. So I have chaired that Board for a total of seven years. **There are various - at the Corporation we have a Human Resource Committee that I sit on so I have basic knowledge of what happens, and also at Petroleum Corporation of Jamaica I sit on that HR Committee as well.**

*Q:* **You would have?**

*A:* **Well, I still sit on that committee.**

*Q:* **Even though you have resigned?**

*A:* **No man, I resigned from Petrojam. I still sit on the HR Committee of Petroleum, Corporation of Jamaica; PCJ.**

*Q:* When the panel was being constituted, were you given an indication as to what would be the necessary processes or procedures that would be undertaken in relation to the recruitment of the HR Manager?

*A:* Well, we were asked – there is a form that you fill out with scores basically pertaining to the individuals who are interviewed, so the forms were presented. Prior to the interview – again I am going off recollection, I – believe we had a briefing as to say, you know, this is how we should carry out



*the interview; person would be allowed to ask questions and at the end of it we would give our scores based on a prescribed form that we were given.*

[IC OFFICER]: *Just to follow up on that point. Mr Creary, who facilitated that briefing?*

A: *I know there was someone from the HR Department of Petrojam, I cannot recall if she was the individual who did it. I don't know; I don't want to say definitively who but I know there was a discussion prior to us calling in the first applicant.*

Q: *And you are certain that that discussion had somebody who was external to the panel who was providing a briefing?*

A: *When you say external?*

Q: *Meaning that the briefing did not just take place between the persons who would have formed the panel?*

A: *One of the persons on the interview panel, I can't remember her title, whether it is HR Officer or whatever for Petrojam so she was a part of that panel.*

CHAIRMAN: *Okay. So that person.*

A: *That's why I said 'my recollection'. I am not a hundred percent sure if she was the one who gave the briefing or it was just a general*



*discussion as to how we should proceed. I can't recall that.*

[IC OFFICER]: *Thank you.*

...

*Q: Before I go further, could you by any chance recollect the other members of the panel that sat with you?*

*A: No, I don't recall who else was on it, but as I said I know the HR, her title is HR Officer; I think the GM was present but I can't remember the other individuals. It was either one or two other persons but I can't recall who those persons were.*

*Q: But it's safe to say you were a part of it; the GM and the HR Officer?*

*A: Don't hold me to the title but she was the HR person.*

...

*Q: Could the other person who was member of the panel be a Dillworth, Dr. Dillworth?*

*A: I don't remember.*

...

*Q: While conducting that interview now you would have been given a sheet in which you would records [sic] your scores as to how you would rate the*





*candidate?*

A: *Yes.*

Q: *I am going to show you a particular document.*

*[Document shown to witness]*

*Could you look at that document.*

A: *Yes.*

Q: *Could you identify the document?*

A: *Yes.*

Q: *Could you identify it as to what it is?*

A: *It is the form that was given for us to complete.*

Q: *The Record of Interview?*

A: *Yes.*

Q: *Could you indicate, its [sic] says  
Interviewer - Richard Creary.*

A: *Yes.*

Q: *And the name of the applicant is?*

A: *Yulande [sic] Ramharrack.*

Q: *In the area that is marked Interviewer's Signature at  
the lower righthand side, while this is a copy, would  
that signature be the one for your signature?*

A: *Yes.*



...

Q: *Could you look at the analysis that you gave?*

A: *I already did.*

Q: ***I want you to now read it; Analysis of Applicant's Appraisal, Item #1. Could you read what your comment was.***

A: ***Knowledge and experience in the role was excellent.***

Q: *Could you read the one that you gave for #2.*

A: ***Gave too much information unsolicited by panel.***

Q: *and in Item #3, what was your rating and what did you understand that the ratings were to mean; meaning one to five, is one the highest or the lowest and five the highest?*

A: *Five in my estimation was the highest based on what was at the top of the page.*

Q: *Was that explained to you in the preliminaries as to what the rating meant?*

A: *Well, I think it was self-explanatory. I don't recall us being told what the rating meant, but based on the ratings at the top, and if you look at the form it is in the same format so I just...*

Q: *Took a position?*

A: *Yes. I would have assumed that four would have*



*meant good just like how it meant up at the top.*

*Q: **And that she was suitable for the position?***

*A: **Yes.***

*Q: I am going to put to you that the interview panel comprised three persons: The General Manager, Floyd Grindley; yourself, Richard Creary and Dr Dillwort [sic]. Those were the three members of the panel.*

*A: The HR person you are saying she was just there but not a member of the panel?*

*Q: She was just there but not a member of the panel.*

*A: You said you are not sure if she was there?*

*[IC OFFICER]: We can't confirm, remember we weren't there.*

*A: I am sure it can easily be confirmed.*

*[IC OFFICER]: Right, but we cannot say.*

*CHAIRMAN: The list of panelists that have been identified were three; yourself, Dr Dilworth and the General Manager, Floyd Grindly [sic].*

*A: As I say she was there for the entire time so I was of the view that she was a member of the panel.*

*[IC OFFICER]: Did she participate in asking questions or putting questions to the candidate?*

*A: As far as I remember, yes, but at the end of the*



*interview process, I asked the – as I say, I can't remember her name or her title but before anybody else commented, I asked her for her comments on both candidates which she provided. So as I say, I was of the view that she was a part of the panel. I am incorrect but she was there for the entire time and I asked her views before anybody else commented at the end of the interviews.*

*Q: I just want to go to the section under the heading **Technical Ability**, Mr Creary?*

*A: This form.*

*Q: Yes, this form.*

...

[IC OFFICER]: *Under the heading Technical Ability, can you just indicate the score that you would have provided and the remark as it relates to Education.*

*A: Excellent.*

*Q: And the question now is, were you provided with the job requirements, the job description and the qualifications that would have been required for the post of HR Manager prior to commencing the interview process?*

*A: No, that's not my recollection.*

*Q: Were you at any point in time guided by what the*



**suitable candidate should possess as it relates to the qualifications?**

A: As I said, **I don't recall getting a document to state that this was the requirement, but based on the interview and what was, the questions asked and the answers given, I formed the impression that what it said in terms of education, the candidate was obviously very knowledgeable [sic] in the field of HR, but I don't recall being given a document to say this was the requirement for the position.**

Q: Where there any discussions?

A: Let me just go on to say that I would have not expected that a candidate would have been interviewed who was not qualified because I was not a part of the process in terms of the ads and the recruitment and all of that, I was just asked to sit on the panel. As I say in hindsight I have heard that she's not qualified or something like that. I was at the point being on that interview panel, having heard it now, **I find it amazing that somebody who was not qualified was interviewed.** But in terms of again since the whole the thing has come out, my understanding is that based on - because she has a lot, and she mentioned that at the interview, there are many courses that she has done pertaining to HR and those were listed on her CV. So it is based on the many courses, et cetera, and how she presented herself; answered questions - if you



*notice the comments at the bottom, I think she even gave too much information. As I said the last comment which I said she even gave us more information than was required based on her knowledge, to me, of HR.*

*Q: But your responses on the Record of Interview that was completed January 27, 2017, was not based upon the established or what the required qualifications for the post of HR Manager?*

*A: Because as I said, I don't recall having been given a document to say these are the qualifications.*

*Q: I understand your justification. What specifically were you given?*

*A: We were given a CV for each candidate and it showed all of their qualifications, and as I said Miss Rahamarrack [sic] had a number courses and certificates that she did and based on her answers to the questions, I was of the view that she was very knowledgeable[sic] in the field.*

*CHAIRMAN: Given that your rating was **excellent**, I am going to read to you the particular area of the job description, and this is the job description for the position, Manager, Human Resource Development and Administration...*

...

*A: My rating would not have been excellent and I*



**would perhaps not have been on that panel  
interviewing somebody who was not qualified.**

...

**Q: ...Did you take a look at Yulande [sic]  
Ramharrack's resume' at the time?**

**A: Yes, it was presented to us at the time.**

**CHAIRMAN: And there was no discussions about  
qualifications, nothing?**

**A: No, not before during or after the interview.**

[IC OFFICER]: *At any time were you privy to any assessments which would have been done either before the interview or subsequent to the interview which could be a psychometric evaluation or any other aptitude test?*

**A:** *As I have said, my only involvement in the process to be at the interview. After the interview I had nothing to do with it; neither before or after. The only part I had to play was at that interview.*

[IC OFFICER]: *So myy [sic] question really was not whether you played any part.*

**A:** *No, I was not aware of the any test done thereafter; I was not aware of Mr [sic] Ramharrack's salary; I was aware of nothing else thereafter until I heard all of this in the media. My only role was to be at the interview and I gave what I thought at the time*



were honest responses based on the interview conducted and how she conducted herself in that interview.

*Q: As a part if any committees of Petrojam, HR Committee, et cetera, or part of the Board, **was it a policy, practice, or procedure that you understood that second interviews would have been a requirement for the filling of management posts or any other posts at Petrojam?***

*A: **No, I was not aware of that. I was not a member of the HR Committee.***

*Q: **But as a Board member.***

*A: **No, I was not aware of that.***

*Q: And you are not aware of any policy that speaks to the requirement of any second interview?*

*A: No, I was not aware. As I said, my role was just at that interview. Two candidates came and I alluded to it earlier, the first person I asked a question at the end of the interview was the HR person and her response, because I said I would love to hear your views on both candidates. She said to me the first person, I can't recall her name, the first lady that was interviewed was definitely not suitable but Miss Ramharrack obviously was. That was her comment so it is an obvious choice between the two and I think everybody on the panel had that*





*impression.”*<sup>20</sup>

The DI highlights at Appendix 4 (b) the referenced document entitled “***Record of Interview***” which was completed by Mr. Richard Creary in his assessment of Mrs. Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited.

By way of a requisition dated February 27, 2019, the DI sought to ascertain Mr. Floyd Grindley’s involvement in the recruitment of Mrs. Yolande Ramharrack to Petrojam Limited. Mr. Grindley, by way of his response dated July 23, 2019, advised the DI of the following:

*“a. The extent of my role in Mrs. Ramharrack’s recruitment was that I formed part of the interview panel that interviewed her.*

*b. I did not play a role, nor did I have any say in the selection of the interview panel. That was decided solely by the Board. In addition to myself, the panel consisted of the following named individuals:*

- i. Director Richard Creary; and*
- ii. I do not recall the third gentleman’s name.*

*By being a member of the interview panel, I participated and completed the company’s standard interview feedback form that can be accessed from Petrojam records.*

*c. Based on the fact, that the post was vacant, it would be most likely been approved by my*

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<sup>20</sup> Transcript of hearing held on September 11, 2018 involving Mr. Richard Creary. Pages 5-26.



*office for publishing in the national print media. From my recollection, the advertisement would have been made by the Human Resources and/or Public Relations Department. Specifically, I cannot recall if my office actively approved the actual text of publication. There are standard job requirements at the Company for the post which would have been submitted to the media to inform the public of the job criteria for recruitment.*

- d. Based on the opening that was at Petrojam, Mrs. Ramharrack was to fill the vacant post as Manager, Human Resources & Administration. I did not recruit Ms. Ramharrack. I never knew of her prior to her application being submitted to the company along with all others. The records of the interview should be in the Human Resources Department of Petrojam, detailing the individual scores of all members of the Selection Panel.”<sup>21</sup>*

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<sup>21</sup> Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 12.



The DI notes that by way of letter dated February 1, 2017, Mr. Floyd Grindley sought the approval of the Ministry of Finance and the Public Service to hire a Human Resource Development and Administration Manager at Petrojam Limited.

In its response to Mr. Grindley, the Ministry of Finance and the Public Service, by way of letter dated February 27, 2017, stated *inter alia*, as follows:

“...

<i>No. of posts</i>	<i>Post/Classification</i>	<i>Post Number</i>	<i>Comments</i>
<i>1</i>	<i>Manager, Human Resource Development &amp; Administration</i>	<i>277518</i>	<i>Approved w.e.f February 13, 2017</i>

*Arising from telephone conversations with your office, **note is taken that the post of Manager, Human Resource Development & Administration was operated with effect from February 13, 2017, prior to receipt of approval from this Ministry. For future reference, your attention is drawn to Circular No.15 dated July 1, 2016, paragraph (5), which states that submissions to the Post Operations Committee should be made at least two (2) months prior to the intended effective date of operation of the posts.** It is to be further noted that the Post Operations Committee, under the chairmanship of the Deputy Financial Secretary of the Strategic Human Resource Management Division of this Ministry, has sole authority for adjudicating on and granting approvals for the operation of posts in Ministries, Departments, Agencies and Public Bodies.*



*Please be guided accordingly.*<sup>22</sup> (DI Emphasis)

**It is the DI's observation that Mr. Grindley sought approval twelve (12) days prior to the intended effective date of commencement for the position of Human Resource Development and Administration Manager which deviated from the stipulated policy requirement of two (2) months.**

The DI highlights at Appendix 4 (c) the referenced document entitled “**Record of Interview**” which was completed by Mr. Floyd Grindley in his assessment of Mrs. Ramharrack for the position of Human Resource Development and Administration Manager at Petrojam Limited.

#### Psychometric Tests

At this juncture, the DI highlights certain accounts which were provided by Mrs. Roselee Scott-Heron and Mrs. Yolande Ramharrack as it regards the utilisation of psychometric tests by Petrojam Limited in its recruitment process.

Mrs. Roselee Scott-Heron, by way of hearing held on September 5, 2018, advised the DI of, *inter alia*, the following:

*“[IC OFFICER]: In relation to the test that is given, I just want to zero in on the psychometric evaluations to ascertain whether or not there is a guideline that speaks to how those would be treated by Petrojam in the recruitment process. It's a two-tiered question: How are those treated in the recruitment process as well as the weight placed on those evaluations by Petrojam in making a final determination.*

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<sup>22</sup> Letter dated February 27, 2017 which was addressed to Mr. Floyd Grindley, then General Manager, Petrojam Limited from Strategic Human Resource Management Division, Ministry of Finance and the Public Service on the behalf of Mr. Wayne Jones, OD, JP.



A: *So its not administered internally, we have an external person who we would go to to administer psychometric testing. **For me normally I would like to receive it before I actually interview the person because it tells you what questions to ask based on when you look on how persons are motivated.** Ideally though, sometimes its not done, but if you are experienced you can pick up, in interviewing the persons, seeing how they respond, you can see where the person would be, but it is done externally. I wouldn't say there is a weighting but I don't know how heavy that would depend on the psychometric testing but we try to see how best a fit and its not every role that a psychometric test is done for even though we would have wanted to move to that.*

CHAIRMAN: *Its more for the senior.*

A: *Its more for the senior persons.*

Q: *But a test is applied for almost all the roles – of some sort.*

A: *Of some sort, yes. For the administrative roles and so on, no; the technical roles. The engineers might even have to do a presentation but not in all instances.*

[IC OFFICER]: *Going back to the psychometric evaluation, where recommendations are made in relation to a score that is given to an*



*employee that is being recruited and the recommendation is not necessarily a positive one or one that would be in keeping with the objectives of the job description for Petrojam by and large, how would you then focus on those recommendations that are, for want of a better term, negative?*

A: *I don't think I had any to deal with but you have to do a mix, when persons do – – in psychometric testing it just supports whether or not, I don't know you would totally rely on a psychometric test for making an employment decision; but for certain roles of course you would want to know that the person has the sort of personality that you are looking for in the role.*<sup>23</sup>

(DI Emphasis)

In the course of its Investigation, the DI examined the results of the psychometric test completed by Mrs. Ramharrack. Upon a review of a document entitled “***PXT Report designed for Yolande Ramharrack Profile XT Interview Guide – Total Person***”<sup>24</sup> the following results, *inter alia*, were indicated:

**Overall Job Match – 70%**

**Thinking Style – 76% Match**

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<sup>23</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Roselee Scott-Heron. Pages 13-14.

<sup>24</sup> Assessment taken on February 1, 2017.



## Behavioural Traits – 56% Match<sup>25</sup>

On a scale of 1 to 10, the following scores were obtained:

Learning Index	-	6 out of a desired range of 6-9
Verbal Skill	-	6 out of a desired range of 6-9
Verbal Reasoning	-	5 out of a desired range of 7-9
Numerical Ability	-	5 out of a desired range of 6-8
Numerical Reasoning	-	6 out of a desired range of 6-8
Energy Level	-	9 out of a desired range of 6-8
<b><u>Assertiveness</u></b>	-	<b><u>9 out of a desired range of 4-7</u></b>
Sociability	-	4 out of a desired range of 6-8
<b><u>Manageability</u></b>	-	<b><u>3 out of a desired range of 4-8</u></b>
Attitude	-	4 out of a desired range of 5-8
Decisiveness	-	10 out of a desired range of 5-8
<b><u>Accommodating</u></b>	-	<b><u>2 out of a desired range of 5-8</u></b>
Independence	-	7 out of a desired range of 4-7
Objective Judgment	-	5 out of a desired range of 4-7

(DI Emphasis)

It is important to note that the Introduction for the assessment indicates that “*the results from this or any assessment should never make up more than a third of the final decision in placements.*”

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<sup>25</sup> It was noted that “*Distortion for this assessment is within the acceptable range*”.



The DI, in the conduct of a hearing held on August 20, 2018, required Mrs. Ramharrack to address the abovementioned results as well as other details contained in the referenced assessment. The following, *inter alia*, was disclosed:

“A *... It states some ranges. And it's not a matter of I get a four out of ten and I get a two out of ten; that's not how it is interpreted. It's gross misinterpretation of the results in the public domain.*

*Q I am unaware of what was represented in the public domain. I do have a copy of your psychometric test results. I am going to pass a copy to you so you can have a look.*

*(Document shown to Miss Ramharrack)*

[IC OFFICER]: *...The first question is this, was this document ever discussed with you as far as in relation to your psychometric test, was it ever discussed with you at any point in time?*

A *No.*

*Q And is that usual, that you would not have discussed any issues or concerns or any comments that you would have had on the psychometric test evaluation with a recruited candidate?*

*...*

*A I have been part and parcel from the previous employment where psychometric assessments have been -- candidates have been invited to do psychometric assessments. It is not to be discussed with a candidate, it is discussed with the*





*head of entity; because like I said, the scores do represent something outside of just a one to ten...*

*...*

*Q So the assessment in relation to assertiveness, could you just read the behavioural considerations that was noted on the evaluation please, that's on page 8?*

*A Assertiveness: Tendency to take charge of people and situations. Leads more than others -- Leads more than follows. The band here indicates that the scoring is in the middle percentile of the band, four to seven. So that would have been something that the job profile would have generated based on the job description; and I would have scored a nine (9).*

*Q So could you just read the behavioural considerations, please?*

*A The Behavioural Considerations here says, "Miss Ramharrack scored above the Performance Model for this position in the Assertiveness scale. She may find the environment of this position challenging in the area of how much control is appropriately exerted over others. While talking with her, determine her ability to practise greater diplomacy in her interpersonal relations."*

*...*

*Q So the recommendation here, I am asking you would you disagree. Just to say yes, you disagree or you --*



A Yes I disagree. You know why? Because it's highly indicative on the employer's environment. Assertiveness for a role is different in a banking sector than it is for a refinery; it's different in manufacturing, it's different all over...At the time when I did this, this indicated that my -- I was outside of the band: Four to seven was what was provided for.

Q Desired.

A Yes, based on the JD. So when the profile is done I know that a copy of the JD as well as the application, the person would put that together and it would create a job profile. Now when you have the job profile you can decide if it is that these are too low, the ranges are too low, or you can determine if they are too high...

...

[IC OFFICER]: Just to continue to go through very quickly, could you just look at page 10 that speaks to manageability and to read the area of considerations stated there.

A And I am going to also highlight that these are considerations. So these are considerations that the application is maybe just trying to focus to and not saying that it has to happen.

Q I am aware. Could you read the behavioural considerations, please.



A For manageability it says: "This is determined by tendency to follow policies accept external controls and supervision, and work within the rules. Behavioural Considerations: "On the manageability scale Miss Ramharrack is below the designated Performance Model for this position. This suggests that that her willingness to follow standard procedures is less than the position typically requires and that she could have a problem with the capability to perform in this area. Discussions with her should determine her potential for frustration within the constraints of this position."

Q And also could you look at page 11 and read the Behavioural Considerations relating to Attitude.

A Attitude: This says the "tendency to have a positive attitude regarding people and outcomes". And the application thought the behavioural considerations that might be addressed in this would be, "Miss Ramharrack achieved an Attitude score outside the designated Performance Model for to [sic] position. This suggests her outlook is different than that of successful individuals in this position and she could have a problem with maintaining an appropriate perspective when under stress. Discussions with her should explore the possibility for Miss Ramharrack, experiences like frustration and anxiety are a potential in this position."

Q Could you also read that for decisiveness which is at page 12.



A *Decisiveness: "Uses available information make at the decisions quickly. The Behavioural Considerations: on the Decisiveness scale Miss Ramharrack is above the designated Performance Model for this position. **This suggests that she may act without a thorough understanding of the related details.** Discussion with her should determine the extent of her spontaneity in decision making and consider if her effectiveness could be enhanced by more deliberation."*

Q *Lastly could you read that which relates to accommodating of the Expert Team.*

A *Page 13 Accommodating. This is the "tendency to be friendly, cooperative, agreeable. To be a team person. Behavioural Considerations: on the Accommodating scale **Miss Ramharrack is below the designated Performance Model for this position. This suggests that her patience with the opinion of others in the group is less than the position typically requires and that she could have a problem with the capability to resolve differences of opinion in an accommodating way.** Discussions with her should explore the possibility that for Miss Ramharrack, the position may be overly challenging and could lead to frustration and a reduction in her level of performance."*

Q *Thank you very much.*

*Having been a HR professional for some time in a previous dispensation and currently at Petrojam, would you say that*



*these considerations put forward by this assessment would be of concern to you as HR Manager.*

*A In what capacity?*

*Q Would it be of concern to you?*

*A As a candidate?*

*Q As HR professional.*

*CHAIRMAN: Having interviewed a candidate.*

*A So if I am interviewing a candidate and I see this then I would go behind it and I could decide after discussions, if it warrants a second interview; because these are behavioural -- these are considerations and suggestions as to supporting hiring decision. That is all that the application is saying.”<sup>26</sup> (DI Emphasis)*

Of note, the DI has observed that a second interview was not held by Petrojam Limited with Mrs. Ramharrack.

#### Probationary Period

By way of an anonymous allegation dated June 29, 2018, the following was alleged:

**“Ms. Ramharrack’s probationary period was waived by the General Manager, Floyd Grindley and as such she was confirmed to the position of Manager, Human Resources Development & Administration effective February 13, 2017; her date of employment.”**

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<sup>26</sup> Transcript of hearing dated August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 29-36.



**Consequently, she became eligible for a Productivity Incentive as per the policy, Section 2.0, Eligibility, which reads:**

- **Regular employees who have successfully completed their period of probation.**

**The amount of \$173,652.34 was paid to Ms. Ramharrack for the period February 13, 2017 to March 31, 2017.**<sup>27</sup> (DI Emphasis)

In an effort to ascertain the veracity of the allegations in the above regard, the DI, by way of a hearing held on August 20, 2018, posed the following questions to Mrs. Ramharrack:

“CHAIRMAN: Do you remember though that in your particular case the General Manager waived your probationary period?

A I believe so, yes.

Q Was there some discussion as to why in your case the probationary period was waived?

A A discussion with me why it was waived.

Q Hmm.

A Not to my knowledge. I know that that Offer Letter I didn't have anything to do with the putting or the tailoring of it. I only went and picked it up.

Q **But we are aware though that your probationary period, which I would consider standard for all new hires, was waived?**

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<sup>27</sup> Anonymous allegation dated June 29, 2018.



A **Yes: yes, sir.**

[IC OFFICER]: **And you know the basis upon which it was waived, was it explained to you or mentioned to you?**

A **Not that I can remember, no.**

Q And in terms of probationary period that is stipulated for new recruits to Petrojam under your stewardship, how is that process governed, or administered?

A So an Offer Letter is usually done by the HR Officer for whichever position. The probationary periods though are usually, I have seen it ...**two months, three months, four months.** Yes.

[IC OFFICER]: In your experience though as a training person in this profession, what would you say are the best practices concerning probationary periods?

A Best practices would normally be determined by the organisation in line with values and mission and the critical role that the person is being asked to execute. As a HR professional the best practices outside of government would stipulate that an organisation in identifying the best talent would seek to do so with the knowledge that that person identified is the right fit.

Q And in terms of the best practice concerning waiving that probationary period, what would you -- how would you articulate that?



A *From another organisation's standpoint?*

Q *From a HR best practice standpoint.*

A *I have seen it from where I was before the waiving of, and I have seen it in managerial positions, I have seen it contractually, I have seen it in a lot of other positions that we try to recruit for; so there are different circumstances. Somebody might be working and with their previous employer would need to give maybe three months, depending on the seniority of the role. We can have a signing bonus. They can say, based on the nature of the volume of work, I would ask that you come on and you hit the ground running. And so those are just some of the discussions that would help an organisation to decide if they should waive the probation period. And this is outside of government, of course; best practice.*

...

CHAIRMAN: *What would be the effect of waiving the probationary period? What would it entitle the individual who has received the waiver, what would they have been entitled to?*

A *So usually with your organisation policies usually it's because of the access to medical, the medical plan. So usually a probation period would mean that the person does not have any coverage, medical coverage until after the probationary period or -- yes, usually. That usually is best practices, the indicator, one of the indicators for that.*





[IC OFFICER]: *Would it be a fair statement to say that the waiving of the probationary period would have little or nothing to do with the performance of the core task of that candidate?*

A *It wouldn't. And like I said if the Panel, if the candidate can demonstrate his or her competency and there are instances where that is demonstrated during the interview, that this is the person that we need at this time given whatever the circumstances, whatever is happening; and so it is really a determination as to this is the candidate that I would want to keep. So I can only speak to what usually pertains, so I have been asked before in many forums as to actually putting down and making sure that the organisation benefits in a way where the recruitment cycle is looked at, because there are lot of times you do not attract the right candidate because of the length of time. And there are metrics that measure that.*

Q *I would like to present a document --*

[IC OFFICER]: *Could you just indicate to us the function of the probationary period.*

A *Any probationary period for an organisation would, like I said, possibly give you an insight as to how the person would demonstrate his or her competency on the job.*

Q *So having gone through the probationary period you would actually determine whether or not the person is a suitable candidate so to speak, for permanent employment?*



A *I wouldn't put it as if it's suitable. You would actually measure to say support your decision.*

Q *For instance at the interview stage you would only cursorily assess the person's capability but whilst they are acting in the probationary period you could actually determine if they are suitably qualified.*

A *Qualification doesn't --*

Q *Qualification not in the sense of educational background.*

A *I believe what you want to say is competencies, because the competencies are what actually determine your effectiveness on the job and not necessarily the qualifications. And I hear you say cursory, interviews are not supposed to be just cursory decisions, they are supposed to actually give you a comprehensive look as to what the job entails. And I believe I've said in the dialogue that the discussions that were surrounding this, the interviews standpoint would have done so.*

Q *So based on what you just indicated, the interview would determine whether or not the person is suitable to sit in the seat?*

A *One of.*

Q *So the probationary period is basically?*

A *Null and void?*

Q *It's not necessary?*



*A I didn't say it's not necessary. I say it's a decision that an organisation can take, but in this instance I can't speak to it.*

*Q So what is your personal view of a probationary period, do you think it is necessary?*

*A And I am going to have to respond again to say from an organisation standpoint that's a decision for an organisation to take.*

...

[IC OFFICER]: *Are you saying that the probation period is -- are you permanently employed prior to the probationary period being satisfied?*

*A Probationary period does not say that you are not permanently employed. The probationary period is just a period where the person can be continually assessed, if that is necessary. So a probationary period doesn't mean that you get -- you are not permanent or not. I think what you are trying to get from it is, if it is the confirmation upon employment or continued employment. So if in my case my offer stated that my probation period was waived it meant that I am an employee with Petrojam.*

*CHAIRMAN: Immediately.*

*A Yes. They hired me on that basis, immediately.*



CHAIRMAN:

**And that all the benefits to which that position would be entitled to you immediately get access to?**

A **Yes.** *So if you waive a probationary period then it means that, like I said, an organisation where I have seen it is that probationary periods don't necessarily have the candidate or selected person avail themselves of any medical, which is usually -- that is a determining factor to consider if or not to waive a probation.*”<sup>28</sup> (DI Emphasis)

At this juncture, the DI highlights below, an extract of Clause 11.3 of Petrojam Limited’s Employment Policy which was made effective January 2008:

“ ...

**Each new employee is required to undergo a period of probation for three months.**”

(DI Emphasis)

The DI also notes that the waiving of the probationary period of an employee is not an established practice of Petrojam Limited. Mrs. Roselee Scott-Heron, during the course of a hearing held on September 5, 2018, indicated, *inter alia*, as follows:

“CHAIRMAN: *...in relation to the hiring process, is it the norm to waive the probationary period – for each employee you have a probationary period?*

A: *We do have a probationary period and we stick to it. As a matter of fact at*

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<sup>28</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 22-27.



*Petrojam its not three months, its actually four months probation you would serve.*

CHAIRMAN: **Is it the norm to waive the probationary period?**

A: **No.**<sup>29</sup> (DI Emphasis)

**Offer of Employment and Compensations Received**

By way of letter dated January 30, 2017, Mrs. Ramharrack was offered the position of Human Resource Development and Administration Manager at Petrojam Limited at a total annual salary of \$10,583,048.00. The agreement was signed by Mr. Floyd Grindley on February 2, 2017 and accepted by Mrs. Ramharrack on said date.

**The DI observed a second offer letter of even date at a total annual salary of \$12,977,076.00.** The referenced agreement was signed by Mr. Floyd Grindley on February 2, 2017 and accepted by Mrs. Ramharrack on said date. Further, each page is affixed with the initials “FG”<sup>30</sup>.

In accordance with the terms of her contract, as stipulated in the second offer letter, Mrs. Ramharrack’s monthly compensation comprised of the following:

(a) Basic or Pensionable Salary	-	\$842,716.00
(b) Transportation & Subsistence (Non-Taxable)	-	\$111,802.00
(c) Duty Allowance	-	\$57,802.00
(d) Company Contribution to Savings (Non-pensionable)	-	\$69,103.00

<sup>29</sup> Transcript of hearing held on September 5, 2018 involving Mrs. Roselee Scott-Heron. Page 23.

<sup>30</sup> The Commission has attached at Appendix 1, a copy of both offer letters.



**Total Monthly Compensation - \$1,081,423.00**

In addition to the abovementioned compensation received by Mrs. Ramharrack upon her employment to Petrojam Limited, the DI observed that other benefits were also granted to her. Based upon the terms of her employment contract as well as the contents of her personnel files **she received a savings plan, medical insurance, group life insurance plan, pension plan, rebate on products produced by the company, gasoline, subsidized meals from the canteen, a motor vehicle loan and productivity incentives.**

**Of note, all benefits are offered to Petrojam Limited employees upon the successful completion of their probation period.**

As it regards productivity incentives, the Productivity Incentive Policy of Petrojam Limited, which was made effective October 2006, defines such an incentive as:

*“...a taxable cash award to **employees who have participated in the Company’s achievement** of its budgeted profit target. There is no incentive when the profit threshold (75% of budgeted profit) is not achieved.*

***Profit:*** *The profit target is a budgeted at the beginning of the fiscal year.”*<sup>31</sup>

Further, the Productivity Incentive policy states, *inter alia*, that:

*“The employee’s overall rating is determined by adding*

- i) 60% of the Team or Department Score – (60% of 62 = 37.2)*
- ii) 40% of the individual Appraisal Score, computed as a percentage – (3.38/5 x 100 x .40 = 27.0)*

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<sup>31</sup> Clause 3.1 and 3.2 of the Productivity Incentive Policy of Petrojam Limited which was made effective October 2006.



iii)  $Final\ score = 37.2 + 27.0 = 64.2$ <sup>32</sup>

The DI highlights that by way of a document entitled “*Petrojam Incentive Scheme*”, Mrs. Yolande Ramharrack was listed as an employee with a starting salary of \$13,037.052 and received a final score of 73.4 resulting in an incentive payment in the amount of \$173,652.34 for the period February 13, 2017 to March 31, 2017.

At this juncture, the DI notes Clause 2.1 of the Productivity Incentive Policy of Petrojam Limited below:

**“ELIGIBILITY**

*Regular employees who have successfully completed their period of Probation.”*

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<sup>32</sup> Clause 5.4 of the Productivity Incentive Policy of Petrojam Limited which was made effective October 2006.



### Separation from Petrojam Limited

By way of her response dated February 27, 2019, the DI was advised by Mrs. Tamara Robinson, Legal Officer and Corporate Secretary, Petrojam Limited, that “...Mrs. Yolande Ramharrack was invited to a disciplinary hearing to respond to nineteen (19) charges.”<sup>33</sup>

By way of a Jamaica Gleaner article entitled “**Former Petrojam Human Resource Manager Faced 19 Disciplinary Charges**” which was dated February 12, 2019, the following, *inter alia*, was outlined:

***“Former Human Resource Manager at Petrojam Yolande Ramharrack was facing allegations of improper use of company funds, dishonesty and gross negligence which led to a disciplinary hearing.***

*The allegations were outlined in a letter dated August 24, 2018, a copy of which was obtained by The Gleaner.*

*The hearing by a three-member disciplinary panel chaired by Patrick Foster Q.C was set for September 10 – 14, 2018.*

*Ramharrack resigned last year November.*

...

*It was disclosed last week that Petrojam and Ramharrack agreed on a \$9.2-million separation agreement that included a non-disclosure clause.*

***Here are the allegations against Ramharrack***

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<sup>33</sup> Response dated February 27, 2019 which was addressed to the IC by Mrs. Tamara-Robinson, Legal Officer/Corporate Secretary, Petrojam Limited. Response 1.





1. *Utilising position at Petrojam to cause the improper use of the company's funds and or resources*
2. *Facilitating the improper use of the company's funds and or resources with respect to the use of the company's petty cash on or about December 19 and 20, 2017.*
3. *Facilitating the improper use of the company's funds and or resources with respect to the holding of a party held at Half Moon on or about January 8, 2018.*
4. *Facilitating the improper use of the company's funds and or resources with respect to the holding of a party held at the Palmyra Palms on or about September 19, 2017.*
5. *Dishonesty in that she failed to give a true report of her involvement in the arrangements for the party held at Half Moon Hotel on or about January 8, 2018 when she was required to do so.*
6. *Dishonesty in that she failed to give a true report of her involvement in the arrangements for the party held at Palmyra Palms on or about September 19, 2017 when she was required to do so.*
7. *Failing to discharge duties as the Human Resource Development and Administration Manager in facilitating the breaching of the company's policies and/or benefitted from several breaches of the company's policies.*



8. *Gross negligence and/or incompetence in that she failed to ensure compliance with several of the company's policies.*

9. *Pursuing interests which were in conflict of with the interest of the company in that she participated in breaching the company's policies and/or benefited from several breaches of the Company's policies.*

10. *Dishonesty in that she failed to give a true report of the breach of the Education Assistance – Tuition Reimbursement policy when she was required to do so and in a circumstance when the said breach benefited her.*

11. *Breaching or facilitating the breach of the recruitment policy and/or employment policy and/or established procedure and by so doing causing the employment of a relative Mr Clayton Smith and or entering into a contract for a period longer than that what had been approved by the Ministry of Finance.*

12. *Dishonesty in that she failed to give a true report about the circumstances which led to the hiring of a relative Mr Clayton Smith.*

13. *Gross negligence and/or incompetence in that she executed employment letters in clear breach of the recruitment and/or employment policy.*

14. *Gross negligence and/or incompetence in hiring Michon Bell in contravention of the recruitment policy and/or entering into a contract for a period longer than that what had been approved by the Ministry of Finance.*



15. *Gross negligence and/or incompetence in hiring Olivier Cole in contravention of the recruitment policy.*

16. *Gross negligence and/or incompetence in that she failed to secure the personnel file for Mr Delroy Brown.*

17. *Gross negligence and/or incompetence with respect to the handling of the situation concerning the missing personnel file for Mr. Delroy Brown.*

18. *Gross negligence and/or incompetence by failing to comply with the procurement procedure for the engagement of Dorothy Grant as counsellor for Petrojam.*

19. *Discharged her duties in a negligent and/or incompetent manner to the detriment of the company.”<sup>34</sup>*

By way of a Jamaica Gleaner article entitled “***Embattled Petrojam - HR Manager Quits***” which was dated November 29, 2018 it was reported that Mrs. Ramharrack had resigned her post as Human Resource Development and Administration Manager at Petrojam Limited effective as at November 22, 2018<sup>35</sup>.

Further, by way of a Jamaica Observer article entitled “***Former Petrojam HR manager gets \$9.2-m separation package***” which was dated February 6, 2019, the following, *inter alia*, was indicated:

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<sup>34</sup> Jamaica Gleaner article entitled “***Former Petrojam Human Resource Manager Faced 19 Disciplinary Charges***” which was dated February 12, 2019. Accessed on March 14, 2019 at <http://jamaica-gleaner.com/article/lead-stories/20181129/embattled-petrojam-hr-manager-quits>

<sup>35</sup> Jamaica Gleaner article entitled “***Embattled Petrojam - HR Manager Quits***” which was dated November 29, 2018. Accessed on March 13, 2019 at <http://jamaica-gleaner.com/article/lead-stories/20181129/embattled-petrojam-hr-manager-quits>



*“FORMER human resource manager for Petrojam Yolande Ramharrack was paid \$9.2 million upon her separation from the company in November.*

*At the same time Former General Manager Floyd Grindley received a gross settlement of \$7.2 million when he resigned from the scandal-hit company last July.”<sup>36</sup>*

Additionally, by way of a Jamaica Gleaner article entitled ***“Ramharrack's Separation Package Balloons To \$13.37 Million”*** which was dated February 12, 2019, the following, *inter alia*, was indicated:

***“A document tabled in Parliament late Tuesday afternoon has revealed that Petrojam's former human resource manager Yolande Ramharrack was paid a separation package of \$13.37 million.***

***This is \$4.17 million more than the \$9.2 million the government had disclosed last week.***

*The statement tabled today also detailed the items that made up the separation package.*

***It included an incentive payment in the amount of \$2.749 million although Ramharrack scored 47 per cent on her appraisal and had 19 disciplinary charges against her.***

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<sup>36</sup> Jamaica Observer article entitled ***“Former Petrojam HR manager gets \$9.2-m separation package”*** which was dated February 6, 2019. Accessed on March 13, 2019 at [http://www.jamaicaobserver.com/news/former-petrojam-hr-manager-gets-9-2-m-separation-package\\_156470](http://www.jamaicaobserver.com/news/former-petrojam-hr-manager-gets-9-2-m-separation-package_156470)



***Normal termination entitlements:***

*Performance incentive 2017-2018 - \$2.749 million*

*Vacation pay (Four days unused) - \$232,605*

*One-off turn around incentive - \$75,000*

*Company additional savings - \$468,475*

*Salary recoverable (November 23 -30) - (-\$313,304)*

***Total: \$3.213 million***

***PLUS***

***Negotiated settlement:***

*Eight months salary (\$1.131 million x 8) - \$9.051 million*

*Traveling allowance - \$1.111*

***Total: \$10.162 million***

***GRAND TOTAL BEFORE TAX AND DEDUCTIONS: \$13.375 million***

*In addition to under-stating the gross figure, the government did not indicate that outstanding loans and other obligations had been deducted.*

***Statutory deductions***

*NIS - \$3,125*

*NHT - \$245,256*

*Education tax - \$275,842*

*PAYE - \$3,646, 652*

***Total: \$4.170 million***

***Outstanding loans and other obligations:***

*Motor car loan - \$5.315 million*

*Car rental - \$33,660*

*Vacation advance - \$9,999*



*Petrol - \$11,174*

***Total: \$5.67 million***

*The Government, through Prime Minister Andrew Holness and Sancia Bennett Templer, the Permanent Secretary in the Office of the Prime Minister, had told lawmakers that Ramharrack received around \$9.2 million gross payment and after deductions, took home just over \$4 million.*

***The breakdown:***

*\$13.37 million - total settlement package*

*-\$4.17 million - statutory deductions*

*-\$5.67 million - outstanding loans and obligations*

***ACTUAL PAYOUT: \$4.19 million (including refunded savings of \$1.09 million)***<sup>37</sup> (DI Emphasis)

By way of a response dated March 11, 2019, the DI received a document entitled “***PAY-OUT STATEMENT YOLANDE RAMHARRACK SEPARATION NOVEMBER 22, 2018***” from Petrojam Limited. The document, attached hereto as Appendix 2, outlines that the total payment which was made payable to Mrs. Ramharrack, was in the amount of **\$4,189,328.87**, after all deductions were made.

Upon an examination of the referenced document, the DI notes that Mrs. Ramharrack received a total of \$2,749,005.00 as a performance incentive for the period 2017/2018.

At this juncture, the DI highlights certain provisions of the document entitled “*Performance Review Form*” of the performance of Yolande Ramharrack for the period April 1, 2017 to March 31, 2018. As indicated by Mrs. Nordia Sandford, in her response to the DI dated March 11, 2019, the appraisal date is November 19, 2018. **The calculated score of 47.55% and an overall**

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<sup>37</sup> Jamaica Gleaner article entitled “***Ramharrack's Separation Package Balloons To \$13.37 Million***” which was dated February 12, 2019. Accessed on March 13, 2019 at <http://jamaica-gleaner.com/article/news/20190212/ramharracks-separation-package-balloons-1337-million>



rating of 2.38 out of 5, which Mrs. Ramharrack received for her performance in the stated period, were observed by the DI.

The DI wishes to outline the following provisions of Mrs. Ramharrack's performance appraisal and the comments made by Mr. Winston Watson, General Manager, Petrojam Limited:

*"Competency Assessment*

*Competence (or competency) is the ability of an individual to perform a job properly. A competency is a set of defined behaviors that provide a structured guide enabling the identification, evaluation and development of the behaviors in individual employees.*

...

**Total Weight: 100.00% / Total Score: 2.20 (43.92%)**

*Communications ...Overall Yolande's communication skill needs improvement.*

*Job Knowledge ...Improvement is needed in her technical skills and job knowledge...*

...

*Budgeting Yolande needs to apply more effective...saving techniques. She fulfills her budget development responsibilities. At times...does not pay close enough attention to tracking expenditures. The budget estimates she develops are reasonably accurate.*



*Business Acumen* She has taken only minimal measures [to] ensure her work is aligned with the strategic goals of the organization. She fails [to] apply a cost-benefit approach to her work. Yolande needs to develop a stronger understanding of the market and more closely monitor competitive activity. [Problems] occur because she does not fully consider the business implications of her [decisions].

*Business Ethics* Her actions sometimes result in people...fully trusting her. She is lax about honoring the commitments she has made, [often] missing deadlines that she establishes. She has not exhibited a willingness to [uphold] organizational values.

*Conflict Resolution* ...She needs to display more [objectivity] when conflicts develop. She needs to work on her negotiation skills so that she becomes more effective at resolving conflicts.

...

*Decision Making* **She avoids taking full responsibility for decisions. Yolande has not demonstrated the sound and accurate judgment [needed] for her position, eg hiring unqualified staff**





**Some of her decisions are made [without] first obtaining all the relevant data.**

*Impact & Influence* ...**Yolande tends to use her authority inappropriately when attempting to accomplish her goals, eg signing of contracts and reviewing [of] staff files, reconvene interview panels to suit hiring practice.**

*Leadership* Yolande usually displays self-assurance and expresses confidence but not necessarily in others. At times she behaves in ways that cause others to lose respect and trust in her. She could do more to...others to achieve their best. She reacts well in pressure situations. She demonstrates leadership through her willingness to take action when needed, [even] when not in best interest of company

*Organizational Savvy* Yolande builds too few alliances across organization. Yolande needs to gain a better understanding of organizational [culture] and practices. Some of her decisions reflect insufficient organizational awareness. Yolande is not consistently effective at navigating organizational politics. Yolande could make better use of both formal and informal channels to achieve results.



...

*Relationship Building Yolande makes an ongoing effort to develop a network of professional contacts. Yolande could show more empathy toward others and become more accepting of divergent points of view. Yolande needs to develop more collaborative relationships in order to better accomplish [her] objectives. Yolande could more consistently seek win-win solutions to conflict.”<sup>38</sup>*

#### The Recruitment of Mr. Clayton Smith

Upon a visit to the facilities of Petrojam Limited in the conduct of its Investigation on June 26, 2018, the DI was advised by an anonymous source, that one, ‘Clayton Smith’, who was currently employed to the entity, is the brother of Mrs. Yolande Ramharrack.

In an effort to ascertain the veracity of the allegations, the DI convened a hearing with Mr. Clayton Smith on October 22, 2018. The following, *inter alia*, was disclosed:

“[IC OFFICER]: *Did you see the job advertised anywhere?  
How you knew that there was a job vacancy  
at Petrojam?*

...

A: **Well, I asked my sister if there is any job  
and she said yes, but I must apply and I did  
that.**

Q: **Who is your sister?**

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<sup>38</sup> Document entitled “*Performance Review Form*” of the performance of Mrs. Yolande Ramharrack for the period April 1, 2017 to March 31, 2018 as indicated by Mrs. Nordia Sandford in her response to the IC dated March 11, 2019.



A: **Yolande Smith – Yolande Ramharack  
Smith.**

CHAIRMAN: **Yolande Ramharack Smith, or Yolande  
Smith Ramharack?**

A: **Yolande Smith Ramharack.**<sup>39</sup>  
(DI Emphasis)

The DI notes that Mr. Smith applied for a job at Petrojam Limited by way of letter dated January 28, 2017, prior to the commencement of Mrs. Ramharrack's employment on February 13, 2017.

Of note, Mrs. Ramharrack, during the course of a hearing held on August 20, 2018, confirmed that Mr. Clayton Smith was her brother. She stated, *inter alia*, the following:

“Q ...in your role as the manager for HR, **have you  
ever had to, or have you hired any family members  
or caused them to be hired?**

A Well, I would have made a recommendation. So I will speak to the policy that it does speak to the General Managers -- I don't want to use what the policy says, the discretion of the General Manager in that instance, if that is so.

Q Could you identify the name of that family member?

A **That would be Clayton Smith, who is my  
brother.**<sup>40</sup>

### Interview Process

<sup>39</sup> Transcript of hearing held on October 22, 2018 involving Mr. Clayton Smith. Page 46.

<sup>40</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Page 47.



By way of an internal memorandum dated August 23, 2018 which was addressed to Mr. Winston Watson, General Manager, Petrojam Limited, the following, *inter alia*, was indicated:

*“Clayton Smith is the brother of Yolande Ramharrack.*

*Ms. Ramharrack added Clayton Smith to the list of candidates being interviewed for the position of I&E Technician. A post that required a well experienced and well trained technician.”<sup>41</sup>*

In the furtherance of its Investigation, the DI sought to ascertain the circumstances which obtained in the recruitment of Mr. Smith to Petrojam Limited. During the course of a hearing held on October 22, 2018, Mr. Smith stated, *inter alia*, the following:

*“Q: What is your role at Petrojam Limited, meaning what are you employed to do?*

*A: Fix, maintain anything that deal with electricity; that’s what we do, fix and maintain it.*

*Q: What’s the position that you hold?*

*A: What is the position?*

*Q: Yes. It has a title?*

*A: No, I work at the INE [sic] department.*

*Q: INE [sic] meaning?*

*A: Instrument and Electrical Department.*

*Q: And how long have you been so engaged?*

*A: June 19, 2019.*

*Q: June 19, 2019?*

*A: Yes.*

*Q: This year is 2018, you know, Mr Smith.*

*A: Oh, sorry – 2017, sorry.*

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<sup>41</sup> Memorandum dated August 23, 2018 which was addressed to Mr. Winston Watson, General Manager, Petrojam Limited.



...

*Q: From when?*

*A: June 19, 2017.*

...

*Q: Did you undertake a recruitment process when you were being offered the job at Petrojam?*

*A: Yeah. I apply for a job, they call me, I do a test and orientation, I did one week orientation.*

...

*Q: When you were interviewed were you interviewed by a panel?*

*A: Yeah, three person was there.*

*Q: By chance do you remember the names of the persons who comprised the panel?*

*A: Yes, sir. Mrs Stanford [sic], Mr Lamey, and Jonathon Blackwood, he's the supervisor for INE [sic] department.”<sup>42</sup>*

Upon an examination of the records of interviews which were completed in relation to Mr. Smith and which are attached hereto as Appendix 4 (d) to (f), the DI makes the following observations:

1. Based upon the record of interview completed by Mrs. Sandford, there were no principal factors favouring Mr. Clayton Smith's employment for the job under consideration neither did he have any experience or education in the required field. Mr. Smith received an overall rating of 1 out of 5, with 1 being the lowest. Mrs. Sandford recommended that Mr. Smith's application be rejected.

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<sup>42</sup> Transcript of hearing held on October 22, 2018 involving Mr. Clayton Smith. Pages 42-43.



2. Based upon the record of interview completed by Mr. Handel Lamey, Mr. Clayton Smith worked in a formal structural environment and has experience in the industrial field. However, his experience in the field of electrical engineering was very limited and he was not familiar with the job requirements. Mr. Smith received an overall rating of 1.24 out of 5 with 1 being the lowest. No recommendation was noted by Mr. Lamey.
3. Based upon the record of interview completed by Mr. Jonathan Blackwood, Mr. Clayton Smith had no relevant electrical experience but was willing to learn. He further indicated that Mr. Smith is not electrically or instrumentally inclined and did not recommend him for employment. Mr. Smith received an overall rating of 2 out of 5, with 1 being the lowest.

As it regards the process surrounding the interview conducted with Mr. Clayton Smith, Mrs. Ramharrack also provided the following information:

*“Q: And would Clayton Smith now have gone through a formal interview process?”*

*A Yes, sir.*

*Q Being interviewed by a panel?*

*A Yes, sir; independent of me.*

*Q And the Panel's recommendations and the Panel's scores would form a factor in his hiring?*

*A Yes. So I believe that was something that was taken to the General Manager, outside of me as well.*

*Q So you would not have been privy to his interview?*



A *I recused my - well, not that that I would have been on the Interview Panel but I also had disclosed prior to the interview that he had applied and he is mine. So he would filled out an Application Form, he would have noted that he has a family member, he would have gone through the interview; and I would have said to the General Manager that my brother had submitted a resume to be considered for hiring.*

Q *Having identified that Mr. Clayton Smith -- I am going to show you the Offer Letter that was presented to him; and it's a letter dated March 3, 2017. You were hired on the 16th of February 2017 if my memory serves me correct?*

A *February 13?*

Q *February 13, 2017.*

A *Yes, sir.*

Q **Right. This letter is dated the 3rd of March, 2017. Could you have a look at it. It's a letter signed by you to Mr. Clayton Smith.**

A **Yes, sir.**

Q *And that would be in relation to hiring of Mr. Clayton Smith?*

A *Yes, sir.*

Q *Could you indicate what position he would have been hired in?*



*A Position as -- it says "We are pleased to offer you the position as Instrument and Electrical Technician with Petrojam Limited".*

...

*CHAIRMAN: I am going to show you now the record of the interviews done by Mr. Clayton Smith and I am going to note that you said you recused yourself from the process.*

*A Yes, sir.*

*Q But I want you to have a look at the interviews. I was not able to identify the name of the persons who comprised the Panel, but I have three interview records and I want you to have a look at them and confirm if that would conform to the interview scores. I am going ask that after she looks at it that it be marked.*

*The first letter that I give you, I would like you to look at the last page, and confirm that the Offer Letter, whose signature it is for the Offer Letter, who signed it?*

*A So it was signed by the Manager Human Resource, Development and Administration, Yolande Ramharrack.*

*Q I have now show you and will mark the record of interviews and I would ask that you go to the bottom of the record of the interviews and look at the overall comment.*

*A Yes, sir.*





*Q So in the case of the first one, under Analysis of Applicant's Appraisal.*

...

*Q The decision to hire is the General Manager's you say?*

*A Yes.*

*Q And the General Manager would have been privy to the interview records?*

*A I am sure he would have.*

[IC OFFICER]: *Did you make a recommendation in relation to this recruitment?*

*A When you say a recommendation what do you mean?*

*Q A recommendation.*

*A I know I stated to the Panel -- well not to the Panel let me not say, it's not the Panel. I told the HR Officer, at the time it was - it should have been Claudia Ellis. I disclosed that my brother would have been a part of the interview. I believe -- so if you notice the interview was scheduled for April the 8th.*

...

...

*... I told her that my brother had applied and he would have been on the interview panel. Apparently there was a reschedule of it and so the interview apparently took place*



**on May the 10th; and this now would have seen a change in HR officers and I did the same thing. I said to the officer that my brother would be a part of the panel.**

[IC OFFICER]: **Who is that officer?**

A **As indicated here, Nordia Stanford.**

Q And did you make a recommendation to the General Manager or to any other person in relation to the hiring and employment of your brother?

A **No, I did not make a recommendation to anybody about the hiring. I disclosed to the General Manager that my brother had made an application for the position.**

Q **And in terms of the manner in which that disclosure was made, was it oral, verbal or was it in writing?**

A **I remember going directly to the General Manger and indicating that the -- because you would appreciate that at the time I believe we had several positions, I can't remember -- but I did go and I told him directly that my brother had applied for a role in the Unit.**

Q Thank you.

[IC OFFICER]: Just to confirm, so it was not in writing.

A I don't believe -- when you say in writing like an official, no e-mail-

Q **Did you indicate to the General Manager in person?**

A **In person. I would have gone to his office and did that.**



*Q     In recusing yourself from process as you stated before, would you consider it inappropriate for you to have signed your brother's Offer Letter?*

*A     It would not be inappropriate because I am the manager, so at no point did I make any interference to that point as to even putting it together or anything like that. I would have had to sign it nevertheless.*

*CHAIRMAN: In signing it you would have been privy however to the interview record?*

*A     No.*

*Q     So are you saying that once the General Manager says to hire -*

*A     So let me be a little bit clear with that. The process for hiring, once interviews are conducted then there is a recommendation that is given and that is handled by the Unit, the HR Officer, the Manager, whoever; and then this is put together, the Offer Letter is put together for signing and I -- and I am just going to tell you what obtains -- I would have asked to see if -- I would asked the officer just to make sure that there are some clauses that are present in the document, and one such that I insist on is the -- I usually insist -- in terms of arbitration for our short-term hires, just in case there are any disputes that might arise with employment, we usually make sure that that is stated. So there are times when an Offer Letter is constructed or put together and there might be one or two paragraphs that I might catch. So for argument sake, for the arbitration*



*one I know that we are usually very focused to make sure that these are included in it.*

[IC OFFICER]: **Miss Ramharrack, are you aware of the person who made the recommendation for the hiring of Mr. Clayton Smith?**

A *Aware of the person who made the recommendation-*

Q *To the General Manager for the hiring of Mr. Clayton Smith?*

A **I am not aware that there was a recommendation.**

Q *Describing the process just now you said that the Manager, the HR officer would have made a recommendation subsequent to the completion --*

A *No, I was just giving you a general.*

Q *Right. So I am asking you for that process.*

A *No, I don't know. I only know that I would have stated to the Panel -- HR officer, let me not say Panel because I didn't know who the other persons were, but I did say to the HR officer who would have sat on it to say that Clayton Smith is -- and she would have seen that in the employment -- in the form that he would completed, the Application Form.*

Q *Would it be usual for the HR Manager to make a recommendation for the hiring of staff in general to the General Manager?*



A *H-m-m-m-m.*

Q *Subsequent to the completion of your interview processes et cetera, would it be standard for the HR Manager to make a recommendation for the hiring?*

A *I wouldn't want you to single out any one position, you know why, because -*

Q *No, I am not. Generally speaking, would the HR manager -*

A *No, no.*

Q *So nobody makes a recommendation subsequent to the completion of the interview stage?*

A *Now, that's a different question that you are asking me. You said nobody -*

Q *It's the same question.*

A *No, it's not. You said the HR Manager and I am telling you what in my capacity it is. I am saying other than my brother, because I knew the policy had that and I wanted -- I didn't want to sit on it. I recused myself, but I wanted -*

Q *Miss Ramharrack, you are misinterpreting my question. My question is simply this, generally speaking, does the HR Manager make a recommendation to the General Manager in relation to the hiring of personnel?*

A *Generally?*

Q *Generally speaking, based on your policies?*



A *I can't recall.*<sup>43</sup> (DI Emphasis)

Of note, on January 28, 2017, Mr. Clayton Smith applied for a job at Petrojam Limited without stating a specific role for which he so applied.

By way of a requisition dated February 27, 2019, the DI sought to ascertain Mr. Floyd Grindley's involvement in the recruitment of Mr. Clayton Smith to Petrojam Limited. Mr. Grindley, by way of his response dated July 23, 2019, advised the DI of the following:

*"a. I did not pay (sic) a role whatsoever in the recruitment of Mr. Clayton Smith.*

...

*d. I did not play any role as it relates to the recruitment of Mr. Smith. His employment with Petrojam was handled directly by Mrs. Yolande Ramharrack – Manager, Human Resources & Administration.*<sup>44</sup>

(DI Emphasis)

As it regards his knowledge of the relationship between Mr. Clayton Smith and Mrs. Yolande Ramharrack, Mr. Grindley stated, *inter alia*, as follows:

*"b. I became aware of their relationship several months post his employment with Petrojam.*

*c. ...*

*ii. I became aware through an employee, Nordia Sandford who is a*

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<sup>43</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Pages 47 -55.

<sup>44</sup> Response dated July 23, 2019 which was addressed to the Director of Investigation from Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 13.



*member of the Human Resources & Administration Dept.”<sup>45</sup>*

(DI Emphasis)

### *Professional and Educational Background*

As concerns about Mr. Clayton Smith’s required education and experience were raised by the panel, that interviewed him for the position of Instrument and Electrical Technician, the DI sought to ascertain whether there were any technical competency tests which were completed by Mr. Smith.

The DI highlights below Clause 9.3 of Petrojam Limited’s Recruitment Process Policy:

*“...Short listed candidates for Refinery Technician positions are required to sit the following Aptitude Tests:*

- i) Chemical Comprehension – **Lab & Process Technicians only***
- ii) Mechanical Comprehension – **Mechanical, Instrument & Electrical and Process Technicians***
- iii) Mental Ability – **All Categories***
- iv) English Comprehension – **All Categories***
- v) Arithmetic – **All Categories**”<sup>46</sup>*

By way of a hearing convened on October 22, 2018, Mr. Clayton Smith indicated, *inter alia*, the following to the DI:

*“Q: Did you do any initial recruitment test?*

*A: No, sir, just the normal test that everybody did.*

*Q: Are you saying that you only did the test once?*

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<sup>45</sup> Ibid.

<sup>46</sup> Clause 9.3 of Petrojam Limited’s Recruitment Policy which was made effective January 2005.



A: *Yes, that's what I said. It was English, maths and mental ability.*

Q: *And are you aware that before you are hired you have to pass the test?*

A: *Yeah, she said that.*

[IC OFFICER]: *Who said that?*

A: *Claudia Ellis.*

Q: *Claudia Ellis told you, you have to pass the test?*

A: *No, she tell you a pass mark which she said 70; 70 was the pass mark.*<sup>47</sup>

Upon an examination of Mr. Smith's personnel file, it is the DI's observation that he completed certain Mechanical Comprehension, English Comprehension, Arithmetic and Mental Ability tests on March 29, 2017 and April 10, 2017. The DI outlines below details of the results obtained by Mr. Smith in the various competency tests:

1. Arithmetic Test Administered on March 29, 2017

On the Arithmetic Test administered on March 29, 2017, Mr. Clayton Smith received a score of 38 out of 60, which is equivalent to a score of **approximately 63%**. However, the DI notes that out of a total of 90 questions, Mr. Smith completed only 43, 38 of which were correct.

2. Arithmetic Test Administered on April 10, 2017

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<sup>47</sup> Transcript of hearing held on October 22, 2018 involving Mr. Clayton Smith. Page 44.





On the Arithmetic Test administered on April 10, 2017, a score was not affixed for Mr. Clayton Smith. However, based upon the DI's calculation, Mr. Smith received a score of 67 out of 90, which is equivalent to a **score of approximately 74%.**

3. English Comprehension test administered on March 29, 2017

On the English Comprehension test administered on March 29, 2017, Mr. Clayton Smith received a score of 8 out of 50, which is equivalent to a **score of 16%.**

4. English Comprehension test administered on April 10, 2017

On the English Comprehension test administered on April 10, 2017, Mr. Clayton Smith received a score of 9 out of 50, which is equivalent to a **score of 18%.**

5. Mental Ability Test #1

On an undated Mental Ability test administered to Mr. Clayton Smith, he received a score of 40 out of 60, which is equivalent to a **score of approximately 67%.**

6. Mental Ability Test #2

On an undated Mental Ability test administered to Mr. Clayton Smith, he received a score of 49 out of 60, which is equivalent to a **score of approximately 82%.**

7. Mechanical Comprehension Test

On an undated Mechanical Comprehension test administered to Mr. Clayton Smith, he received a score of 32 out of 60, which is equivalent to a **score of approximately 53%.**



At this juncture, the DI reiterates the provisions of Petrojam Limited's Recruitment Policy which was made effective January 2005, which outlines, *inter alia*, the following:

**"DECISION MAKING**

...

*Employees will be short-listed as follows:*

- iii) *Behavioural competence – above 75%*
- iv) **Technical competence – above 75%**<sup>48</sup>  
(DI Emphasis)

It is the DI's observation that the competency tests were administered to Mr. Clayton Smith on two (2) occasions. In furtherance of its Investigation, the DI sought to ascertain the circumstances surrounding the second administration of the referenced competency tests by Petrojam Limited. By way of a hearing held on September 11, 2018, Mrs. Claudia Ellis-Lindsay, Human Resource Assistant, advised the DI, *inter alia*, of the following:

**"Q: ...for a candidate who did the test and failed, is it usual that the test be re-administered?"**

**A: No, not for the same position. It applies for the chemical and technical staff, so they will be able to apply for another sitting of the exam. For example, if I sent out a post for this year, in a year or two when I send out a post for it again, they can sit the test.**

**Q: But not in close proximity?**

**A: Not in close proximity; not that I am aware of.**

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<sup>48</sup> Clause 12.1 of the Recruitment Process Policy of Petrojam Limited which was made effective January 2005.



Q: *So therefore, you realizing that a candidate is being asked to do the test over within the space of a month, would you find it unusual?*

A: *Yes.*

Q: *That being the case, did you make it known that you found the circumstance unusual?*

A: *That's when I was advised during this discussion that the test we usually don't re-administer the test. I was asked what period and I said not usually for the same, like filling this vacancy, it is not usually done within such a short space and that is when she said he was her brother and I should do another sitting for the test.*

Q: *In all the instances prior to this, were you aware that Clayton Smith was Miss Ramharrack's brother?*

A: *No, not before the second test.*

...

Q: *By disclosing to you that Clayton Smith was her brother, to the best of your ability, is it that this information being disclosed to you, was for you to bend the rules?*

A: *It was for me to follow an instruction.*

...

Q: *In indicating that to you, did she explicitly state that she expected you to redo the test for him?*



A: ***I think she even gave me the date for which I should reschedule the test for him.***

Q: Was that done?

A: ***I was explicitly told to reset the test.***<sup>49</sup> (DI Emphasis)

Based upon the referenced policy guidelines, it is the DI's observation that Mr. Clayton Smith was not a suitable candidate for the position of Instrument and Electrical Technician at Petrojam Limited as he was not recommended by the interview panel and he failed to obtain a score of above 75% on **all** competency tests undertaken, with the exception of one of the Mental Ability Tests.

The DI has attached at Appendix 3, a copy of the competency tests which were completed by Mr. Clayton Smith.

#### *Offer of Employment and Compensations Received*

By way of a letter which was signed on June 12, 2017, Mr. Clayton Smith was offered the position of Instrument and Electrical Technician at Petrojam Limited for a period of two (2) years commencing June 19, 2017 and ending June 18, 2019.

The DI notes that the employment contract was only signed by Mrs. Yolande Ramharrack and copied to Mr. Simeon Hall, Manager, Technical Services.

By way of a hearing held on November 20, 2018, Mrs. Ramharrack provided the following response as it regards the affixing of her signature to employment contracts:

“CHAIRMAN: ***In your capacity of HR Manager therefore, and the execution of employment contracts.***

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<sup>49</sup> Transcript of hearing held on September 11, 2018 involving Mrs. Claudia Ellis-Lindsay. Pages 154-156.



**have you signed any contracts that carry only your signature?**

A: **Yes, I have sat here and you have asked and I did respond. I know of a possibility, I can't remember how many but there would have been contracts or temporary...**

CHAIRMAN: **What would have been your basis?**

A: **For signing those contracts?**

CHAIRMAN: **Yes.**

A: **As authorized by my boss.**

CHAIRMAN: **When you say your boss whom are we referring to?**

A: **Mr. Floyd Grindley.**

...

CHAIRMAN: ...in asking your boss, did you ascertain whether there was any policy that governed that specific instruction? I can't recall asking outside of my direct report, my direct supervisor, sorry.

...

A: ...there was a discussion between myself and my then boss and **there isn't any policy that speaks to that.**<sup>50</sup> (DI Emphasis)

Further, the DI notes the contents of a statement dated August 23, 2018 signed by Mrs. Claudia Ellis-Lindsay, Human Resource Development Officer, Petrojam Limited:

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<sup>50</sup> Transcript of hearing held on November 20, 2018 involving Mrs. Yolande Ramharrack. Pages 10-13.



*“I gave Ms. Ramharrack a Temporary Employment Contract to sign and she instructed me to remove the other signatories as it was not necessary for the General Manager to sign.”<sup>51</sup>*

(DI Emphasis)

Additionally, Mrs. Nordia Sandford, by way of a statement dated August 23, 2018, stated, *inter alia*, the following:

*“...Mrs. Ellis-Lindsay informed me that Ms. Ramharrack had instructed her to remove all other signatories on temporary employment contracts as it was not necessary. She (Mrs. Ellis-Lindsay) stated that this has been the practice since she assumed the office the Manager, Human Resource Development & Administration.*

*Based on the employment policy, all employment contracts must be signed by the General Manager. As practice, supervisors are also required to sign the contract; as a means of endorsing the employment of the candidate.”<sup>52</sup>* (DI Emphasis)

At this juncture, the DI highlights the following provisions of its Recruitment Process Policy:

*“The signatures of the Manager HR&D, relevant Department Manager and the Managing Director must be affixed to the offer letter.”<sup>53</sup>* (DI Emphasis)

<sup>51</sup> Statement dated August 23, 2018 signed by Mrs. Claudia Ellis-Lindsay, Human Resource Development Officer.

<sup>52</sup> Statement dated August 23, 2018 signed by Mrs. Nordia Sandford, then Human Resource Development Officer.

<sup>53</sup> Clause 14.2.2 of the Recruitment Process Policy of Petrojam Limited which was made effective January 2005.



In accordance with the terms of his contract, Mr. Smith's remuneration was in the amount of \$2,214,502.00 per year subject to the required statutory deductions. Based upon the terms of his employment contract as well as the contents of his personnel file **he received medical insurance, group life insurance plan, gas key and subsidized meals from the canteen.**

Further, Mrs. Ramharrack, in her evidence to the DI, indicated that the policy guidelines of Petrojam Limited encompass the hiring of relatives and that the decision to hire same is at the discretion of the General Manager. She provided, *inter alia*, the following:

“CHAIRMAN: **....Does the policy of Petrojam encompass the hiring of any family or relatives?**

A **Yes, sir.**

Q **What does the policy speak to of the hiring of family or relative?**

A **It speaks to the hiring -- trying to remember what it says- it speaks to the decision to hire is at the discretion of the General Manager. The General Manager may approve the hiring, in a nutshell.**

Q *For family?*

A *Yes, sir.*

Q *For persons related to persons who work at Petrojam?*

A *Yes, sir; because we have a lot of cases like that.”<sup>54</sup>*

The DI notes with emphasis the following clause of Petrojam Limited's Employment Policy which was made effective January 2008:

**“EMPLOYMENT OF RELATIVES**

*The Company may, in its absolute discretion, consider employment applications of employees' relatives, **excluding spouses (formal or***

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<sup>54</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Page 47.



informal), parents and siblings, on such terms as it deems fit. However, they will not be given any particular preference in employment, but will be considered along with other candidates on the basis of qualifications and Company standards. The Company will not assign an employee to a position in which he or she will be, or may become in the foreseeable future, either the supervisor or direct subordinate of a relative.

*If an employee becomes the supervisor of a relative as the result of a promotion or transfer, arrangements will be made, within the shortest possible time, to place the subordinate relative in another position and such position shall be determined in the absolute discretion of the Company.*

*It is the obligation of the prospective employee to declare his familial relationship with any other employee. In the event it is ascertained that an employee failed, for any reason whatsoever, at the commencement of his or her employment or anytime thereafter, to disclose or declare his or her familial relationship with any other employee, then his or her employment, subject to the absolute discretion of the Company, shall be immediately determined.”<sup>55</sup> (DI Emphasis)*

Further, the DI wishes to highlight that nepotism, by definition, refers to the “*bestowal of official favors on one’s relatives, esp. in hiring.*”<sup>56</sup> Further, a relative is defined as “*a person connected with another by blood or affinity...*”<sup>57</sup> Additionally, favouritism is defined as a “*preference or selection, usu. invidious, based on factors other than merit.*”<sup>58</sup>

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<sup>55</sup> Clause 12 of Petrojam Limited’s Employment Policy which was made effective January 2008.

<sup>56</sup> Black’s Law Dictionary. Ninth Edition. Thompson Reuters. 2009.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.





## The Recruitment of Mrs. Michon Daley nee Bell

By way of an internal Memorandum under the subject “*Report on the hiring of Michon Racquel Bell (Daley)*” dated August 23, 2018 and which was addressed to Mr. Winston Watson, General Manager, Petrojam Limited, the following, *inter alia*, was disclosed:

*“Please see résumé of Michon Bell who was recruited by Yolande Ramharrack for the post of Telephone Operator/Receptionist.*

***Mrs Daley nee Bell previously worked in Constituency Officer of former Minister of Science, Energy & Technology Andrew Wheatley...***

***Mrs Daley nee Bell does not have the required qualification for the job nor did she go through the normal selection process. She was given a two (2) year contract instead of a one year contract, as is normally approved by the Ministry of Finance.***

***This contract was signed by Yolande Ramharrack only, and the signatures of the immediate supervisor, Nordia Sandford and the then General Manager, Floyd Grindley were noticeably absent.***

***This is highly irregular.***<sup>59</sup> (DI Emphasis)

### Interview Process

In an effort to ascertain the circumstances in which Mrs. Michon Daley nee Bell was recruited to Petrojam Limited, in the capacity as Telephone Operator/Receptionist, the DI, by way of a hearing convened on October 22, 2018, posed the following questions to her:

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<sup>59</sup> Memorandum under the subject “*Report on the hiring of Michon Racquel Bell (Daley)*” dated August 23, 2018 and which was addressed to Mr. Winston Watson, General Manager, Petrojam Limited.



“CHAIRMAN: ...Could you indicate when you became aware of a vacancy at Petrojam, how did you come did know there was a vacancy?

A: I myself didn't really know that there was a vacancy there.

Q: So how did you go about seeking to obtain a job at Petrojam? What was the basis upon which you sought to gain employment there?

A: I was looking job and I was asking around and it was Councillor Palmer who helped me to get this job.

Q: Councillor what Palmer?

A: Owen Palmer.

[IC OFFICER]: When you say that Councilor Palmer helped you to get this job, explain exactly what you mean?

A: He tell me about the job.

Q: What did he tell you?

A: I don't quite remember exactly what he said to me. I don't quite remember what he said to me.

Q: Do you recall Councillor Palmer saying to you that he saw an advertisement or he



**knows somebody at Petrojam? What was the essence of the discussion?**

A: **I was the one who was asking him about the job and he is the one who tell me he will let me get a job, he will help me to get a job.**

Q: **And when he told you he will help you to get a job, what else did he tell you further to that, because he must have told you about Petrojam?**

A: **He said he will try and see if I can get a job at Petrojam.**

Q: Okay.

A: And so I was there waiting, because I went on several interviews before Petrojam.

Q: So while you were there waiting, at some point after Councillor Palmer came back to you?

A: Come back to me about the job?

Q: Yes, because remember you said you were waiting on him.

A: Let me tell you what happened because that same day when I get the call I get call elsewhere, but I went to him and further asked him when is it because I did already



*tell him – he already have my resume' and I just keep asking him when is it I am going to get the job and he said as soon as he get it, he will give me a call.*

*Q: So you gave him your resume' to submit?*

*A: Yes.*

*Q: So he submitted it on your behalf?*

*A: Yes.*

*Q: So you didn't actually submit it to Petrojam?*

*A: No.*

...

*CHAIRMAN: Miss bell, why would you have gone to Councillor Palmer to seek a job?*

*A: We were very close friends and I used to work there on summer work, like summer programme.*

...

*[IC OFFICER]: Did you list that you worked with Councillor Palmer on your resume'?*

*A: No.*

*Q: Was there any reason for that?*



A: *Working with Councillor Palmer?*

Q: *Yes.*

A: ***I work at the MP office.***

CHAIRMAN: ***That's the question I was going to go ask you. You said you worked at the office in the summer holidays, right?***

A: ***Yes, sir.***

CHAIRMAN: ***But the office you referred to was the MP's office?***

A: ***Yes, sir, which is the same office.***

CHAIRMAN: ***That the Councillor worked out of?***

A: ***Yes, sir.***

...

CHAIRMAN: *... So the Petrojam job, who called you from Petrojam to invite you to come?*

A: *I get a call to come in for an interview.*

CHAIRMAN: *Do you know from whom?*

A: *I am not sure, I am not sure exactly who called me, I am not sure.*

CHAIRMAN: *When you went to Petrojam, to whom did you go?*

A: *For the interview?*



**CHAIRMAN:** *When you went to Petrojam, you said that Councillor Palmer more or less made the arrangements for you, so when Councillor Palmer made the arrangements for you and you went to Petrojam, who did he tell you to go to or who met with you?*

**A:** *He did not tell me to go to anyone, him leave his part right there. I just get a call from Petrojam. It was not him tell me to go to nuh specific person there.*

**CHAIRMAN:** *When you went to Petrojam who did you meet with?*

**A:** ***I meet with Miss Ramharrack.***

**[IC OFFICER]:** *And what happened during that meeting that you had with Miss Ramharrack?*

**A:** *She told me about the job and Miss Ellis give me some entry test.*

**Q:** *You didn't do an interview?*

**A:** *Yes, right, is the same time.*

**Q:** *So tell us who was in the interview with you.*

**A:** *Miss Ramharrack.*

**Q:** *Miss Ramharrack alone?*

**A:** *Is she alone do the interview...*



...

*Q: You completed an entry test?*

*A: Yes.*

*Q: So the person who did the interview was just Miss Yulande [sic] Ramharrack?*

*A: Yes, ma'am.*

*Q: Did you at any point in time meet with your supervisor?*

*A: Yes, miss.*

*Q: Who is your supervisor?*

*A: Miss Nordia Sandford.*

*Q: At what point did you meet with Miss Nordia Sandford?*

*A: She called her inside the office.*

*Q: Who is she?*

*A: Miss Ramharrack called Mrs. Stanford in the office and introduced me to her telling me this is my supervisor.*

...

*Q: And this was after the interview or before the interview?*

*A: On the interview.*



*Q: After interview took place or before the interview took place you were introduced to your supervisor?*

*A: The same day.*

*Q: An interview is a process where somebody is asking you a question and you are responding to the question.*

*A: Yes.*

*Q: So is it after that questioning and answering that you met Miss Nordia Sandford or before?*

*A: She was there interviewing me and she called her, I remember clearly, she called her to finish up. She introduced me to her.*

...

*Q: Did you do the test before you met with Miss Ramharrack?*

*A: No, it was after the interview and I am working.*

*Q: After you started working you did the test, is that what you are saying?*

*A: Yes.*

...





**CHAIRMAN:** *Did you serve a probationary period or were you informed that you had to serve for a probationary period?*

**A:** *On my contract?*

**CHAIRMAN:** *Well, the first question is, were you informed that you had to serve a probationary period before you get a contract?*

**A:** *I don't understand the question.*

**CHAIRMAN:** *Did you have to work first and prove yourself before they gave you a contract?*

**A:** *Before I get the written contract?*

**CHAIRMAN:** *Hmm.*

**A:** *No, sir, I get the contract.*

**CHAIRMAN:** *The same day?*

**A:** *No, sir, because I went back to Nordia and asked her and she say it don't ready as yet.*

**CHAIRMAN:** *How long after?*

**A:** *I get my contract about the Friday.*

**CHAIRMAN:** *You started working the Friday?*

**A:** *I don't remember the exact day I got the contract, but I think about three, to four days.*



CHAIRMAN: *After you started working you got the contract?*

A: *Yes, sir, because I was even asking her for it and she said as soon as it prepared she will let me have it.*

CHAIRMAN: *So just for clarity now, the contract that you got was for how long?*

A: *It is a two-year contract.*

...

CHAIRMAN: *The original question, were you ever informed that you would have to serve a probationary period before you obtained a contract?*

A: *No, sir.*

CHAIRMAN: *So no one told you anything about that?*

A: *They told me about the work.*

CHAIRMAN: *That there may be a probation period.*

A: *I am supposed to get a probation period?*

CHAIRMAN: *I am asking you, did anybody tell you?*

A: *I wonder if it's on my contract. I am not sure if it's on my contract. I am not sure if...*

...



*It is just a two-year contract I get. When I work six months or every six months I think Nordia is supposed to – I don't know.*

...

[IC OFFICER]: *Did you know Miss Yulande [sic] Ramharrack before you were employed to Petrojam?*

A: *No, Miss.*

Q: *So the first time you saw her was when you came to Petrojam and had the interviewe [sic] with her?*

A: *Yes, ma'am.*

Q: *After you became aware of the fact that you were going to go for an interview at Petrojam for that job that Councillor Palmer helped you to get, did you have any discussions with the former minister and Member of Parliament, Andrew Wheatley?*

A: *No, miss.*

Q: *Since then have you had any discussions with the former minister, Mr. Andrew Wheatley?*

A: *No, miss.*<sup>60</sup> (DI Emphasis)

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<sup>60</sup> Transcript of hearing held on October 22, 2018 involving Mrs. Michon Daley nee Bell. Pages 1-13.



In furtherance of its Investigation, the DI convened a hearing with Mrs. Yolande Ramharrack on November 20, 2018 to confirm the above statements made by Mrs. Daley *nee* Bell. Mrs. Ramharrack stated, *inter alia*, as follows:

“CHAIRMAN: *...In relation to the hiring of Miss Bell, who along with you comprised the interview panel?*

A: *Well the, there wasn't, if I remember there wasn't a panel, she would have been interview I think prior, before, because her resume came from the GM's office, so he would have, I am not sure if he had dialogue with her, but I know at the point that I interviewed her there wasn't a panel.*

CHAIRMAN: *I will assist you there Miss Ramharrack by indicating that Miss Bell under sworn testimony has indicated that she was only interviewed by you?*

A: *Okay.*

CHAIRMAN: *She was never interviewed by the general manager.*

A: *Okay.*

CHAIRMAN: *Okay.*

A: *Yes, sir.*

CHAIRMAN: *So, the panel of persons who interviewed her was solely yourself?*



A: *I did say I didn't have a panel at the time I interviewed her.*<sup>61</sup> (DI Emphasis)

The DI wishes to highlight that, upon a review of Mrs. Daley's personnel file, the DI has gleaned no record of an interview which was completed by Mrs. Ramharrack or any other Petrojam Limited employee or official in the recruitment of Mrs. Daley nee Bell to the entity. (DI Emphasis)

*Educational and Professional Qualifications*

As it regards Mrs. Daley's educational and professional qualifications at the time she was recruited to Petrojam Limited as the Telephone Operator/Receptionist, Mrs. Daley disclosed the following, *inter alia*, to the DI:

“CHAIRMAN: *In the interview or the questions or when Miss Sandford was telling you about the job, did she ask you for your certificates?*

A: *Who?*

CHAIRMAN: *Miss Ramharrack.*

A: *No, sir.*

CHAIRMAN: *Did Miss Claudia Ellis ask you about that?*

A: *It is recently Mrs. Sandford, because she don't talk to me, period, so it is recently since this she asking me for my CXC because even one time Miss Ramharrack*

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<sup>61</sup> Transcript of hearing held on November 20, 2018 involving Mrs. Yolande Ramharrack. Pages 22-23.



*asked her when my six months up to instruct her.*

...

*CHAIRMAN: ...When your six months up what happened?*

*A: I continued to work.*

*CHAIRMAN: So when your six months up you continued to work. What was it they told you about six months? Who asked you about something?*

*A: There was a problem with me and Mrs. Sandford and in that meeting with me and her and Miss Ramharrack, Miss Ramharrack was asking her if she did an evaluation with me from I start working.*

*CHAIRMAN: So you did the interview the Friday, you report the Monday; you get the contract by Thursday or so?*

*A: Yes, sir.*

...

*CHAIRMAN: Were you asked to provide your certificates or your educational qualification?*

*A: By who, sir?*

*CHAIRMAN: Petrojam.*

...



CHAIRMAN: *When you attended the interview with Miss Ramharrack, did Miss Ramharrack ask you for your qualification?*

A: *No, sir.*

CHAIRMAN: *So I will ask you the question then. Do you have the qualification to give, copies of the qualifications to give me?*

A: *No, sir.*

CHAIRMAN: *Do you have the qualifications any at all?*

A: *The one that I tell you the last time I didn't have it, because really and truly I don't want to call up Councillor Palmer name because is not really me put the resume' together or anything, it was him who drop it off.*

CHAIRMAN: *But who prepared the resume'?*

A: *It wasn't me prepare it.*

CHAIRMAN: *Yes, but who prepared it?*

A: *Him prepared the resume' for me. I don't know if him drop it off or anything.*

[IC OFFICER]: **Just to clarify your statement just now, you are saying that it was Councillor Palmer who prepared the resume' and dropped it off?**

A: **Yes.**



CHAIRMAN: *How would he have gotten the information to put on it?*

A: *I always worked with him and probably the qualification it was like on the job is what him put on it. On my normal resume' that I have, I never put what I don't have on it.*

[IC OFFICER]: *At any point in time while you were working at Petrojam did you ever see a copy of your resume'?*

A: *See a copy of my resume'?*

[IC OFFICER]: *Like when you were doing the interview with Miss Ramharrack, did she present the resume' to you, when she was asking you about the job and telling.*

A: *She never ask mi about my resume'.*

Q: *She didn't?*

A: *No.*

Q: *When was the first time that you saw the resume' that we had presented to you on the first occasion?*

A: *Here.*

Q: *You never saw it before this?*

A: ***That was the first time I see it.***





...

[IC OFFICER]: *One last question, Mrs. Bell. Do you know the qualification for the post of receptionist that you hold?*

A: *I saw it the last time when I was here.*

Q: ***And do you have those qualifications?***

A: ***No, Miss.***

Q: *Do you intend to do anything about that?*

A: *I plan to go back – I start going back to school, go back to class, yes.”<sup>62</sup>*

(DI Emphasis)

In relation to the referenced educational qualifications, or as indicated by Mrs. Daley, the lack thereof, the DI posed the following questions to Mrs. Yolande Ramharrack:

“CHAIRMAN: *...Did you seek to verify at the time of the interview what qualifications Miss Bell stated that she had on her resume?*

A: *We sought, when I spoke with her, I asked her what her qualifications were, she indicated having done some CXC’s, we had a subsequent, I would say a follow-up interview with her, which included her supervisor at the time as well and we gave*

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<sup>62</sup> Transcript of hearing held on October 22, 2018 involving Mrs. Michon Daley nee Bell. Pages 15-27.



*her the time to provide the necessary documents and that is documented.*

...

**CHAIRMAN:** *Miss Bell was issued with an employment contract, yes or no?*

**A:** *Yes, she was.*”<sup>63</sup>

By way of a requisition dated February 27, 2019, the DI sought to ascertain Mr. Floyd Grindley’s involvement in the recruitment of Mrs. Michon Bell Daley to Petrojam Limited. Mr. Grindley, by way of his response dated July 23, 2019, advised the DI of the following:

***“a. I did not pay (sic) a role whatsoever in the recruitment of Ms. Michon Bell. Her employment with Petrojam was handled directly by Mrs. Yolande Ramharrack – Manager, Human Resources & Administration.”***<sup>64</sup> (DI Emphasis)

At this juncture, the DI highlights below the following qualifications and experience stated on Mrs. Daley’s résumé, which was submitted to Petrojam Limited for the position of Telephone Operator/Receptionist:

**“QUALIFICATIONS:**

**CXC-**

*Integrated Science* 3

*Information Technology* 2

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<sup>63</sup> Transcript of hearing held on November 20, 2018 involving Mrs. Yolande Ramharrack. Pages 23-24, 26.

<sup>64</sup> Response dated July 23, 2019 which was addressed to the Director of Investigation by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 14.



<i>Social Studies</i>	3
<i>Accounts</i>	3
<i>English Language</i>	(Pending)

***EXPERIENCES:***

...

***2015***            ***Assistance Secretary/ Member of Parliament***  
***Office -28b Old Harbour Rd Spanish Town, (Dr***  
***Andrew Wheatley)***

***2016***

***Member of Parliament (Part time) ”***

Of note, the Job Description for the position of Telephone Operator/Receptionist at Petrojam Limited outlines the following required education and/or experience:

- *“High school diploma or four GCE/CXC ‘O’ Levels*  
***including English Language***
- *Some formal training as a telephone operator/receptionist*  
*and/or two (2) years equivalent on the job experience.*
- *Computer skills would be an asset.” (DI Emphasis)*

***Offer of Employment and Compensation Received***

By way of a letter dated November 7, 2017, Mrs. Michon Daley nee Bell was offered the position of Receptionist/Telephone Operator at Petrojam Limited for a period of two (2) years commencing November 6, 2017 and ending November 6, 2019.



The DI notes that the employment contract only bore the signature of Mrs. Yolande Ramharrack and was accepted by Mrs. Daley *nee* Bell on November 13, 2017.

In accordance with the terms of her contract, Mrs. Daley's remuneration was a total of \$165,072.00 per month subject to the required statutory deductions. Based upon the terms of her employment contract as well as the contents of her personnel file **she received medical insurance, group life insurance plan and subsidized meals from the canteen.** (DI Emphasis)

By way of letter dated October 31, 2018, Mrs. Daley's employment contract was terminated by Petrojam Limited on the basis that she failed to validate the qualifications indicated on her résumé as she did not provide the results of same and/or an explanation for her failure to produce same.

#### The Recruitment of Reverend Dorothy Grant

By way of an internal Memorandum dated August 23, 2018 which was addressed to Mr. Winston Watson, General Manager, the following, *inter alia*, was indicated:

##### ***“Contracting of Chaplin Services of Dorothy Angella Grant***

- 1) This lady was hired without the knowledge of the Management Committee. As stated in the PAAC, Ms. Ramharrack said that this was her initiative to fill a need as the staff was depressed and the organization was going through some changes.*
- 2) Ms. Grant is a Chaplin and is not licensed to provide professional counselling services.*
- 3) A Purchase Order was generated for the sum of \$1,296,000.00 but was never used and direct contracting was employed.*
- 4) Petrojam already had in place Employee assistance programme (EAP) with Family Life Ministries to offer these services.*



5) *This arrangement is again irregular and unsustainable.*<sup>65</sup>

In the course of its Investigation, the DI posed the following questions to Mrs. Ramharrack, as it regards the recruitment of Reverend Dorothy Grant to Petrojam Limited:

*“CHAIRMAN: ...Does Petrojam contract the services of a chaplaincy or require the services of chaplaincy services?*

*A: ...Oh, yes, we had. Had.*

*CHAIRMAN: When you say had, had with whom?*

*A: We had a Reverend Dorothy Grant.*

*CHAIRMAN: And when you said had, Mrs. Grant was engaged to undertake chaplaincy services to Petrojam?*

*A: Her contract stated that, yes.*

*...*

*CHAIRMAN: Could you indicate the process that was utilized in obtaining Miss Dorothy Grant for chaplaincy services?*

*A: The process?*

*CHAIRMAN: Hmm-mm.*

*A: Well, I know we wanted to go through the procurement process, however, the general manager indicated that he would prefer her*

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<sup>65</sup> Memorandum dated August 23, 2018 which was addressed to Mr. Winston Watson, Petrojam Limited.



*to have a short term contract so there was a contract that was done, I think it was on a, more as a – well, it was short term so it was in the first instance for just about three months or four months.*

**CHAIRMAN:** *For the specific purpose of?*

**A:** *Chaplaincy services for the staff at Petrojam.*

**CHAIRMAN:** *Would the provision of these types of ad hoc services fall under your division, HR?*

**A:** *When you say ad hoc?*

**CHAIRMAN:** *Meaning chaplaincy services, counseling services, any service that would be provided for staff outside of the regular, let's say, we know health is a regular, so now there was a specific need identified for chaplaincy services, would the acquisition of such services fall under the HR division for which you would have been the manager?*

**A:** *Right, so the HR head would have to have dialogue or would have to be involved in the process.*

**CHAIRMAN:** *Be involved in the process?*

**A:** *Yes.*



**CHAIRMAN:** *Did Petrojam also have counselling services or an employee assistance programme with any other counseling agency?*

**A:** *Yes, we do.*

**CHAIRMAN:** *What was the name of that agency, to the best of your knowledge?*

**A:** *To the best of my knowledge, the name eludes me now.*

**CHAIRMAN:** *Could I assist, is it Family Life Ministries?*

**A:** *Family Life Ministries.*

**CHAIRMAN:** *What would have been the nature of the services Family Life Ministries would have offered?*

**A:** *Not that I know all but they would part and parcel, offer some similarity in that the approach would be, somebody would come to us or so there would be a need identified from the employees' standpoint, so they come, ask and we would send a letter and send them or the person to Family Life Ministry.*

**CHAIRMAN:** *And what is the difference now, the perceived difference now in the hiring of Miss Grant?*



A: *The difference is that the chaplaincy is utilized by the company in a more proactive way since the EAP is only available to permanent employees and most of what we have on the refinery are, we do have some but the ratio is a little bit more in terms of contractual employees.*

...

CHAIRMAN: *...What was the nature of Mrs. Grant's or Miss Grant's qualification and experience which rendered her eligible for this job or this task or function?*

A: *I know that Reverend Grant, she is attached to the theological ministry in Jamaica, yes. She has also some relevant qualifications that speak to her chaplaincy services that she provides.”<sup>66</sup>*

Upon a review of a Memorandum signed April 4, 2017, under the subject “*Human Relations Support – Chaplin Services 2017*” which was addressed to Mr. Floyd Grindley, then General Manager, Petrojam Limited from Mrs. Ramharrack, the following, *inter alia*, was outlined:

*“Request to utilize the Direct Contracting method for **Nine (9)** months to provide and support the Wellness Initiative for the Petrojam Limited team members.*

***Rationale***

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<sup>66</sup> Transcript of hearing held on November 20, 2018 involving Mrs. Yolande Ramharrack. Pages 13-20.





*The staff morale at Petrojam Limited has been recorded at a low percentile as evidenced in the 2016 commissioned Engagement Survey, reporting a forty percent (40%) engagement score.*

...

*The Petrojam workforce has been through a myriad of changes which have gone un-detected, and we strongly believe that this timely intervention will definitely provide the bonding required to mending and improving the motivation levels of the workforce.*

*The direct contracting method is selected on the basis that the Chaplin – Reverend Dorothy Grant is affiliated with the Institute for Training, Research, Assessment, Consultancy and Care (ITRACC) and has the requisite years' experience to provide this invaluable service.*

*Approval is requested to proceed with granting:*

- 1. Chaplin Services for a total of 36 weeks (9 months)*
- 2. Cost of \$3,000/hour*
- 3. Total cost: \$1,296,000.00<sup>67</sup>*

Of note the memorandum was signed by both Mrs. Ramharrack and Mr. Grindley and dated April 4, 2017.

Upon a review of the documentation provided by Mrs. Tamara Robinson, Legal Officer and Corporate Secretary, Petrojam Limited, dated February 27, 2019, the DI notes the following observations:

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<sup>67</sup> Memorandum signed April 4, 2017, under the subject “*Human Relations Support – Chaplin Services 2017*” which was addressed to Mr. Floyd Grindley, then General Manager, Petrojam Limited from Mrs. Yolande Ramharrack, Human Resource Development & Administration Manager.



1. An invoice dated April 4, 2017 and signed by Mrs. Yolande Ramharrack, detailed the provision of chaplain services for the period **April 12, 2017 to December 31, 2017**, at a rate of \$3,000 per hour, amounting to a total amount of \$1,296,000.00 for the referenced period.
2. Purchase Order #4500039698 **with the inscription “Counsellor”** and dated April 6, 2017 detailed the provision of chaplain services for the period **April 12, 2017 to December 31, 2017** in the amount of \$1,296,000.00 being made payable to Dorothy Angella Grant.
3. By way of a contract dated April 10, 2018, which only bore the signature of Mrs. Yolande Ramharrack, it was indicated that Reverend Dorothy Grant was **awarded a consultancy agreement as Counselor at Petrojam Limited for the period of one (1) year commencing December 14, 2017 to December 13, 2018 at a rate of \$4,000.00 per hour.**

The DI notes the following notice which was published by Petrojam Limited:

**“SEPARATIONS**

*Rev. Dorothy Grant is no longer contracted to provide the company counseling services effective August 31, 2018.”*



## The Recruitment of Mr. Olivier Cole

### Interview Process

By way of a hearing held on July 23, 2018, Ms. Chevril Shaw, former Project Manager, Vacuum Distillation Unit, Petrojam Limited, advised the DI of, *inter alia*, the following:

“CHAIRMAN: *Miss Shaw now, having listened to the discussions now and you drafted your memorandum, two questions ago you mentioned that curiously a new Project Director was engaged. What would have been - firstly, who would have been or who is that new Project Director?*

A: *As in the person's name?*

CHAIRMAN: *Yes.*

A: *Olivier Cole, O-L-I-V-I-E-R, Cole.*

CHAIRMAN: *...To the best of your knowledge what's the terms of reference of that person?*

A: *Should I give you the history or you just want that answer?*

CHAIRMAN: *Well, answer that. The thing is, before we go to a history if there is a history, what I want to understand first, is what would have been the terms of reference of that person because you indicated earlier that you were the Project Director.*

A: *Project Manager.*

CHAIRMAN: *Project Manager.*

A: *There was no Project Director.*



...

**CHAIRMAN:** ... In relation now to the appointment of this Project Director, who would have given the directive or directives for this person to be engaged?

**A:** That's a good question, that's a good question, I do not know.

...

**CHAIRMAN:** Well, the question I am going to ask you next is, have you had previous interactions with this particular person?

**A:** Yes, I have.

**CHAIRMAN:** And then in what capacity?

**A:** In December, around in December.

**CHAIRMAN:** December when?

**A:** I am sorry, December 2017. We, Petrojam/Project Team, had put out an advice for process engineer for the Project. So the project as I mention has an org. structure and I had indicated the resources that were required with an org. structure which was approved by the Ministry of Finance, by the way. So of course, it had the Project Manager, it had different leads, Engineering lead, construction lead, commissioning lead and respective teams, and the idea was that we would do an internal recruitment to fill the positions, and then do external recruitments to fill the



*bands of positions as well as to fill any gaps created internally. In December we got approval internally now. So we have the full org. structure approved by Ministry of Finance. In December we got approval by the General Manager or HR Manager, then HR Manager/General Manager, agreed to go out with the advertisement for the Process Engineer. So we advertised for Process Engineer in December. In January I got his resume in a shortlist of Process Engineers. So in January we would have interviewed him for Process Engineer position, which was my first interaction.*

**CHAIRMAN:** *When you said "we would have interviewed him" could you indicate - it would have been a panel?*

**A:** *It would have been a panel, and the panel comprised of myself, Jodi Graham, who was the Engineering Design Lead, Adrian Brown, who was the construction lead, the senior supervisor of Process Engineering within Petrojam was a part of the panel.*

**CHAIRMAN:** *Oh, within Petrojam now?*

**A:** *That was a part of the panel, an HR [Officer] was also a part of the panel. I had two different HR officers based on the numbers of interviews and availability. I think that was it. Yeah, five (5) of us.*



- CHAIRMAN: *So you would have interviewed several shortlisted candidates?*
- A: *Right. So we interviewed I believe it was, either five (5) or six (6) persons shortlisted.*
- ...
- CHAIRMAN: *...Let's focus now on the interview with Mr. Cole. What was the result of the panel's interview if [sic] relation to Mr. Cole?*
- A: *The panel, all... rejected Mr. Cole on the basis that he was not considered - as I said, we were interviewing for Process Engineer. Though he had a Chemical Engineering degree he had been for roughly 19 years lecturing, or as an assistant - well, various lecturing positions at University with you know, some subjects but he had no industry experience, no project experience. So it was considered - Again, we had short time lines, so it was considered that he was just out of the industry, never had practical experience. So was not a good fit.*
- CHAIRMAN: *We are now in April, and he is now introduced as the Project Director.*
- A: *Correct.*
- CHAIRMAN: *Are you aware of on whose instructions now?*
- A: *No, I am not...*
- ...
- ...Anyway the second round of interviews



*was done as I understand it was the HR Manager that did it and the Technical Services Manager.*

**CHAIRMAN:** *That's who?*

**A:** *Simeon Hall. I don't know who else was on the panel. At the time I heard it would have been HR and the then General Manager but when I asked him about it...*

*....he said no, he was not going to be interviewing.*

**CHAIRMAN:** *That's the GM?*

**A:** *The GM. So it ended up being the HR Manager and Simeon Hall, Technical Services Manager. So I had asked about it because there was no plan for a second interview before neither was I consulted. So, of course my question is, how are you going to select somebody without consultation? But anyways it went ahead, interviews were held and I was told that they had selected the persons. So I said okay, give me the names so that we can start preparation. They eventually came back and they told me, sorry the HR Manager or the HR Officer, I can't remember which one, told me Toniann Heywood and Kemisha Vassell, would have been selected. That being said, Olivier, I understand was, Mr. Cole was included on the list of persons for the second interview*



**even though the panel had rejected...**

CHAIRMAN: *On the first?*

A: *On the first.*

[IC OFFICER]: *Before you go continue. Was Mr. Simeon Hall a part of the interview panel for the initial interviews that were done?*

A: **Not part of the interview panel, not a part of the project, not having any discussions with the project, nothing.**

...

[IC OFFICER]: **And so would his title of Technical Services Manager [have] anything to do with the selection of this candidate?**

A: **Should not.**

...

*He can be part of the panel, it wouldn't be untoward for him to be a part of the panel. No discussion with me. That's another story. And that being said, we are interviewing for Process Engineer. **The Technical Services Manager is not a Chemical Engineer, they have limited interaction with the Process Engineer especially because it's for a project, it's not for the Refinery.** If it was for the Refinery, it would be probably more like it.*

...

A: *... I was introduced to him on the 12th of April.*





**CHAIRMAN:** *That's Mr. Cole?*

**A:** *That's Mr. Cole, as the Project Director. That being said, when was it? February, I think it was around February. I don't remember the date, early February, there was an advertisement, a job Ad for Project Manager for the VDU...*

**CHAIRMAN:** *So you were the Project Manager?*

**A:** *Yes.*

**CHAIRMAN:** *And you are saying that - in January when you did the interviews for the Process Engineer.*

**A:** *Yes.*

...

**CHAIRMAN:** *... Did you have any discussions with anybody having seen that advertisement?*

**A:** *Yes, I did.*

**CHAIRMAN:** *You care to identify them?*

**A:** *Sure. I had discussions with Floyd Grindley about it since I was not aware of it neither was I aware of any concerns. So I had asked what was it. Well, first of all I had asked what was it about and he mentioned - what did he mention? Nothing that made sense, sorry. Right, I had asked in terms of what it was he mentioned he made reference to a discussion that we had with the Permanent Secretary, which would have been Hilary Alexander, where we had discussed a*



project management firm for the project. So it was always in the cards to engage a project management consultant based on the nature of the project. So we have the Petrojam team which would be supplemented by a project management consultancy. So he made reference to that. Of course, not to quote the PS, but the PS said of course, she did not see it advertised as Project Manager position. So that's when he started baffling. We now, the Project Team had a meeting with him and he was asked what is it. Then he started saying it was somebody to assist with managing the project and again, nothing made sense...

...

CHAIRMAN: ...In relation now to the project itself, is the project independently funded or you managed disbursement of funds as the Project Manager?

A: As the Project Manager yes, I was responsible for the project budget and for all expenditure on the budget.

CHAIRMAN: Okay. So that would be authorised by you?

A: Up to the point when the Director position was put in.

....

CHAIRMAN: ...The introduction now of the Project Director, while the terms of reference you



**stated weren't clear, would you still have the authority to so do?**

A: **No, no.**

CHAIRMAN: Was a there a document to that effect?

A: There was no documents that I got which said that I - no, nothing. I was just told.

CHAIRMAN: **You were told that you couldn't authorise...?**

A: **...that, correct.**

CHAIRMAN: **Who would have told you that?**

A: **Well, that was quite informal, the General Manager, Floyd Grindley.**

CHAIRMAN: **So therefore now the Project Director would have been solely responsible now for authorising payment?**

A: **Technically speaking.**

...

[IC OFFCER]: ...to the best your knowledge who were a part of the interview panel who would have eventually selected Mr. Cole to be the Project Director?

A: I don't know in relation to Project Director. No Project Director was advertised. So I don't know how that process went.

...

CHAIRMAN: He was just interviewed.

A: **The Process Engineer that was - well, he was interviewed at the same time for the Process Engineer. It would have Yolande**



**Ramharrack and Simeon Hall. Those are the two I know of. I don't know if anybody else was involved.**<sup>68</sup> (DI Emphasis)

Further, Mrs. Ramharrack, during the course of a hearing held on September 10, 2018, advised the DI of the third person who constituted the second panel which interviewed Mr. Cole:

A: *The name of applicant on the first is Oliver [sic] Cole; name of applicant on the second is Oliver [sic] B Cole.*

Q: *And the date interview?*

A: *The date of the interview is stated on one which is the 13th of the 2nd, 2018.*

Q: *And the position for which the applicant was being considered?*

A: *All right, so for on the one that has my name, process engineer VDU Kingston Refinery and on the second it says process engineer.*

Q: *Okay, and you had just mentioned earlier that there were other interviewers who you were not seeing are here?*

A: *Yes, I am believing there was one other person.*

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<sup>68</sup> Transcript of hearing held on July 23, 2018 involving Ms. Chevril Shaw, former Project Manager, Vacuum Distillation Unit, Petrojam Unit. Pages 61-81.



*Q: Can you recall who that one other person is?*

*A: The panel would have been – it should have been the General Manager for PEL, Petrojam Ethanol Limited.*

*Q: Is that Mr. Floyd Grindley?*

*A: Petrojam Ethanol Limited Sadiq Mahabeer.*

...

*Q: Do you have technical experience as it relates to the job description or job title of process engineer VDU?*

*A: I don't have any hands on technical experience.*

*Q: Are you...aware as to whether Mr. Simeon Hall has some experience?*

*A: He would have possessed some, yes.*

*Q: And are you aware as to whether Mr. Mahabeer has any such experience?*

*A: He would also possess some, yes. ”<sup>69</sup>*

Of note, the DI has not gleaned any Record of Interview which was completed by Mr. Sadiq Mahabeer in relation to the recruitment of Mr. Cole.

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<sup>69</sup> Transcript of hearing held on September 10, 2018 involving Mrs. Yolande Ramharrack. Pages 71-72, 79.



Notwithstanding Mrs. Ramharrack's representation that Mr. Mahabeer was the third panelist to interview Mr. Cole on the second occasion, Mrs. Ramharrack, by way of her submission to the DI dated October 5, 2018, was unable to substantiate her representations as she indicated that she was not in possession of the referenced interview records.<sup>70</sup>

The DI conducted a review of the records of interview, which are attached hereto as Appendix 4 (g) to (l) and which were completed in relation to the post of Process Engineer, VDU. The following observations were made:

1. Mr. Cole was rejected for the position of Process Engineer by Ms. Jodi Graham and Ms. Chevril Shaw on January 18, 2018 on the basis that he lacked practical experience and knowledge.
2. It was observed that the Record of Interview which was completed by one, 'CME', on January 18, 2018, failed to indicate an overall score as well as a recommendation.
3. Mr. Cole was recommended by Mr. Simeon Hall on February 13, 2018 for the position of Process Engineer on the basis that he was enthused and an experienced process engineer. Further, Mr. Hall inscribed "**RECOMMEND FOR PROJECT LEAD: KEEN IN TRAINING UP STAFF, ETC.**" (DI Emphasis)
4. Mr. Cole was recommended by Mrs. Yolande Ramharrack on the basis that "*Mr Cole would bring to the VDU project leadership competencies/Team building strategies as it relates to alignment & execution of the VDU Project. **Candidate to be considered for a more strategic role on the Project given intellect, expertise and strategic competencies.***" (DI Emphasis)

Further, by way of a hearing held on August 20, 2018 which was convened by the DI, Mrs.

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<sup>70</sup> The IC has attached at Appendix 4, a copy of the Records of Interview which were completed in relation to Mrs. Yolande Ramharrack, Mr. Clayton Smith and Mr. Olivier Cole.



Ramharrack provided, *inter alia*, as follows:

*“Q I am going to ask you specifically now, do you recall or are you aware of a project known as the Vacuum Distillation project?”*

*A Vacuum Distillation Unit Project, the VDU, yes. Yes, sir.*

*Q Good. Do you recall whether or not an individual by the name of Oliver [sic] Cole was employed to that project?*

*A Mr. Olivier, I believe that's his name, yes. He is on the project.*

*Q Could you supply to us, please, the position for which he was interviewed and who comprised the Panel and what were his interview scores and qualifications.*

*And lastly, was his Manager consulted or did his Manager recommend his appointment?*

*A His Manager, he would have been reporting directly to the General Manager. So the VDU project, the reporting -- the VDU Project Manager reports directly to the General Manager.*

*Q So the General Manager is the one to approve any hiring for that project?*

*A Yes, sir.”*<sup>71</sup>

The DI notes, with emphasis, that the documents submitted to the DI by Mrs. Ramharrack, by way of her response dated August 24, 2018, included the advertisement for the position of

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<sup>71</sup> Transcript of hearing held on August 20, 2018 involving Mrs. Yolande Ramharrack. Page 70.



Project Manager and not Project Director, the position for which Mr. Cole was employed.

The DI has seen no evidence to indicate that the position for Project Director was advertised by Petrojam Limited.

Of note, by way of letter dated October 19, 2017, which was addressed to Mr. Floyd Grindley, then General Manager, Petrojam Limited, by Mrs. Camille Lowe, on behalf of the Financial Secretary, Ministry of Finance and the Public Service, approval was granted for the contractual arrangement of the following personnel to the Vacuum Distillation Unit (VDU) Project:

Contract Duration of Three (3) Years

1. Project Manager
2. Document Controller
3. Construction Lead
4. Commissioning Lead
5. Health, Safety & Environment Officer
6. QA/QC Specialist

Contract Duration of Two (2) Years

1. Engineering Design Lead
2. Process Engineers
3. Mechanical Engineers
4. Electrical and Instrumentation Engineers
5. DCS/Controls Engineer
6. Civil/Structural Engineer
7. Material/Logistics Coordinator

Contract Duration of One (1) Year

1. Commissioning Operator Lead





**Of significant importance is the fact that the position of Project Director is not listed as an approved position for personnel at the VDU Project, Petrojam Limited.** (DI Emphasis)

By way of a requisition dated February 27, 2019, the DI sought to ascertain Mr. Floyd Grindley's involvement in the recruitment of Mr. Olivier Cole to Petrojam Limited. Mr. Grindley, by way of his response dated July 23, 2019, advised the DI of the following:

**“a. I did not pay (sic) a role whatsoever in the recruitment of Mr. Oliver (sic) Cole. I became aware of Mr. Oliver (sic) Cole through the Human Resource Manager - Mrs. Yolande Ramharrack...”**<sup>72</sup>

(DI Emphasis)

#### **Offer of Employment and Compensations Received**

By way of a letter dated March 12, 2018, Mr. Olivier Cole was offered the position of Project Director assigned to the VDU Project at Petrojam Limited for a period of two (2) years commencing April 9, 2018 and ending April 9, 2020.

The DI notes that the employment contract was only signed by Mrs. Yolande Ramharrack and copied to Mr. Floyd Grindley, General Manager, Petrojam Limited.

In accordance with the terms of his contract, Mr. Cole's remuneration was \$8,000,000.00 per year subject to the required statutory deductions. Based upon the terms of his employment contract, he **received subsidized meals from the canteen** and “...was entitled to participate...in the Health Scheme...”. **Of note, the details of the mentioned Health Scheme were not outlined in the contract.**

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<sup>72</sup> Response dated July 23, 2019 which was addressed to the Director of Investigation by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 16.



### Separation from Petrojam Limited

By way of letter dated August 23, 2018, Mr. Cole's employment was terminated by Petrojam Limited on the basis that the VDU Project faces an extreme delay and as such, the position of Project Director was made redundant.

Mr. Winston Watson, General Manager, Petrojam, was also required by the DI to speak to the recruitment process which was undertaken with respect to the Project Director and the function(s) or duties he performed. Mr. Watson, stated, *inter alia*, as follows in his March 20, 2019, response:

***"Recruitment Process:** Mr. Cole was interviewed following the advertisement published for Process Engineer for the VDU Project. The interview Panel rejected him for the advertised position. A second round of interviews was conducted and Mr. Oliver Cole was included in the persons interviewed.*

*An employment contract dated March 12, 2018 was signed between Mr. Oliver Cole and Petrojam for him to commence as VDU Project Director on April 9, 2018. The position of VDU Project Director was made redundant in August 2018 because the VDU Project was placed on hold pending the report of the Review Committee...As a result, the employment contract of Mr. Cole was terminated."*<sup>[1]</sup>

Mr. Watson also indicated that with respect to Mr. Cole, there was "...no job description attached to the contract or otherwise on the record for the VDU Project Director Position."

<sup>[2]</sup>



### The Utilisation of the Email 'energysect@gmail.com'

At this juncture, the DI reiterates that the advertisement of the vacancy for a Human Resource Development and Administration Manager at Petrojam Limited was not published by the entity. Further, applicants were instructed to submit their applications to 'energysect@gmail.com'.

Upon a search of the world wide web, the DI found the following job vacancies with the same email address attached to which applicants were instructed to submit applications:

1. Vacancy published on September 15, 2016 for an Operations Supervisor at a 'leading energy producer'.
2. Vacancy published on September 15, 2016 for a Team Lead reporting to the Operations Supervisor at a 'leading energy producer'.
3. Vacancy published on September 15, 2016 for an Administrative Operations Assistant at a 'leading energy producer'.

### The Recruitment of Mr. Floyd Grindley to Petrojam Limited

In furtherance of its Investigation, the DI sought to ascertain the circumstances in which Mr. Floyd Grindley was recruited to Petrojam Limited in the capacity of General Manager. By way of his response dated March 11, 2019, Dr. Perceval Bahado-Singh advised the DI of the following procedures which obtained in the recruitment of Mr. Floyd Grindley to Petrojam Limited:

*"The recruitment of the Acting General Manager for Petrojam in 2016 was by shareholders' decision, both shareholders' signed approvals, and approval of a resolution by the Directors of the Board of Petrojam Limited; in accordance with to the JVA. This recruitment was done before my first term as Chairman in 2016. The process was not geared towards the specific recruitment of any particular individual, and was spearheaded by PCJ Board of*



*Directors, the majority shareholder of Petrojam. At the time, I served as a Director of the PCJ BOD and director of Petrojam, therefore I was asked to review the advertisement for the position. The advertisement was published in the Gleaner newspaper. I was later invited to be a part of the interview panel.*

*As for the selection of the interview panel, I was asked to make suggestions of persons to join the interview panel. **I recommended to the PCJ Board one qualified individual, Dr. Ike Johnson, who I thought would make excellent interviewer.***

*The Interview Panel that interviewed the candidates is as follows:*

- i. Ms. Yolande Ramharrack – former PCJ Director*
- ii. Mr. Richard Creary – PCJ Director and former Petrojam Director (was unable to attend)*
- iii. Mr. Phillip Chambers – PCJ Director*
- iv. Dr. Perceval Bahado-Singh – former PCJ and Petrojam Director*
- v. Dr. Ike Johnson, former Assistant VP, Scotia Investment Limited*

*I was not directed or influenced to recruit Mr. Floyd Grindley to Petrojam, Ltd. ”<sup>73</sup> (DI Emphasis)*

The DI notes that Dr. Perceval Bahado-Singh, by way of his aforementioned response indicated that he had no prior personal, business or other relationship with Mr. Floyd Grindley, and neither was he related and/or affiliated with him.<sup>74</sup>

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<sup>73</sup> Response dated March 11, 2019 which was addressed to the IC by Dr. Perceval Bahado-Singh. Response 6.

<sup>74</sup> Response dated March 11, 2019 which was addressed to the IC by Dr. Perceval Bahado-Singh. Response 7.



### **Circumstances Surrounding the Reimbursement of Overseas Travel Expenses to Dr. Perceval Bahado-Singh**

The Director of Investigation (DI) received an allegation concerning the reimbursement of funds by Petrojam Limited to the former Chairman of the Board of Directors of Petrojam Limited, Dr. Perceval Bahado-Singh, for certain overseas travel expenses. The following allegations were made:

*“ Chairman’s airline ticket- The chairman Perceval Bahado-Singh in February 2018 **was allowed to purchase his own airline ticket to attend a board meeting in London, which he did not attend.** The ticket purchased in the amount of some US\$8,000.00, approximately JMD\$1 million was a breach of government procurement procedure. The procedure dictates that all such purchases must be made through the government system and payment made directly to the airline or through a travel agency. Furthermore Dr. Bahado- Singh chose not to attend the meeting, giving the excuse that that the weather conditions were not conducive to travel. Despite his non-attendance at the meeting, he was still paid a per diem. The cost for the airline ticket was refunded to him even though he did not attend the meeting. **He repaid the money to PetroJam, in the week of June 6, 2018 after the matter was made public.** Dr. Bahado- Singh is a very close friend of Minister Wheatley, who studied with him at university and now lives in the United States. **He***



**travels from the US to attend monthly board meetings and Petrojam finances his air travel, hotel, car rental and per diem expenses. He brings no specialized skills to our shores.**

*Chairman's Brazil travel fiasco- it is understood that **Petrojam Board Chairman Bahado-Singh was also booked to travel to Brazil for a meeting earlier this year. Again, he purchased his own ticket and was refunded by Petrojam; and again, the record shows that he failed to turn up at the meeting. In this instance, there is no indication that he refunded the agency.***<sup>75</sup> (DI Emphasis)

Having regard to the aforementioned allegations, the DI sought to determine the veracity of the statements, as well as to ascertain the circumstances surrounding the alleged reimbursements by Petrojam Limited. The DI was provided with a document which was prepared by Petrojam Limited and which outlined specific amounts which were reimbursed to the former Chairman of the Board, in relation to overseas travel expenditure.

The following table was constructed based upon information provided by Mr. Winston Watson, General Manager, Petrojam Limited on March 20, 2019, and with the intent of illustrating the amounts which were reimbursed, details of the travel related expenses and the approvals which were sought and received:

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<sup>75</sup> Anonymous Correspondence which was received by the Integrity Commission.



Overseas Travel Expenses Reimbursed to Former Chairman of the Board of Directors- Dr. Perceval Bahado-Singh

**Table 6**

Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
<b>Board Meetings</b>				
<i>Perceval Bahado-Singh</i>	<i>US\$1,817.84</i>	<i>12/23/2016</i>	<i>REIM. FOR OVERSEAS TRAVEL EXP. RE BOD MEETING (HOTEL ACCOMMODATION, AIRLINE TICKET, CAR RENTAL)</i>	<ul style="list-style-type: none"> <li>- Determined as official company business.</li> <li>-Expedia Receipts for Hotel in the amount of US\$1,516.05 and Airfare in the amount of US\$460.10.</li> <li>-Approval for travel received on December 9, 2016 from Permanent Secretary.</li> <li>-Approval of General Manager Floyd Grindley.</li> </ul>
<i>Perceval Bahado-Singh</i>	<i>US\$1,887.86</i>	<i>2/23/2017</i>	<i>REIM FOR AIRFARE RE: TO ATTEND PETROJAM LIMITED BOARD MEETING IN MOBAY ON FEB 24, 2017</i>	<ul style="list-style-type: none"> <li>- Determined as official company business.</li> <li>-Payment made based on Approval of General Manager Floyd Grindley.</li> <li>-Expedia Receipts for Airfare in the amounts of US\$484.60 and US\$1,403.28.</li> <li>-No Approval seen from Permanent Secretary.</li> </ul>
<i>Perceval Bahado-Singh</i>	<i>US\$1,164.39</i>	<i>July 6, 2017</i>	<i>TO ATTEND PETROJAM LIMITED BOARD MEETING JULY 7-9 2018</i>	<ul style="list-style-type: none"> <li>- Determined as official company business.</li> <li>-Payment made based on Approval of General Manager Floyd Grindley.</li> <li>-Reservation for one night stay at the Ritz-Carlton in the amount of \$1,164.39.</li> <li>-No Approval seen from Permanent Secretary.</li> </ul>
<i>Perceval Bahado-Singh</i>	<i>US\$414.96</i>	<i>7/7/2017</i>	<i>REIMBURSEMENT FOR AIRLINE TICKET 7-9.7.2017 (BOARD MEETING)</i>	<ul style="list-style-type: none"> <li>- Determined as official company business.</li> <li>-Payment made based on Approval of General Manager Floyd Grindley.</li> <li>-Payment record in the amount of US\$414.96.</li> <li>-No Approval seen from Permanent</li> </ul>



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
				Secretary.
Perceval Bahado-Singh	US\$1,893.60	4/5/2017	REIM. OF TRAVEL EXPENSES, EMERGENCY BOARD MEETING RE INSURANCE TENDER	<p>- Determined as official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Expedia receipts in the amount of US\$782.72 for hotel accommodations and airfare in the amounts of US\$618.60 and US\$492.28.</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$3,688.65	10/13/2017	REIMB FOR AIRFARE, HOTEL , TAXI FARE , MGMT GIFTS	<p>-Payment records specified that travel was official company business</p> <p>-The recipient of the gifts are unknown</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-No Approval seen from Permanent Secretary.</p>
	<b>US\$10,867.30</b>			
<b>CONFERENCES</b>				
Perceval Bahado-Singh	US\$7,873.29	5/10/2018	REIB. FOR AIRFARE – RE: BRAZIL CRUDE CONFERENCE	<p>- Determined as official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Expedia receipts in the amount of US\$7,873.29 for airfare</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$1,828.30	4/20/2018	REIMB: HOTEL RE 71 <sup>ST</sup> HORATIO ALGAR AWARDS IN WASHINGTON & AIRFARE FROM BALTIMORE TO MONTEGO BAY FOR UNIV DIABETIC CONFERENCE IN OCHO	<p>-Horatio Algar Awards was <b>not official company business</b>. Petrojam was a platinum sponsor of the Diabetes Conference</p> <p>-Payment made based on Approval of</p>





Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
			<i>RIOS</i>	General Manager Floyd Grindley.  -Expedia receipts in the amount of US\$990.85 for airfare and US\$802.45 for hotel accommodations.  -No Approval seen from Permanent Secretary.
<i>Perceval Bahado-Singh</i>	<i>US\$3,963.44</i>	<i>9/7/2017</i>	<i>REIMB OF EXPENSES FOR LNG FORUM IN LONDON</i>	Determined <b>not to be official company business</b> -Payment made based on Approval of General Manager Floyd Grindley.  -Expedia receipts in the amount of US\$3,963.44 for airfare  -No Approval seen from Permanent Secretary.
<i>Perceval Bahado-Singh</i>	<i>US\$4,758.04</i>	<i>11/3/2017</i>	<i>REIM FOR AIRFARE-TRAVEL</i>  <i>KGN TO FRANKFURT RE GAS FORUM</i>	-Payment made based on Approval of General Manager Floyd Grindley.  -Expedia receipts in the amount of US\$4,758.04 for airfare.  -No Approval seen from Permanent Secretary.
<i>Half Moon Hotel</i>	<i>US\$1,761.00</i>	<i>4/25/2018</i>	<i>RE: PERCEVAL BAHADO-SINGH- HOTEL ACCOMMODATION FOR APRIL 25-29, 2018 UDOP DIABETIC CONFERENCE</i>	-Petrojam was a platinum sponsor of the diabetes conference.  -Payment made based on Approval of General Manager Floyd Grindley.  -Expedia receipts in the amount of US\$1,761.60 for hotel accommodation.  -No Approval seen from Permanent Secretary.
<i>Half Moon Hotel</i>	<i>US\$1,650.00</i>	<i>4/25/2018</i>	<i>RE: PERCEVAL BAHADO-SINGH- MEAL PLAN FOR APRIL 25-29, 2018 UDOP DIABETIC CONFERENCE</i>	-Petrojam was a platinum sponsor of the diabetes conference.  -Payment made based on Approval of General Manager Floyd Grindley.  -No Approval seen from Permanent Secretary.
	<i>US\$21,834.07</i>			
<i>Other</i>				



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
<b>Meetings</b>				
Perceval Bahado-Singh	US\$2,743.88	3/3/2017	REIMBURSEMENT FOR OVERSEAS TRAVEL EXP-DR. P.SINGH – MANAGEMENT MEETING (AIRLINE TICKET AND HOTEL ACCOMMODATION)	<p><b><u>-Petrojam is unable to locate records to confirm that the meeting was held on the dates specified.</u></b></p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Expedia receipts in the amount of US\$269.66 for hotel accommodation and airfare in the amounts of US\$676.84, US\$411.10 and US\$1,386.28</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$1,951.80	4/5/2017	REIMB: OF TRAVEL EXPENSES RE CUSTOMER & INVESTOR MEETING	<p><b><u>-Petrojam is unable to locate records to confirm that the meeting was held on the dates specified.</u></b></p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Expedia receipts in the amount of US\$1,264.67 for hotel accommodation and airfare in the amounts of US\$197.20, and US\$489.94</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$2,323.78	5/5/2017	REIMBURSEMENT – TRAVELLING EXPENSES P.SINGH 5.5.17 (RUP AND CRUDE SUPPLY MEETING) PHILADELPHIA TO KINGSTON – BALTIMORE	<p><b><u>-Petrojam has no information about this meeting.</u></b></p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Expedia receipts in the amount of US\$1,568.18, and US\$755.60 for airfare.</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$227.80	6/14/2017	REIMBURSEMENT FOR ACCOMMODATIONS (FINANCE AND TECHNICAL SUB COMMITTEE MEETING , INV#109760	<p>- Determined as official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-Hotel charge summary in the amount of US-\$227.80.</p> <p>-No Approval seen from Permanent</p>



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
				Secretary.
Perceval Bahado-Singh	US\$3,222.16	9/7/2017	REIMB OF EXPENSES RE STRAT PLANNING WORKSHOP BALTIMORE TO JAM	<p>- Determined as official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>- Record of payment in the amounts of US\$989.61 and US\$1,618.18 for airfare and the amount of US\$614.37 for hotel accommodations.</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$2,125.23	11/29/2017	REIMBURSEMENT FOR TRAVEL – FIN MEETING 23.11.17 BALTIMORE TO MONTEGO BAY TO BALTIMORE	<p><b><u>-Conference in Canada re ‘Presidents of Enterprising Organisation was not official company business for which the amount of US\$1,135.62 was disbursed.</u></b></p> <p>-Finance and Technical Committee Meeting for which the amount of \$989.61 was determined to be official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$1,430.92	1/5/2018	REIMBURSEMENT FOR OVERSEAS TRAVEL- MGMT MEETING 4.1.18 BALTIMORE TO MONTEGO BAY TO BALTIMORE	<p>-Determined to be official company business.</p> <p>-Payment made based on Approval of General Manager Floyd Grindley.</p> <p>-No Approval seen from Permanent Secretary.</p> <p>- Record of payment in the amounts of US\$297.40 and US\$138.98 and US\$726.85 for airfare and US\$267.69 for hotel accommodations.</p> <p>-No Approval seen from Permanent Secretary.</p>
Perceval Bahado-Singh	US\$8,384.21	3/5/2018	REIMB AIRLINE TICKET & HOTEL RE LONDON	<p>-Determined to be official company business.</p>



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
Singh			INSURANCE MEETING	-Payment made based on Approval of General Manager Floyd Grindley.  -No Approval seen from Permanent Secretary.  - Expedia Receipt in the amounts of \$8,384.21 for airfare.
Perceval Bahado-Singh	US\$944.94	11/3/2017	REIM FOR AIRFARE – TRAVEL TO TORONTO RE MEETING WITH RODNEY DAVIS	<b><u>Petrojam has no information about this meeting.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -No Approval seen from Permanent Secretary.
	US\$23,354.72			
<b>OTHER</b>				
Perceval Bahado-Singh	US\$ 550.00	5/12/2017	(ADMIRALS CLUB) AIRLINE MEMBERSHIP DUES 2017/18-P.BAHADO-SINGH	<b><u>-No record to indicate that this was company related.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -Payment record for one year membership in the amount of US\$550.00  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$1,431.12	6/30/2017	REIMBURSEMENT FOR HOTEL ACCOMMODATIONS SUNSCAPE	<b><u>-Not determined to be official company business.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -Payment record in the amount of US\$1,431.12.  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$ 999.71	7/5/2017	REIMBURSEMENT FOR TRAVEL EXPENSES	<b><u>Petrojam unable to locate record that meeting was held on dates specified.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -Payment record in the amount of



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
				US\$999.71.  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$1,949.22	12/12/2017	REIMBURSEMENT FOR O/SEA TRAVEL – FAMILY FUN DAY 6.12.17 & 35 <sup>TH</sup> ANNIVERSARY	-Payment in the amount of US\$959.61 for expenses relating to Family Fun Day determined to be official company business.  -Payment in the amount of US\$989.61 for expenses relating to 35 <sup>th</sup> Anniversary determined to be official company business.  <b><u>-Petrojam Limited indicates that Dr. Bahado Singh did not attend the events.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$ 227.00	12/15/2017	REIMBURSEMENT FOR ACCOMMODATIONS – PJAM FAMILY FUNDAY ON 9.12.17	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.  -Payment record in the amount of US\$-227.80 for hotel accommodations.  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$1,300.17	3/5/2018	REIM AIRLINE TICKET & HOTEL RE NAMING OF PETROJAM CORP. BUILDING	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.  -Payment record in the amount of US\$526.27, \$265.00 and US\$508.90 for airfare and hotel accommodations.  -No Approval seen from Permanent Secretary.
Perceval Bahado-Singh	US\$2,270.38	4/11/2018	REIM AIRFARE, 5.4.2018, 19-21.4.2018 RE PJAM BUSINESS BALTIMORE/TORONTO/KG N	<b><u>Petrojam unable to locate records to confirm that meetings were held on the dates specified.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
				-Payment record in the amount of US\$1,349.10 and US\$921.28.  -No Approval seen from Permanent Secretary.
Rose Hall Developments	US\$10,506.75	5-Dec-17	INV# M092017001 (PRIVATE FUNCTION FOR 25 PERSONS HOSTED BY CHAIRMAN- SEPT 19, 2017)	- <b><u>This was not official company business.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -Invoice in the amount of US\$10,506.75 noted.  -No Approval seen from Permanent Secretary.
	<b>US\$19,234.35</b>			
	<b>US\$75,290.44</b>			
Perceval Bahado Singh	J\$18,668.99	12/12/2017	REIM FOR ACCOMN/TRAVEL- PBAHADOSINGH 1/12/17	- <b><u>This was not official company business.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -No documentation seen to support disbursement of payment.  -No Approval seen from Permanent Secretary.
Rose Hall Developments	J\$20,970.00	28/11,2107 [sic]	INV# M092017001 (PRIVATE FUNCTION FOR 25 PERSONS HOSTED BY CHAIRMAN- SEPT 19, 2018)	- <b><u>This was not official company business.</u></b>  -Payment made based on Approval of General Manager Floyd Grindley.  -Invoice in the amount of \$20,970.00 noted.  -No Approval seen from Permanent Secretary.
	<b>J\$ 39,638.99</b>			
<b>DIRECTOR'S FEES PAID TO THE CHAIRMAN</b>				
Perceval Bahado-Singh	J\$17,250.00	2/8/2017	DIRECTORS FEE RE MEETING HELD DEC. 16, 2016	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
Perceval Bahado-Singh	J\$17,250.00	3/8/2017	DIRECTORS FEE 24/2/17 BOARD MEETING- PBAHADO-SINGH	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$51,750.00	3/17/2017	DIR FEE 20/10,6/1&4/3'17 MEETING- PERCEVAL BAHADO-S	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$17,250.00	4/7/2017	DIR/FEE FOR ATTENDING MEETING- PBAHADO- SINGH 24/3/1	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$8,625.00	6/14/2017	PYMT DIRECTORS FEE MEETING /20/6 PBAHADO- SINGH 3/6/17	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$8,625.00	6/23/2017	PYMT DIRECTORS FEE/20/6 PBAHADO-SINGH 22/6/17	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$17,250.00	7/14/2017	DIRECTORS FEE BOARD MEETING /8/7/2017- PBAHADO-SINGH	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J\$69,000.00	10/6/2017	DIRECTORS FEE FOR PBAHADO-SINGH MEETING 22-23 SEPT 17	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
Perceval Bahado-Singh	J 8,625.00	12/12/2017	PYMT DIRECTORS FEE/FINANCE & COMM- PB-SINGH 23/11/17	-Determined to be official company business.  -Payment made based on Approval of



Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
				General Manager Floyd Grindley.
<i>Perceval Bahado-Singh</i>	<i>J\$8,625.00</i>	<i>1/10/2018</i>	<i>FEE FOR FINANCE &amp; TECHNICAL SVS- PBAHADO-SINGH 14/12</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
<i>Perceval Bahado-Singh</i>	<i>J\$17,250.00</i>	<i>2/28/2018</i>	<i>DIRECTOR FEE FOR ATT MEETING- 13/2/18 PBAHADO-SINGH</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
<i>Perceval Bahado-Singh</i>	<i>J\$5,175.00</i>	<i>3/9/2018</i>	<i>DIRECTORS FEE- PBAHADO-SINGH 22/2-MEETING 5/3/18</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
<i>Perceval Bahado-Singh</i>	<i>J\$17,250.00</i>	<i>6/6/2018</i>	<i>DIR' FEE FOR ATTDG. B/ MEETING- PBAHADO-SINGH 14/5/18</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
	<b><i>J\$ 263,925.00</i></b>			-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
<b><i>PER DIEM &amp; TAXI</i></b>				
<i>Perceval Bahado Singh</i>	<i>US\$770.00</i>	<i>December 14, 2016</i>	<i>TO ATTEND PETROJAM LIMITED BOARD MEETING IN MIAMI, FLORIDA</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
<i>Perceval Bahado Singh</i>	<i>US\$450.00</i>	<i>July 6, 2017</i>	<i>TO ATTEND PETROJAM LIMITED BOARD MEETINGS JULY 7-9, 2018</i>	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.





Payee	Amount Paid	Cheque Date	Reason for Payment	Remarks
Perceval Bahado Singh	US\$200.00	July 6, 2017	TO ATTEND PETROJAM LIMITED BOARD MEETING JULY 7-9, 2018 RE: TAXI	-Determined to be official company business.  -Payment made based on Approval of General Manager Floyd Grindley.
	US\$1,420.00			

Having regard to the aforementioned table, the DI highlights the following:

1. The total reimbursements which were made to Dr. Perceval Bahado-Singh by Petrojam Limited during the period December 2016 to June 2018 for travel and other related expenses in relation to Board of Directors Meetings is in the amount of US\$10,867.30. The DI notes that the Joint Venture Agreement which was made on August 14, 2006 among, the Petroleum Corporation of Jamaica, PDV Caribe S.A and Petrojam Limited stipulates at Clause 8.5 that, *“Unless otherwise agreed the parties shall procure that Board meetings are convened and held at least once every other month.”*

In relation to the reimbursement which was made to Dr. Bahado-Singh in the amount of US\$3,688.65 for airfare, hotel, taxi fare and management gifts, a total of US\$674.53 was reimbursed to Dr. Bahado-Singh for “gifts”. The DI has seen no evidence of receipts or any supporting documentation detailing neither the items purchased nor the associated cost. The DI, however, took note of a hand written note which appears to be dated October 4, 2017, which stated, *inter alia*, as follows:

*“Dear Mr. Grindley,*

*The attached receipts are associated with Board Meetings attended for Petrojam in July & September, 2017. Also, receipts are*



*attached for books and incentive gifts purchased and hand out at the recently held Management Retreat...*

*The total reimbursement is \$4678.35, and I kindly seek/ request your approval.*

*Regards*

*Dr. Perceval Bahado- Singh”*

2. The total reimbursements which were made to Dr. Perceval Bahado-Singh by Petrojam Limited during the period December 2016 to June 2018 for travel and other related expenses in relation to his attendance at Conferences is in the amount of US\$21,834.07.

It was noted that in three (3) instances reimbursements totaling US\$5,936.51 were made payable to Dr. Bahado-Singh for conferences which were not considered to be official company business.

Further, by way of a Board Submission document sponsorship was proposed and approved in the amount of US\$40,000.00 for the staging of the University Diabetes Outreach Programme's (UDOP) Annual International Diabetes Conference. The proposal was prepared by Ms. Yolande Ramharrack, former Human Resource Development and Administration Manager, endorsed by Mr. Floyd Grindley, former General Manager and approved by Dr. Perceval Bahado-Singh, former Board Chairman.

3. The total reimbursement which was made to Dr. Perceval Bahado-Singh by Petrojam Limited during the period December 2016 to June 2018 for travel and other related expenses in relation to other meetings attended is in the amount of US\$19,234.35.

In two (2) separate instances Petrojam Limited was unable confirm that the meetings were held on the dates specified in travel itinerary. In relation to another two (2)



instances where reimbursements were made in the amounts of US\$2,323.78 and \$944.94, Petrojam Limited had no supporting documentation/information of the meeting for which the payment had been made.

Reimbursement in the amount of US\$1,135.62, which was made payable to Dr. Perceval Bahado-Singh for travel expenses incurred for attendance at a Presidents of Enterprising Organization Conference in Canada which was not regarded by Petrojam Limited as official company business.

4. Reimbursement for other travel related expenses including a “*private function*” which was paid directly to Rose Hall Developments Limited as well as Membership fees for American Airlines’ Admirals Club which totaled US\$11,056.75, were not determined to be official company business. A total of J\$39,638.99 was also expended by Petrojam for other travel related expenses, J\$20,970.00 of which was made payable in relation to a private function held on September 19, 2018 which was paid directly to Rose Hall Developments Limited.

In relation to the reimbursement which was made in the amount US\$1,431.12 for Hotel accommodations at Sunscape Hotel in Jamaica, Petrojam Limited was unable to locate any record which could indicate that the disbursement was related to official company business.

5. The total made payable in relation to Board of Directors Fees were in the amount of J\$263,925.00. In relation to the matter of Directors Fees, the 2017 Revised Directors’ Handbook outlines, *inter alia*, the following:

*“Ministry of Finance and Planning Circular No. 11  
dated April 19, 2016 approved fees paid to  
chairmen and members of boards of statutory*



bodies, government companies and other public sector agencies with effect from April 1, 2016.

*Petrojam falls in Category 1 (Commercial, Industrial, Agricultural, Financial and Trading Companies/Entities) and currently pays its directors the maximum meeting fees outlined in the circular.”<sup>76</sup>*

Of Note, the approved fees for Category 1, as per Circular No.11, is in the amount of \$23,000.00 for Chairmen and \$14,000.00 for Members per meeting.

6. In relation to the approvals which were sought and received for the reimbursements which were made to Dr. Bahado-Singh, Mr. Winston Watson, by way of his response of March 20, 2019, to an Integrity Commission Requisition dated March 8, 2019 stated, *inter alia*, the following:

*“In accordance with the Ministry of Finance Circular #21 (Revised Procedures for Official Overseas Travel) clause 3.2; approvals for overseas business travel are sought through the portfolio Permanent Secretary (Ministry of Science, Energy and Technology) to the Cabinet Secretary.*

**Approval was sought and obtained only for the travel that was undertaken on December 23, 2016; for a Board of Directors Meeting where-in US\$1,817.84 was reimbursed to the former Chairman, Perceval Bahado-Singh. There was no evidence of approval for the remainder of travel reimbursements on the schedule.”<sup>77</sup>**

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<sup>76</sup> PJL Directors Handbook- Revised 2017, pg. 9.

<sup>77</sup> Response which was received from Mr. Winston Watson, General Manager, Petrojam Limited Response No. 2(d).



The DI, by way of a Requisition which was dated February 27, 2019, required that Dr. Perceval Bahado-Singh respond to specific questions relating to allegations that (a) airline tickets were purchased on his behalf for overseas business meetings which he did not attend (b) per diem had been paid to him and (c) he had been refunded the cost of airline tickets.

Dr. Bahado-Singh, by way of his response which was dated March 11, 2019, stated, *inter alia*, the following:

*“The veracity of the allegation is false that airline tickets were purchased on my behalf as then Chairman, Petrojam Ltd for overseas business meetings that I did not attend.*

- *Airfares were never purchased by Petrojam Limited on my behalf, but were purchased from my personal credit card, to attend the business meetings on behalf of Petrojam BOD.*
- ***In accordance with MOFPS Circular ref No. 11358 Sub-Section 3(e) indicates: “ that board members are to claim and be reimbursed for traveling to and from meeting and on business directly related to Board”***
- ***Having purchased the airfares, I submitted the receipts for a refund. I was subsequently reimbursed by Petrojam Limited before the commencement of the meeting.***
- ***For reasons beyond my control, having paid for and received my refund I was unable to attend the referenced overseas business meeting. As a consequence, Petrojam was refunded the full cost***



**for the airfares, amounting to US\$ 24,978.98, for all four (4) the unattended Petroleum Industry focused business meetings.**

**The veracity of the further allegation stating that I was paid per diem to attend the referenced overseas business meetings is false. I did not receive a per diem for these meetings.** The policy of Petrojam is that a per diem is paid in advance for trips. On the questioned trips I declined to make a payment request for per diem, and did not receive one.

*Amidst the rumors, and out of an abundance of caution, I reconfirmed with the General Manager, at the time who also indicated that per diem was not issued to me for these overseas business meetings.”<sup>78</sup>*

#### **Reimbursements to Petrojam Limited by Dr. Perceval Bahado-Singh**

Based upon documentation which was received by the DI from Petrojam Limited, a total of US\$24,978.98 was refunded to Petrojam Limited by Dr. Bahado- Singh, in relation to reimbursements that had been made to him by Petrojam Limited. The following details are noteworthy:

1. Travel related expenses to London regarding Insurance meeting in the amount of US\$8,384.21. Documents retrieved from Petrojam Limited revealed that the dates for

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<sup>78</sup> Response which was received from Dr. Perceval Bahado-Singh and which was dated March 11, 2019. Response No. 13.



travel were February 25, to March 1, 2018 and that the reservation dates for the tickets which were purchased by Dr. Bahado-Singh were March 1- 6, 2018. Petrojam Limited reimbursed Dr. Bahado-Singh on March 5, 2018 and the amount was subsequently refunded to Petrojam Limited on May 30, 2018.

2. Travel related expenses to Brazil regarding Crude Oil Conference in the amount of US\$7,873.29. In this regard, the date of the visit was during the period May 20 to 25, 2018. The reservation dates for the tickets purchased by the former Chairman were May 21 to 27, 2018, the sum was reimbursed by Petrojam Limited on May 8, 2018 and the amount refunded by the chairman on May 30, 2018.
3. Travel related expenses to London regarding LNG Forum in the amount of US\$3,963.44. The reservation dates for the tickets which were purchased by the Chairman were during the period September 11, 2017 to September 21, 2017.
4. Travel related expense to Frankfurt Gas Forum was in the amount of \$US4,758.04. The date of the visit in relation to this trip was during the period December 13 to 14, 2017, the reservation dates which were made by then Chairman, Dr. Bahado-Singh were December 10- 17, 2017. Petrojam Limited reimbursed the Chairman on November 3, 2017 and the Chairman refunded Petrojam Limited on July 6, 2018.

The aforementioned refund, in the amount of US\$24,978.98, was corroborated by Dr. Perceval Bahado-Singh in his response of March 11, 2019 to the DI. Dr. Bahado-Singh also stated that the meetings which he was “*unable to attend*” were as follows:

- *4<sup>th</sup> London Gas & LNG Forum, September 13<sup>th</sup> and 14<sup>th</sup>, 2017. Accommodation would have been provided by colleagues/contemporaries I studied with during my academic and professional*



*training in the UK as a means of cost savings to Petrojam.*

- *5<sup>th</sup> Frankfurt Gas Forum December 13<sup>th</sup> and 14<sup>th</sup>, 2017 Accommodation would have been provided by German friends I studied with during my academic and professional training in the US as a means of cost saving to Petrojam.*
- *2018 Petrojam Insurance Meetings, London, February 26<sup>th</sup> – March 1<sup>st</sup>, 2018*  
*To the best of my knowledge, accommodation was arranged by Petrojam.*
- *Argus Rio Brazil Crude Conference May 22<sup>nd</sup> -24<sup>th</sup>, 2018*  
*To the best of my knowledge, accommodation was arranged by Petrojam.”<sup>79</sup>*

It is instructive to note that by way of letter dated April 1, 2019, the DI was advised by Mr. Winston Watson, General Manager, Petrojam Limited, of the following:

*“...the company has been reimbursed funds in the amount of US\$31,798.53 by Perceval Bahado-Singh for expenditure incurred by him which were either unauthorized or did not fall within the category of legitimate company business.”<sup>80</sup>*

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<sup>79</sup> Response dated March 11, 2019 which was addressed to the IC by Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited. Response 13.

<sup>80</sup> Letter dated April 1, 2019 from Mr. Winston Watson, General Manager, Petrojam Limited, to the Integrity Commission.





In addition to the aforementioned letter, the DI was provided with an email correspondence which was sent by Dr. Perceval Bahado-Singh to Mr. Winston Watson detailing, *inter alia*, the following:

“...

***RE: Reimbursed Funds***

*This is in response to your letter dated Tuesday, March 26, 2019, pertaining to the above-captioned matter.*

*All funds reimbursed to me, in my voluntary capacity as former Chairman of Petrojam Ltd, were associated with Petrojam related business...Your letter highlights that I should reimburse Petrojam Ltd for a “Private Function.” To clarify, this referenced “Private Function” was an absolute surprise to me; totally unbeknownst to me at the time that it was paid for by Petrojam...*

*It should be noted that I take issue with the claim being made.*

*However, in-kind fulfillment of your request, and as a matter of courtesy, and entirely without prejudice, the funds in the full amount of US\$31,798.53 were wired on Wednesday, March 27, 2019, to the account you provided.”<sup>81</sup>*

In support of the refund which was made by Dr. Perceval Bahado-Singh, the DI was provided with the following documents:

1. Petrojam Limited Invoice dated March 22, 2019 addressed to Perceval Bahado-Singh in the amount of US\$31,798.53;

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<sup>81</sup> Email correspondence dated March 29, 2019 from Dr. Perceval Bahado-Singh to Mr. Winston Watson, which was received under cover of letter dated April 1, 2019 which was addressed to the Integrity Commission by Mr. Winston Watson.



2. Petrojam Limited receipt #88963 dated March 27, 2019, in the amount of US\$3,798.53 from Perceval Bahado-Singh; and
3. Petrojam Limited receipt #88976 dated March 28, 2019, in the amount of US\$28,000.00 from Perceval Bahado-Singh.

Having regard to (a) the fact that the travel expenses detailed in Table No. 1 above were incurred in relation to destinations in Jamaica and (b) the allegations concerning the permanent residence of the former Board Chairman, Dr. Perceval Bahado-Singh, the DI undertook a review of the applicable legislations, policies and documents which articulate the composition and selection of Boards and Board Chairmen. Of note, the DI's review yielded no specific requirement for, in this instance, the Board Chairman to reside in Jamaica.

The DI, by way of a Requisition which was dated March 8, 2019, sought to obtain specific particulars from Petrojam Limited to verify the then Chairman's place of residence. The following response was provided by Mr. Winston Watson, General Manager, Petrojam Limited on March 20, 2019:

*"The management team has indicated that there was speculation that the former Chairman, Perceval Bahado Singh did not reside in Jamaica, however, this was not confirmed until the former General Manager, Floyd Grindley advised the PAAC in June 13, 2018."*<sup>82</sup>

#### The Government of Jamaica Policy as it Relates to Compensation for Overseas Travel and attendant Expenditure

The Ministry of Finance and the Public Service (MoFPS) as custodian of the Public Bodies Management and Accountability Act (PBMA) provides an overarching governance framework to

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<sup>82</sup> Response which was received from Mr. Winston Watson, General Manager, Petrojam Limited on March 20, 2019. Response No. 3.



Public Bodies, to ensure that they operate in such a manner as to bring sustainable economic and social benefits to the country. In this vein, the Ministry of Finance and the Public Service (MoFPS) has promulgated general guidelines to be applied by Public Bodies in relation to procedures for the reimbursement of “*bona fide overseas travel expenses incurred by a public officials.*”<sup>83</sup>

Circular No. 21 dated December 22, 2014, referred to as the “**Revised Procedures for Overseas Travel**”, is applicable to all public officials<sup>84</sup>. For the purposes of these guidelines, it is important to highlight that “Overseas Travel” is defined as “...*travel for official purposes from Jamaica to another country*”<sup>85</sup>. The term public official was also defined to include “*personnel employed to the Civil Service, Local Authorities ... Chairmen and members of the Boards of Public Bodies...*”<sup>86</sup>

With regard to at least twenty six (26) instances in which overseas travel expenses, to include air travel, were reimbursed to Dr. Perceval Bahado-Singh by Petrojam Limited, the DI highlights that the referenced Circular stipulates that:

#### ***“7. Air Travel***

***7.1 Officers travelling must not be allowed to make their own travel arrangements.*** *A designated Officer/Unit/Division within the organization should be responsible for making all travel arrangements.”*

...

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<sup>83</sup> Circular 21, December 22, 2014- Revised Procedures for Overseas Travel, Guideline 2.1.

<sup>84</sup> Circular 21, December 22, 2014- Revised Procedures for Overseas Travel. Section entitled “**Application**”.

<sup>85</sup> Circular 21, December 22, 2014- Revised Procedures for Overseas Travel Guideline 1.1.

<sup>86</sup> Ibid.



7.3 Permanent Secretaries, Chairmen and Chief Executive Officers may travel **at the most** business class where amounts are approved within the budget to allow for such travel.”<sup>87</sup>

The general outline of the referenced Circular stipulates that Accounting Officers must ensure that:

- i. *Expenditure of public funds for overseas travel must be for the furtherance of the organizational or national goals and an official business purpose must exist for each instance of expenditure. **All persons responsible for making decisions concerning these expenditures must determine whether the expense to be incurred represents creditable use of public funds;***
- ii. ***There is accountability and transparency in the disbursement and reimbursement of expenses incurred or to be incurred;***
- iii. *The facilities provided to assist public officers to carry out their official duties are safe and reasonable; and*
- iv. ***Business travel arrangements are cost effective ensuring best value to the country.***”

Further that Public Officials travelling overseas on official business shall:

- i. *Exercise fiscal prudence in incurring expenses outside of approved amounts; and*
- ii. ***At all times be mindful that they are representing the organization for which they work and the Government of Jamaica (GOJ) and that the benefits gained from***

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<sup>87</sup> Circular No. 21 entitled “Revised Procedures for Overseas Travel” dated December 22, 2014.



official overseas travel should ultimately be towards enhancing the performance of the employee and the goals and objectives of the organization.”<sup>88</sup>

The following Clauses are also of importance:

Clause 3.2- “Application for approval of overseas travel by government officials ( not involving any member of the political directorate) in respect of Ministries, Departments, Agencies, Local Authorities an Public Bodies must be submitted through the relevant Permanent Secretary/Financial Secretary to the Cabinet Secretary for approval.”

Clause 3.4 “In all cases, prior approval is required for official overseas travel and should be sought at least seven (7) working days before the intended date of departure.”

Clause 4.3 “... public officials should ensure that the benefits that accrue to the country from these overseas visits exceed the cost of the related expenses for attending these engagements.”

Clause 7.9 “ travel days must be planned to allow for arrival the day before and departure the

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<sup>88</sup> Clause 2.3 ibid.



day immediately after seminars/meetings/conferences except in cases where flights are not available or other unforeseen events prevents same.”

Clause 12.1 “As a condition of official overseas travel, the public official must provide a travel report on return from an overseas trip. The report should state inter alia, dates of travel and countries visited, objectives of the trip; benefits to the entity and to the public generally; recommendations and/or action plans arising from the overseas trip ; and suitability of the report for inter-agency sharing.”

#### The Issue of Travel Expense Fraud

Having regard to the allegations that have been made concerning the reimbursements which were made to the former Board Chairman for travel related expenditure for conferences and/or meetings which he allegedly did not attend, the DI makes note of Section 27 of the Larceny Act, which outlines, the following:

“27. Every person who-

(1) being a director, public officer, or manager, of any body corporate or public company-

(a) as such, receives or possesses himself of any property<sup>89</sup> of such body corporate or public company and, with intent to defraud, omits to make,

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<sup>89</sup> Property is defined in the Larceny Act as including money.



*or cause to be made, a full and true entry thereof in the books and accounts of such body corporate or public company;*

***(b) makes, circulates, or publishes, or concurs in making, circulating, or publishing, any written statement or account which he knows to be false in any material particular-***

*(i) with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company; ...*

*...*

***shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.***

Additionally, the Larceny Act indicates that:

*“35. Every person who, by any false pretence-*

*(1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered, to himself or to any other person for the use or benefit or on account of himself or any other person;*

*...*



*shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.”*

The DI also highlights the 2011 case of R v Chaytor<sup>90</sup>, wherein the defendant had made false claims for expenses which had never been incurred, in support of which he had also submitted false documents. It was held that “...*the loss to the public purse was significant. It was a grave breach of trust, which was a further aggravating feature of the case.*”

### Fiduciary Responsibilities and Duty of Care

In relation to a Board Chairman, there are certain duties of care/fiduciary duties which he must execute and core competencies which he must possess. The Competency Profile Instrument for the Boards of Public Bodies, which was issued by the MoFPS in January 2017, indicates the following:

#### *“3. Pillars of Effectiveness*

*Below we have outlined the Pillars of Effectiveness for Board Chairs and Board members. Each Pillar represents functional categories required by the respective Board and contains the related Competencies.*

##### *3.1 Pillars of Effectiveness for Board Chairs-*

[1] “*Management of Relationships and Self*” [and outlines the primary tenets as requiring the Chair to possess:] *i) Political Awareness ii) Ethics and Integrity...*”

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<sup>90</sup> [2011] All ER (D) 255 (Mar); [2011] EWCA Crim 929.





The document further describes ethics and integrity as the Board Chairman acting with integrity, honesty and transparency in relationships and establishes this competency as a pre-requisite for a Chairman. In addition, the Public Bodies Management and Accountability Act (PBMA), which sets out the general framework within which Boards should operate outlines, importantly, under Section 17, the duty of care of Directors:

*“17(1) Every director and officer of a public body shall, in the exercise of his powers and the performance of his duties-*

*a) Act honestly and in good faith in the best interests of the public body; and*

*b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances...”*

Section 25(1) of the PBMA outlines the penalty associated with a breach of the duty of care:

*“If the Court is satisfied, on an Application by the Attorney-General, that any person has contravened any of the provisions of-*

*... (k) Section 17 (fiduciary duties); the Court may exercise any of the powers referred to in sub-section (2).*

*25(2) The Court may-*

*(a) Order the person concerned to pay to the crown such pecuniary penalty not exceeding one million dollars...*



25(3) *in exercising its powers under this section the Court shall have regard to-*

- a) *The nature and extent of the default;*  
... ”

The role of the Board and the following duties and responsibilities are also outlined by Petrojam Limited in its “Directors’ Handbook”<sup>91</sup>:

***“9.1 Role of the Board***

***The Board is governed by the Corporate Governance Framework for Public Bodies in Jamaica 2012, the Companies Act 2004 and the Public Bodies Management and Accountability Act 2012.***

*Every Board Must:*

- i. *Take the necessary steps to ensure efficient and effective Management of the Public Body;*
- ii. *Ensure the accountability of all persons who manage resources of the public body;*  
...
- viii. *Act in accordance with the policies and guidelines issued from time to time by the Minister in respect to emoluments payable to the staff of the Company.*

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<sup>91</sup> Petrojam Limited, PDVSA Directors’ Handbook, Revised edition 2017, First Edition 2017.



## 9.2 *Duty of Care*<sup>92</sup>

9.2.1 *Every director and officer of a company in exercising his powers and discharging his duties shall:*

- a. Act honestly and in good faith with a view to the best interest of the company;  
and*
- b. Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances, including but not limited to the general knowledge, skill and experience of the director or officer”. (DI Emphasis)*

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<sup>92</sup> Public Bodies Management and Accountability Act 2012 s.17 & Companies Act 2004, S. 17.



## **Circumstances Surrounding the Alleged Use of State Funds for the Hosting of a Surprise Party for the Former Minister of Science, Energy and Technology**

The DI commenced the investigation into the matter at caption upon receiving internal correspondence, dated August 23, 2018, from Petrojam Limited. The correspondence, which was addressed to the current General Manager, Mr. Winston Watson, on a Petrojam Limited letterhead, outlined, *inter alia*, the following:

### ***“Function held at Half Moon – January 9, 2018.***

- 1) A Function was arranged at Villa 54 on the night of January 9, 2018.*
- 2) The Petrojam person making the arrangements for the function was Yolande Ramharrack.*
- 3) The stated purpose of the function was “Surprise birthday party for the Honourable Andrew Wheatley”*
- 4) The cake for the function was provided by Cakes by Nodia.*
- 5) Lounge set was provided by Décor and Design.*
- 6) The centerpiece was provided by Blooming Designs*
- 7) Lighting was provided by BL Enterprise.*
- 8) This was a private party for the Minister and it cost Petrojam US\$11,260.25 (eleven thousand two hundred and sixty dollars and twenty five cents).*
- 9) There was no Purchase Order used for this event. Despite the General Manager at the time signing the invoice and giving Delroy Brown instructions to pay, this event was clearly initiated and organized by Yolande Ramharrack and an invoice for a*



*personal function should never have been submitted for payment.*

*This was a fraudulent use of Petrojam's money.”*

#### Initiation and Planning of Event Held at Half Moon – January 9, 2018

The DI perused the contents of several email correspondence which were sent during the period January 3, 2018 to May 7, 2018. The emails outline a chain of communication concerning the coordination of the event and the settlement of payment among then employees of Petrojam Limited and representatives of Half Moon, Jamaica. The following email chronology is of significant importance:

1. Email which was dated January 3, 2018, 11:32 am, and which was sent by **[REPRESENTATIVE]**, Half Moon, Jamaica to Mrs. Yolande Ramharrack, bearing the subject line “*Petrojam Surprise Party- Tuesday, January 9, 2018*”, the following, *inter alia*, was stated:

*“Dear Yolande,*

*Thank you for considering Half Moon, Jamaica for your upcoming stay and your special event. Our team stands ready to create a memorable experience for you and your guest. [REPRESENTATIVE] Royal Villas, is copied on this correspondence; he will be assisting you with the planning details.*

*Event details:*

*Event: Surprise Party*

*Number of Guests: 15 maximum*

*Location: Villa 51*

*Time: 9:30pm*



*Request: Chocolate with ganache icing (please confirm icing)*

*Bar: to include Hennessy and red & white Burgundy wine*

*I have attached our banquet planner for your menu and bar selections.*

*Please send us a picture of the cake you would like, we will confirm price.”<sup>93</sup>*

2. Email dated January 3, 2018 5:14PM which was sent to **[REPRESENTATIVE]** by Mrs. Yolande Ramharrack , bearing the subject line :“ *RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Hi **[REPRESENTATIVE]***

*We have attached the selected menu items to include choices for:*

1. *Breakfast Menu*
2. *Party Menu*
3. *Premium Bar (all items)*

*[The] cake is known as a ‘Topsy Turvy Cake’ and would want to realise a green and white – a mock up would be good to select shade green.”*

3. Email dated January 4, 2018 12:39PM from **[REPRESENTATIVE]** to Mrs. Yolande Ramharrack, bearing the subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

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<sup>93</sup> Email dated January 3, 2018 11:32 am sent by **[REPRESENTATIVE]** to Mrs. Yolande Ramharrack.



*“Yolande,*

*As discussed, please see the price for chocolate cake, as requested*

*4 tiered topsy turvy*

*Chocolate cake*

*White fondant with hunter green designs*

*Cost: \$1000.000 USD plus 25% tax and service charges.”*

4. Email dated January 4, 2018 1:40PM from **[REPRESENTATIVE]** to Mrs. Yolande Ramharrack, bearing the subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Yolande,*

*The cost for the menu selected is US\$95.00 plus 25 percent tax and service charges. (without the highlighted selection). The chef has recommended this, as your selection will be too much food for 15 persons.*

*Menu*

*Soups*

*Crab, Coconut and Lemongrass Broth*

*Basic Broth Cream of Pumpkin*

*Entrees*

*From the Grill*

*Grilled ½ Lobster Tails, Lime Drawn Butter (Out of Season April-July)*



*Grilled Medallions of Beef Tenderloin, Cognac Peppercorn Sauce*

*Carved to Order*

*Rosemary Roasted Rack of Lamb with Balsamic, Mint and Scallion*

*Jus*

*Herb de Provence Roast Duck with Star Anise Sauce*

*Hot Pans*

*Champagne Poached Salmon Fillet Lemongrass Sauce*

*Lavender Grilled Chicken Breast*

*Quinoa with Pesto*

*Smoked Mashed Potatoes*

*Balsamic Grilled Vegetables”<sup>94</sup>*

5. Email dated January 4, 2018 3:58PM from **[REPRESENTATIVE]** to Mrs. Yolande Ramharrack with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“I have attached pro-forma for your review; please let me know your changes, I will make the revise and resend.”*

6. Email dated January 4, 2018 5:49 PM from **[REPRESENTATIVE]** to Mrs. Yolande Ramharrack with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Please see attached NCB account details and revised pro-forma for your signature; also separate invoices for you information.*

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<sup>94</sup> Email dated January 4, 2018 1:40 pm sent by **[REPRESENTATIVE]** to Yolande Ramharrack





*If payment is made in Jamaican dollars the BOJ rate of exchange should be used. We will need the remittance advice to easily identify your payment.”*

7. Email dated January 9, 2018 5:51 PM from Mrs. Yolande Ramharrack to **[REPRESENTATIVE]** with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Hi **[REPRESENTATIVE]***

*The names are:*

- 1. Andrew Wheatley*
- 2. Earle Keane*
- 3. Wayne Harvey*
- 4. Kirk Tyrell*
- 5. Richard Creary*
- 6. Clemente Ebanks*
- 7. Chescott Brown*
- 8. Robert Thomas*
- 9. Floyd Grindley*
- 10. Simeon Hall*
- 12. Courtney Wilkinson*
- 13. Sadiq Mahabeer*
- 14. Ronique Budram-Ford*
- 15. Harold Malcolm”*

8. Email dated January 10, 2018 at 11:08 AM from **[REPRESENTATIVE 3]** to **[REPRESENTATIVE]** and Mrs. Yolande Ramharrack and copied to Mrs. Ronique Budram-Ford, with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Dear Yolande,*

*I trust that you are doing great.*

*Please find attached a copy of the invoice for your perusal.*



*The bottle of Hennessy is attached also.”*

9. Email dated March 26, 2018 2:33PM from **[REPRESENTATIVE 5]**, Half Moon, Jamaica, to Mrs. Yolande Ramharrack with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Dear Yolande,*

*Per [REPRESENTATIVE 3]’s email and attachment, please advise on the payment status asap and the account is long overdue and needs to be settled. Additionally, per our company policy credit will not be extended until all outstanding balance has been settled.*

*[Please] let us have an amicable settlement.”*<sup>95</sup>

10. Email dated May 2, 2018 2:34 pm from **[REPRESENTATIVE 5]** to Yolande Ramharrack with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Good day Yolande,*

*Could you please provide n update as it relates to the payment.*

*Could [sic] you please address same asap. The matter is urgent.”*

11. Email dated May 2, 2018 10:45 PM from Yolande Ramharrack to **[REPRESENTATIVE 5]**, Mrs. Yolande Ramharrack, Mr. Floyd Grindley and Mrs. Ronique Budram-Ford with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

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<sup>95</sup> Email dated March 26, 2018 2:33PM from **[REPRESENTATIVE 5]** to Yolande Ramharrack.



“Hi [REPRESENTATIVE 5]

*Had called and left messages for you to ascertain the total amount outstanding that would perhaps have a settlement using the company’s credit card.*

*Kindly provide outstanding amount which we will endeavor settling promptly using same on/before Friday May 4, 2018.” (DI Emphasis)*

12. Email dated May 7, 2018 10:02 am from [REPRESENTATIVE 5] to Mrs. Yolande Ramharrack with subject line: “RE: Petrojam Surprise Party- Tuesday, January 9, 2018”. The following, *inter alia*, was stated:

*“Happy Monday Yolande,*

*Please accept my sincere apologies for the late response.*

*As requested, please see the enclosed email with the outstanding invoices amounting to U\$978.65, as follows:*

- *The function charges as agreed and signed by both parties (BEO balance due U\$648.90)*
- ...
- *The impromptu request for 1 White Hennessey U\$293.75...”*



13. Email dated May 7, 2018 10:57am from Mrs. Yolande Ramharrack to Mr. Floyd Grindley and copied to Mrs. Ronique Budram-Ford with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

“GM

**Please confirm if we could realize payment using the company’s credit card.**

**This is indeed urgent.**” (DI Emphasis)

14. Email dated May 7, 2018 1:07 pm from Mr. Floyd Grindley to Mrs. Yolande Ramharrack and copied to Mrs. Ronique Budram-Ford with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

*“Last I heard it has no \$ left on it. We are out of available funds and compounded as Delroy is not here as well.”*

15. Email dated May 2, 2018 2:34 pm from Mrs. Ronique Budram-Ford to Mrs. Yolande Ramharrack and Mrs. Floyd Grindley with subject line: “*RE: Petrojam Surprise Party- Tuesday, January 9, 2018*”. The following, *inter alia*, was stated:

**“Hi Yolande: Liaise with Accounts and request that the invoice be paid directly.”**

(DI Emphasis)

Having regard to the foregoing, the DI attaches at Appendix 5, a copy of the invoice in the amount of US\$11,260.25, which was prepared on the letterhead of Half Moon Jamaica and which bore the caption “*Petrojam Ltd Party Tuesday, January 9, 2018*” and dated January 4, 2018. Of note, the Invoice was directed to the attention of Mrs. Yolande Ramharrack.



The following observations were made by the DI as it concerns the appended Invoice:

1. The notation: *“Delroy: Please PAY AS DISCUSSED. Thx, FG 5/1/2018”* was inscribed on the document.
2. The notation: *“Accommodation + Meal for Minister Wheatley attending Opening Ceremony for the Howard Powell Building”*.

By way of letter dated January 5, 2018, the DI observed that instructions were given by Petrojam Limited under the signatures of both, Mr. Floyd Grindley, then General Manager, and Mr. Delroy Brown, then Chief Financial Officer, to the National Commercial Bank to make payment to Half Moon Jamaica in the amount of US\$10,361.35.

On December 31, 2018, the DI received correspondence which advised of a reimbursement to Petrojam Limited for the expenditure relating to the surprise birthday party which was held in relation to former Minister of Science Energy and Technology, Dr. Andrew Wheatley. The DI received a copy of a cheque which was dated December 21, 2018, and which was made payable to *“Petrojam”* in the amount of \$1,370,850.00. The referenced cheque was supported by an undated letter which was sent by one, *“Elizabeth Moyston”* and which stated, *inter alia*, as follows:

*“As a member of the public, concerned about matters at Petrojam, and having read former Minister Andrew Wheatley’s public declaration in the papers that he was unaware of the surprise Birthday Party and does not agree or support the use of public funds for such an undertaking and has declared his support for repayment.*

*I now take this opportunity to present you with a cheque that should cover the amount expended on the above mentioned surprise Birthday Party.*



*The records should now stand reimbursed.”<sup>96</sup>*

By way of a statutory Requisition which was dated January 10, 2019, and addressed to Mr. Winston Watson, General Manager, Petrojam Limited, the DI sought responses to questions relating to the aforementioned undated letter which had been addressed to Petrojam Limited by Elizabeth Moyston, as well as the alleged reimbursement of the mentioned funds. Mr. Watson by way of his response of January 24, 2019, responded to the DI’s requisition, confirming receipt of the sum of \$1,370,850.00 from Elizabeth Moyston and providing a copy of the cheque in support of said amount.

Further, the DI, by way of a Requisition which was dated March 7, 2019, required that Half Moon Jamaica provide responses to the following questions:

*“Kindly indicate whether you are aware of a party which was held by Petrojam Limited at the Half Moon Hotel on January 9, 2018 or any other date, in relation to the Invoice attached hereto.*

*In the event that you are so aware, please provide an executive summary outlining the following:*

- (a) The extent of your knowledge of the referenced party;*
- (b) Full details of the information that was communicated to you and or the Half Moon Hotel by Petrojam Limited and/or anyone acting on its behalf concerning the nature and description of the event that was being held. Please also state the name(s) of the person(s) who communicated this information.*
- (c) The role(s) and function(s) executed by you, if any, as it regards*

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<sup>96</sup> Undated letter from Elizabeth Moyston [REDACTED]



*the referenced party;*

- (d) The name(s) and title(s) of the Petrojam Limited employee(s), GoJ official(s) and/or any other person(s) with whom you liaised in relation to the referenced party;*
- (e) The basis upon which the party was being held by Petrojam Limited;*
- (f) Whether the invitee(s) to the referenced party were communicated to you;*
- (g) In the event that your response to (e) above is in the affirmative, please provide the following:*
  - (i) The name(s) of the person(s) who were invited to the party; and*
  - (ii) The name(s) and title(s) of the Petrojam Limited employee(s), GoJ official(s) and/or any other person(s) who provided such names to you;*
- (h) Please indicate whether you were advised of the name of the person(s)/ entity (ies) in whose honour the party was being held. In this regard please state:*
  - i. the name(s) of the person(s)/ entity (ies) in whose honour the party was being held; and*
  - ii. the name of the person(s) who advised you of the above.*
- (i) Copies of all communiqué between the Half Moon Hotel and Petrojam Limited in relation to the referenced party. ”<sup>97</sup>*

**[REPRESENTATIVE 4]**, Half Moon Jamaica, provided the following responses on March 20, 2019:

*“2. Half Moon is aware*

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<sup>97</sup> Integrity Commission Requisition which was dated March 7, 2019, which was directed to **[REPRESENTATIVE]**, Half Moon , Question No. 2.



- (a) *That Petrojam is hosting a surprise party.*
- (b) *The information received by the hotel was that Petrojam was hosting a surprise party for 15 persons. Setup to include food, a bar with Hennessey and chocolate cake. This was communicated to Ms. Yolande Ramharrack who received our Banquet Planner that include menus and bar options.*
- (c) *Half Moon Banquet/ Events department execute on request of Petrojam*
- (d) **Ms Yolande Ramharrack (no title given and title not on email signature ) and Ms. Ronique Budram Ford, Head – Procurement Unit.**
- (e) **A surprise party for Dr. Andrew Wheatley.**
- (f) *A List of invitees was provided*
- (g) *Names of invitees as communicated were:*
  - i. *Andrew Wheatley*  
*Earle Keene*  
*Wayne Harvey*  
*Kirk Tyrell*  
*Richard Creary*  
*Clemente Ebanks*  
*Chescott Brown*  
*Robert Thomas*  
*Floyd Grindley*  
*Simeon Hall*  
*Courtney Wilkinson*  
*Sadiq Mahabeer*  
*Ronique Budram-Ford*  
*Harold Malcolm*
  - ii. *Names were provided by Ms. Yolande Ramharrack*





- h. i. **Mr. Andrew Wheatley**  
ii. **Yolande Ramharrack**”<sup>98</sup>

[REPRESENTATIVE 4], by way of her referenced response, also advised the DI that the aforementioned listed names were the names provided to the hotel as the guests for the “*surprise party*”. However, Half Moon Jamaica was unable to verify who actually attended the party. [REPRESENTATIVE 4] also confirmed that payment was received by Half Moon Jamaica for its final Invoice.

In relation to questions which were posed by the DI regarding whether Mrs. Ronique Budram-Ford made contact concerning the referenced party, the following responses were provided:

*“ Ms. Ronique Budram-Ford Yes she did make contact with Half Moon*

- (a) January 5, 2018, to the best of our knowledge.*  
*(b) Discuss were held regarding the processing of payment”*<sup>99</sup>

Similar questions were posed in respect of whether contact had been made by Mrs. Yolande Ramharrack regarding the referenced “surprise party” and the following responses were provided:

- “ (a) Ms. Ramharrack made contact with in January*  
*(b) Ms. Ramharrack advised that they will be having a meeting in Montego Bay and wanted to have a surprise party after the meeting.*”<sup>100</sup> (DI Emphasis)

The DI highlights that [REPRESENTATIVE 4] indicated that Mr. Floyd Grindley did not make contact with Half Moon Jamaica.<sup>101</sup>

<sup>98</sup> Response dated March 20, 2019 which was provided by [REPRESENTATIVE 4], Half Moon. Response No.2.

<sup>99</sup> Response March 20, 2019 which was provided by [REPRESENTATIVE 4], Half Moon. Response No. 6

<sup>100</sup> Response March 20, 2019 which was provided by [REPRESENTATIVE 4], Half Moon. Response No. 8

<sup>101</sup> Response which was provided by [REPRESENTATIVE 4], Half Moon. Response No. 10.



Representations Made by Yolande Ramharrack Concerning Event Held at Half Moon Jamaica—  
January 9, 2018

Mrs. Yolande Ramharrack was summoned to appear before the Director of Investigation to give evidence in relation to the captioned matter on September 10, 2018. Questions were directed to Mrs. Ramharrack concerning her involvement and knowledge of the referenced party. The following is a verbatim extract of the transcript which was prepared:

*“CHAIRMAN: Are you aware of another event which took place at the Half Moon hotel?*

*A: Would you be specific sir?*

*CHAIRMAN: I am asking you the question, are you aware of another event that took place at the Half Moon hotel?*

*A: And that would have been directly involved or linked with Petrojam? Is this in accordance with my job at Petrojam?*

*CHAIRMAN: Well, I can only answer you in relation to the answers that you have provided earlier; as far as we are aware Petrojam is an entity that falls under a ministry?*

*A: You are right.*

*CHAIRMAN: Right?*

*A: Yes.*



**CHAIRMAN:** .... So I am asking you that in relation to the role undertaken by Ms. Ramaharrack are you aware of another function which was held at the Half Moon hotel?

**A:** By function Mr. Grey would you be a little bit more specific?

**CHAIRMAN:** It was gathering of like-minded people.

**A:** Okay. When was this?

**CHAIRMAN:** Ms. Ramharrack it was a gathering of like-minded person the question is...

**A:** And I am asking when was this, so I would need to know to make sure...

All right, so and the reason why I asked Mr. Grey is that I do not want to provide any allegations or anything that might seem untrue or unclear. If I was at a function of like-minds, I believe a function was actually held for Petrojam for the Montego Bay signing sometime earlier this year, that is why I asked when.

**CHAIRMAN:** Okay, so there was another function, all right. The location of which I asked you was the Half Moon hotel, was there a function held at the Half Moon hotel, yes or no?

**A:** A function?

**Q:** A gathering.



A: *Of like minds?*

CHAIRMAN: *A gathering.*

A: *Of like minds?*

CHAIRMAN: *There was an event at the Half Moon hotel, yes or no?*

A: *I know there was an event held at the Montego Bay terminal which saw a representative from the Ministry in attendance.*

...

[IC OFFICER]: *So just to go back a little Ms. Ramharrack the only event you recall since your tenure at Petrojam is that which was held at the Montego Bay terminal, you don't recall any other event or function being held at the Half Moon hotel?*

A: *You said during my tenure at Petrojam?*

Q: *Yes.*

A: *So during my work life we have different events. I know a question was posed in terms of the strategic review, I said we have strategic reviews that led up to us outside of Kingston since my tenure, other events since my tenure but I guess those are not in question at this time. The meeting of like minds at the Half Moon. The event at that time would have been to my knowledge, would have been the naming*



of the Montego Bay building which the portfolio minister was the main speaker there.

**Q:** *Are you aware of a social gathering at the Half Moon hotel?*

**A:** *There was a gathering of like minds at the Half Moon because that was where the portfolio minister was staying or had to be accommodated.*

**Q:** *Can you provide specific details on what the social gathering entailed?*

**A:** *I am not sure to say what the gathering entails since that was – I mean I don't even know if it was a gathering or whatever it was, I know the general manager in making sure that the portfolio Minister's security detail and whatever in terms of his residing, nothing else, I don't know of anything else. I don't know of a function nor – I don't know why would it have been said like that.*

**Q:** *Did you play any specific role as it relates to this gathering, social event at the Half Moon hotel?*

**A:** *Yes, so like I would have done at the Palmyra. I was instructed to do certain things which I did for my general manager and I did that.*

**Q:** *What specifically were you instructed to do by the General Manager?*

**CHAIRMAN:** *Tasked to do.*



A: Tasked to do? Well, my GM asked us to ensure that the security arrangements were in keeping with the Ministry's protocol, asked in terms of facilitating another meeting that was to be – **I think it was like a post meeting** because the event – the renaming of the building it was actually in the afternoon, **I know it was an afternoon event and so nobody would have eaten or anything like that.** So like again, **I was asked to make arrangements for the food whoever was staying there, post meetings whatever the case is.**

...

[IC OFFICER]: Were you provided with these tasks in a written format?

A: It would have been communicated to me – **I mean by boss would have said to me and in making those preparations I would have had to send an email to the location, yes.**

Q: What is the date of this social gathering or event?

A: The renaming of the Montego Bay building was done, I know this question was asked and I know it was done earlier in the year, this year, **but I can't give you the exact date but I know it was 2018.** We tried facilitating it from the year before but with no success.



*Q: And in terms of the arrangements that you were asked to make, were you provided with numbers for which you were to cater or both for which you were to facilitate?*

*A: When you say numbers?*

*Q: Number of persons that you would have been making arrangements for food for and number of persons that you would be making arrangements in terms of security, et cetera?*

*A: Well, I know the arrangements in terms of the Minister's detail would have done or handled by the PR officer based on those sort of things were done by her in accordance and discussions with the marketing and logistics department. In terms of the post meeting I would have been asked to – I can't remember what number, the General Manager would have indicated perhaps a number; at this point I don't remember what number that was.*

*Q: And you may have said this before but I am asking you again to state it for the record. Can you just indicate the nature of that social gathering?*

*A: Which one?*

*Q: The one you are speaking of. Are there more than one that we are contemplating as it relates to Half Moon?*



A: *Oh, so Half Moon?*

Q: *Yes.*

A: *Right, remember I said we had to do post for the renaming of the building so...*

Q: **Let me just see if I understand so there are two events essentially, one is the post event for the naming and one is the actual naming?**

A: *Right, so I wouldn't say it was an event. I mean if there is a post meeting it wouldn't be an event; I wouldn't classify it as an event.*

Q: *So what would you classify it as?*

A: *It is not for me to classify.*

Q: *But you wouldn't classify it as an event, so it clearly means you have a concept in mind that you would have associated that?*

A: *But that would not be for me to determine.*

Q: *To your mind what was it, it wasn't an event what was it?*

A: *I was asked – well, I can only say what I was asked to do. **I was asked to ensure, facilitate food and refreshments, persons who would have been invited to this post meeting, yes.***





*Q: Okay, where did the naming activity take place, naming of the building activity take place was that also at the Half Moon?*

*A: No. So like I said Petrojam renamed, or it wouldn't be renamed sorry, it would be the official naming of the building at the Montego Bay loading rack which is situated in Montego Bay.*

*Q: And the meeting took place at?*

*A: The post meeting?*

*Q: The post meeting.*

*A: Would have been where the Ministry official was staying.*

*Q: Where is that Ms. Ramharrack?*

*A: At the Half Moon.*<sup>102</sup>

In relation to the specific allegation which was made concerning the hosting of a surprise birthday Party for then Minister, Dr. Andrew Wheatley, the following questions and responses were provided:

*“ ...*

*Q: ... How would you respond to the allegation that an event was held at the Half Moon hotel on/or around January of 2018 which was a party, a surprise party that was being held for the Minister of Science, Energy and Technology, former Minister Andrew*

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<sup>102</sup> Transcript of hearing involving Mrs. Yolande Ramharrack dated September 10, 2018. Pages 24- 34.



Wheatley, how would you respond to that allegation?

A: *I would respond by saying that it seems as if persons not knowing the full information and wanted to make mischief would perhaps say that somebody went out of their way to do something outside of what would pertain with even any other ministry official or board director or – this is not the first, I understand that something like this has even happened within Petrojam, the context of it, but of course, I am sure there are parties that would want to ensure that these allegations are made. **I do know and I must state categorically that when I made the first request or sent the first request to the Half Moon has instructed them the general manager that was not the title of our request.***

Q: *I am not following your statement Ms. Ramharrack; can you clarify what it is you are saying?*

CHAIRMAN: *What was the title for which you sent to the Half Moon?*

A: *I believe it had – when the young lady responded to us after the event, she said, **she wrote to the company saying thank you for choosing the Half Moon to facilitate your post meeting something to that effect. I don't have the document but that is exactly what she referred to.***



[IC Officer]:

*Just one question. The short answer to the question ...asked is that you did not plan a surprise birthday party for Dr. Wheatley?*

A:

*What I want to answer and she said how would I have responded so that is why I gave that statement, because if we as an organisation we have a naming, whatever naming ceremony or whatever company event and you have to now reach out to make sure that whoever you invited is fed, how does that become an issue? I don't understand.*

Q:

*I understand what you are saying. I am asking you a direct question. You did not plan a surprise birthday party for Dr. Andrew Wheatley at the Half Moon hotel?*

A:

*It was not a – it wasn't a – sorry.*

Q:

*If you can just simply yes I can, no I did not plan it.*

A:

*Yes, I was asked to facilitate the food and the drinks and a cake for the Minister.*

Q:

*For his birthday?*

A:

*We didn't know it was his birthday.*

CHAIRMAN:

*You were asked to facilitate food, drink and a cake?*

A:

*Yes.*

CHAIRMAN:

*For the Minister?*



A: **Yes.**

[IC Officer]: **And this is separate from the post signing meeting or is this one and the same?**

A: **It is one and the same.**

[IC Officer]: **Who asked you to facilitate or provide the cake and the other things that you mentioned just now?**

A: **It would have been the General Manager Mr. Floyd Grindley.**

Q: *Ms. Ramharrack you cannot give a response that it would have been, you have to state that it was, if you say it would have been it is a hypothetical statement, it is not a statement of fact. So I am asking you again to provide your response whether if it is that you don't know who told you then you can say that but if you are aware of who instructed you to do it you have to state specifically that this person advised me to do this.*

A: **I am stating specifically as I have always stated that I take instructions from my boss Floyd Grindley who would have asked me to provide those things or get the quotes for those things.**<sup>103</sup>

(DI Emphasis)

The DI, during the course of the referenced hearing, required that Mrs. Yolande Ramharrack review and recall her knowledge of the emails which were sent between Petrojam Limited and

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<sup>103</sup> Transcript of hearing involving Mrs. Yolande Ramharrack dated September 10, 2018. Pages 37- 38.



Half Moon Jamaica, and which have been noted previously in this Report. **Mrs. Ramharrack identified the correspondence and recalled receiving and dispatching in each instance.** Further, Mrs. Ramharrack identified the arrangements which were being made by email between Petrojam Limited and Half Moon, Jamaica, under the caption “*Petrojam Surprise Party*” as that of a “*private*” nature. The following discourse is of importance:

*“Q: We would like to show you a few emails for you to confirm whether you send and/or receive these mails?*

*...*

*A: **All right, so it is addressed to me. It says from Yolande to [REPRESENTATIVE]. So this would have been the contact at the Half Moon [REPRESENTATIVE] cc [REPRESENTATIVE 2], Ronique Budhram-Ford.”***

*Q: Can you state the date of that email?*

*A: January 9th, 2018.*

*Q: Can you state the subject of that email?*

*A: It says re Petrojam surprise party, Tuesday, January 9th, 2018.*

*Q: Can you read that email for us please? I am sorry the date sent, can you indicate the date sent?*

*A: Wednesday, January 3, 2018, date sent.*

*Q: And the subject is re: Petrojam surprise party, Tuesday, January 9, 2018? Okay, you may proceed.*



[Email read by witness]

...

**CHAIRMAN:** *So just for clarify as you said earlier that you were given instructions by the General Manager.*

**A:** *Yes, sir*

**CHAIRMAN:** *It is recorded in the Minutes?*

**A:** *Yes, sir.*

**CHAIRMAN:** *That you indicated that you did not know the subject matter of the party or the subject matter of the event, but your email which is dated the 3rd of January indicates in the subject line re Petrojam Surprise Party. I go back again. You indicated earlier that on the instructions of the GM you were to arrange an event the purpose for which you knew not, but this email is pretty clear in the subject line what the event is and what it should – a menu is there and a particular preference in relation to a cake and it is very clear what colour the cake should be. I am asking you again, in the Minutes earlier you said you were not aware of what the subject matter of the event is?*

**A:** **But it is not an event Mr. Grey. The gentleman was staying there, we were asked to provide something for his stay, I don't know of this being an event. If I stay at a hotel and I want specific –**



**something that is specific or outside of, I would not say this is something that is unheard of.**

CHAIRMAN: No, I didn't ask you if it was unheard of.

A: Something that I committed a crime.

CHAIRMAN: I have never used those words to you Ms. Ramharrack.

A: **If my boss asks me to – he is hosting guests and he wants me to facilitate, how does this contradict from what it is that I am asked to do in my natural duties?**

...

CHAIRMAN: All that I am asking you Ms. Ramharrack is that in this email that is sent by you to [REPRESENTATIVE], questions were asked of you earlier as to whether or not there was an event at Half Moon and the nature of the event?

A: Yes.

CHAIRMAN: You were painstaking to go through all the points and indicate that you didn't know what the event entailed other than the instructions that you were given. In relation now to the email which emanates from you, the subject line indicates re surprise birthday party.

...



A: *And I am still asking Mr. Grey, you are asking me to disclose what goes on in a private setting?*

A: *I am just asking is it that the Commission is asking me to provide salient details as it relates to a particular stay?*

[IC Officer]: *Yes. The event that we are asking about is the party that was held at Half Moon.*

A: *And I am saying that even though it is saying Petrojam surprise party this is something that is in accordance with hosting somebody who is actually staying somewhere. So I am saying is it that I am being asked to provide personal information as it relates to somebody's stay?*

[IC Officer]: *Okay, you said it was a private event essentially is what you are saying then?*

A: *Can I get an answer to that?*

...

A: *I am just asking for clarity because I am saying if I stay somewhere where something is not provided and I am asked to do something or instructed to do something, the caption, you are going off what it says here Petrojam surprise party and I am saying that was not the case. The Minister was staying there, we were asked by the General Manager to provide and make sure that food and whatever was there. If he had information that spoke to the*





**gentleman having whatever birthday or what, I don't know; I am just following instructions. So I am saying are you asking me to provide personal information as it relates to the stay?**

[IC Officer]:

*I am sorry; I don't think anybody is asking you for personal information in relation to the stay. There are certain emails that we have in our possession which we would like to put to you because that is how we operate here. If an allegation is made we give you an opportunity to respond to the allegation which is what we are trying to do now. A part of the allegation ... is that you planned a surprise birthday party for The Honorable Dr. Andrew Wheatley. In that regard we have emails; we have placed the first one to you in relation to the arrangements for a surprise party and the cake and all of that. That is the extent to which we are going at this moment, simply to ask if you received these emails, if you sent the emails, the details of the emails are correct or not and in that regard are you saying that you consider it a private event and not a Petrojam event that you were planning? Because based on your statement I think we are left a little confused as to whether you were trying to distinguish it as a private/personal event as oppose to a Petrojam event, because you used the word private. So is it a private/personal event or is it a Petrojam event or party, because I am going to use the subject, a surprise party?*



A:

So let me just answer. The event was the naming of the Montego Bay building which had our portfolio minister as the guest speaker. The portfolio minister stayed at the Half Moon. We were asked or as we usually do Half Moon is not an all-inclusive, so I remember the General Manager asking to make sure that the Minister and his detail and he wanted to use the time to have a post meeting and so these things would have been by the way. He had information as I said to the gentleman's birthday or whatever and he wanted to just – I believe the reason why it says surprise as well and let me just say from where I sit is because I know that – I don't think he – the General Manager I think was a little bit – he was trying to do something nice. (DI Emphasis)

[IC Officer]:

*I am going to show you another email. Can you just confirm the details on that email as to whether you received it or whether you sent it and can you read the detail into the record as well?*

A:

*From [REPRESENTATIVE] sent Thursday January 4th, 2018; 12:39 p.m. to Yolande Ramharrack cc [REPRESENTATIVE 2], Ronique Budram-Ford, [REPRESENTATIVE]. Subject Re: Petrojam surprise party Tuesday, January 9, 2018. Yolande, as discussed, please see the price for chocolate cake as requested. It's a four tiered topsy turvy chocolate cake, white fondant with*



*hunter green designs, cost One thousand (\$1000.00) USD plus 25 tax and service charge.*

*Q: Do you recall receiving this email?*

*A: Yes.*

*Q: I want to show you another email also dated January 4. Can you also read the details of this email?*

*A: Okay. From [REPRESENTATIVE] sent Thursday January, 4th, 2018 at 1:40 p.m. to Yolande Ramharrack cc [REPRESENTATIVE 2], Ronique Budram-Ford, Re: Petrojam surprise party – Tuesday, January 9, 2018. Yolande, the cost for the menu selected is US Ninety-five dollars (\$95.00) plus 25% tax and service charges. (without the highlighted selection). The chef has recommended this, as your selection will be too much food for 15 persons. The menu?*

...

*Q: In relation to this email did you receive the proforma invoice?*

*A: **I can't remember getting a proforma invoice.***

*Q: You can't remember receiving a pro forma invoice at all in relation to these communications and the event, the party?*



A: *All right, so the message in the body it says Yolande I have attached a proforma for your review please let me know your changes I will make the revise and resend. I haven't seen an attachment, not that I am saying I didn't get one, but **I can't remember what that looked like and if I did get a proforma then it would go to the General Manager.** From [REPRESENTATIVE] sent Thursday, January 4th, 2018; 5:49 p.m., to Yolande Ramharrack, cc [REPRESENTATIVE 2], Ronique Budram-Ford, [REPRESENTATIVE], [REPRESENTATIVE 3]. Subject: Re: Petrojam surprise party – Tuesday, January 9, 2018. Yolande, please see attached NCB account details and revised pro-forma for your signature...*

Q: *Thank you. And in relation to the reference proforma your previous answer would stand in relation to sending it to Mr. Floyd Grindley for instructions?*

A: ***May I just add to that? If a proforma does come in I am not the person who approves it.***

Q: ***Okay, so who does approve it?***

A: ***The General Manager because this would fall outside of my remit.**<sup>104</sup> (DI Emphasis)*

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<sup>104</sup> Transcript dated September 10, 2018, involving Mrs. Yolande Ramharrack. Pages 39-48.



*“Q: Thank you. I am also submitting – do you recall that email Miss Ramharrack?*

*A: Yes.*

*Q: Thank you. I am also submitting – do you recall that email Miss Ramharrack?*

*A: Yes.*

*Q: Could you just read for us what it says?*

*A: It says from [REPRESENTATIVE 3], Wednesday January 10, 2018 to [REPRESENTATIVE], Yolande Ramharack, Ronique Budram-Ford, Re: Petrojam surprise party – Tuesday, January 9, 2018. Dear Yolande. I trust that you are doing great. Please find attached a copy of the invoice for your perusal. The bottle of Hennessy is attached also. Kindly note that we will need the zero rated information for us to process the GCT amount stated on the attached. Feel free to let me know if you have any questions or concerns. Regards, [REPRESENTATIVE 3]*

*Q: And do you recall that email being sent to you?*

*A: Yes.*

**[REDACTED]**

...



[IC OFFICER]:

*Can you recall whether or not you have seen this email before?*

A: *Yes, I have seen it before.*

Q: *Can you recall what is on the email or read what is on the email?*

A: *It says from [REPRESENTATIVE 5], sent Monday, March 26, 2018 to Yolande Ramharrack, subject Petrojam surprise Tuesday, January 9, 2018. Attachments Petrojam Hennessy cheque, Petrojam January 9<sup>th</sup>, 2018.*

*Dear Yolande, per [REPRESENTATIVE 3]'s email and attachment, please advise on the payment status ASAP and the account is long overdue and needs to be settled...*

Q: *And just to be clear you do recall receiving this email from [REPRESENTATIVE 5]?*

A: *Yes, I did say yes.*

Q: *Do you recognise that email?*

A: *This seems like part of an email but I do recognise the below. It says date 5th of the 2<sup>nd</sup>, 2018. To Yolande C. Ramaharrack, Re: Petrojam surprise party, Tuesday, January 9, 2018. Good day Yolande, could you please provide an update as it relates to the payment. Could you please address same ASAP? The matter is urgent.*



*Q: Thank you. And do you recall receiving this email?*

*A: Yes.*

*Q: Do you recognise the email that is in front of you?*

*A: Yes.*

*Q: Can you read for us what is on the email?*

*A: From Yolande C. Ramharrack, sent Wednesday, May 2nd, 2018 to [REPRESENTATIVE 5], Yolande C. Ramharrack, Floyd A. Grindley and Ronique Budram-Ford. Subject Re: Petrojam surprise party Tuesday, January 9, 2018. Hi [REPRESENTATIVE 5] had called and left messages for you to ascertain the amount outstanding that would perhaps have a settlement using the company's credit card. Kindly provide outstanding amount which we will endeavour settling promptly using same on/before Friday May, 4 2018.*

*Q: Okay, I just want to go a little into this email. Can you say whether or not you had received instructions or what and if so, what instructions you had received in relation to the sending of this email to [REPRESENTATIVE 5]?*

*A: So let me first state that this is a copy from it looks like a thread and it says from me and it is copied which includes Floyd A. Grindley the General Manager and in dialogue with the General*



**Manager I would have been responding based on what he said.**

*Q: Well what is it that he said?*

*A: Kindly provide outstanding amount which we will endeavour settle in promptly using same on/or before Friday, May 4th, 2018.*

*Q: Ms. Ramharrack you are saying that this email which was sent by you was sent by the then General Manager Mr. Floyd Grindley and not you?*

*A: That's not what you asked.*

*Q: What did I ask you?*

*A: You asked me if I can state if this is what I was being asked to do.*

*Q: Okay.*

*A: Yes, was that your question?*

*Q: Maybe that is what you understood from the question.*

*A: All right, could you rephrase your question?*

*Q: I am asking you now the basis upon which you sent this email to [REPRESENTATIVE 5]?*

*A: **Right and I am answering again. I sent it to [REPRESENTATIVE 5] and it has Floyd***





**Grindley here because in his relaying to me this is what I sent to her from my boss.**

[IC Officer]:

*Could you simplify that response please Ms. Ramharrack?*

A:

*So the hotel is asking the company to settle the invoice which Mr. Grindley approved, because I am the facilitator for the event it came to me. I went to my boss and I relayed what was being said and his name is here in that I relayed back to [REPRESENTATIVE 5] that I called to ascertain the total amount that would perhaps have a settlement using the company's credit card, I don't operate the company's credit card. So this would be something that my boss, when I went to ask he said this and he is copied.*

Q:

*He is copied on it but you are the author of the email, so I am asking you whether or not you had instructions from Mr. Grindley to send this?*

A:

*But that's what I said.*

...

Q:

*So he gave you instructions to say this?*

A:

*Yes, my boss gave me instructions and that is why his name is here.*



*Q: Do you normally handle payments for events or relay to clients or service providers or would that be the function of the accounts department?*

*A: All managers do handle service contact, so yes I would; it is not outside of the scope.*

*CHAIRMAN: And would it be the norm that an event like this which is build is settled using the company's credit card instead of a direct cheque?*

*A: I don't know what the norm is Mr. Grey. I know that if invoice is (inaudible) and they are signed off, I have signed off, managers have signed off in their dialogue with any service provider and it has to go to the General Manager for approval or rejection, that is the norm.*<sup>105</sup>

The DI presented a copy of the Invoice which was prepared by Half Moon Jamaica, in relation to the subject “*Surprise Party*” and required that Mrs. Ramharrack recall her knowledge of the document. In this regard, the following discourse ensued:

*“[IC Officer]: Ms. Ramharrack just want to show this to you as well, do you recognise that document?*

*A: So this would have been the proforma relating to – yes, proforma relating – yes.*

*Q: And you received this proforma from who?*

*A: This would be from Half Moon.*

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<sup>105</sup> Transcript of hearing dated September 10, 2018 involving Mrs. Yolande Ramharrack. Pages 52- 58.



*Q: And can you identify from the document – just read from the document the date, the heading and the other substantive information on the proforma for the evidence?*

*A: Petrojam Limited party, Tuesday, January 9, invoice date January 4, 2018. Half Moon Jamaica, Half Moon P. O, Rose Hall, St. James, Jamaica attention Ms Yolande Ramharrack. The descriptor food and beverage, quantity, rate, total cost and then if you could just skip now to the total cost. The total cost would be Eleven thousand two hundred and sixty dollars and twenty-five cents (\$11,260.25).*

*Q: And can you just quote the currency?*

*A: So the total cost as determined would be USD value as in the top header under total cost.*

...

*Q: Thank you. In terms of inscriptions that are on the document do you recognise what they are?*

*A: What the inscriptions are or you are asking me to read and clarify what they are?*

*Q: **I am asking if you can recognise the inscriptions that are on the document?***

*A: **Yes, one is the former CFO Delroy Brown and the other signature would be past the GM.***



Q: *Just indicate which one you are likening to Mr. Delroy Brown former CFO?*

A: *It says Delroy up the top left, it says Delroy.*

Q: *And what does the rest of it say?*

A: *Oh, you are wanting me to read it?*

Q: *Yes.*

A: *Delroy please pay as discussed. Thanks FG.*

Q: *And the date?*

A: *The 5th of the 1st, 2018.*

Q: **Do you recognize that handwriting or those instructions?**

A: **This would have been the general managers.**

Q: *Thank you. And in terms of the other inscriptions that you are able to decipher on the document, can you just indicate what those are?*

A: *I can't make out what is at the top right which is this, (indicating) under the invoice date the inscriptor reads accommodation and meal for Minister Wheatley attending the opening ceremony for the Howard Powell building.*

Q: *Thank you. **Do you recognise that handwriting?***

A: **Yes, that would be the General Manager's handwriting and he had signed it at the end.**



*Q: So the signature at the bottom is that of Mr. Floyd Grindley?*

*A: Correct.*

*Q: Did you take this signature to mean that this was Mr. Grindley giving an approval for the payment of this amount?*

*A: I will state again the invoice came, whatever invoices do come in they need to be approved by the General Manager, in this instance Floyd Grindley, yes.*<sup>106</sup> (DI Emphasis)

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<sup>106</sup> Transcript of hearing involving Mrs. Yolande Ramharrack dated September 10, 2018. Pages 48-51.



Representations Made by Ronique Budram-Ford Concerning an Event Held at the Half Moon on January 9, 2018

Having regard to the fact that the correspondence which were sent between Petrojam Limited and Half Moon Jamaica, were in some instance, copied to Mrs. Ronique Budram-Ford, former Procurement Unit Head, Petrojam Limited, the DI deemed it prudent to require Mrs. Budram-Ford to respond to specific questions in this regard. The following is a verbatim extract from the transcript which was prepared:

“A: *So I am speaking about an event that was held at Half Moon.*

MISS MARTIN: *And what was the nature of the event?*

A: *So there was a naming of a building Montego Bay Building around the 9th of the function held at Half Moon so persons were required to be in Montego Bay at that time. Persons also laid over at Half Moon because the function span till the evening. I am aware that there were emails between Yolande Ramarrack and Half Moon for this particular function that you are asking me about. That particular procurement did not come through my unit, that was something that was done through HR and Finance and Accounting Department.*

MISS MARTIN: *What we can explain based on the records that we have is that she had indicated and it was confirmed by the manager that there was the opening of the building in Montego Bay, a*



significant amount of staff members went to the Montego Bay for that inclusive of the current manager, I was not aware that he was there until he said it to us two weeks ago. On the night of the opening there was a dinner hosted at the Half Moon and we have an invoice, she was not present but we have an invoice indicating that it was accommodating the request of the Minister and it has a breakdown as to what was add and the nature of the accommodations that were put in place for him, so we have that record and we have a significant body of communications touching and concerning persons arranging that event and individuals being copied because there accommodations at Half Moon were being made for that night.

...

CHAIRMAN: First you have to adopt what your attorney has said.

A: I have adopted what my attorney has said.<sup>107</sup>

(DI Emphasis)

Mrs. Budram-Ford further emphasized that she did not attend the function which was held at the Half Moon Jamaica, for then Minister of Science Energy and Technology, Dr. Andrew Wheatley, despite the fact that she was listed as an invitee in email dated January 9, 2018 which was sent by Mrs. Yolande Ramharrack to [REPRESENTATIVE], Half Moon Jamaica.

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<sup>107</sup> Transcript of Hearing involving Mrs. Ronique Budram-Ford dated October 17, 2018. Pgs 43-44



“CHAIRMAN: Suppose I indicate to you that an email exist that indicates who were the parties that were in attendance at what is referred to as a surprise party for the Minister and person number fourteen on the list is Ronique Budhram-Ford.

A: **I was not at the party, I was at Half Moon but I was not at the party.**

CHAIRMAN: **You did not attend?**

A: **I did not attend the function, the Minister's function.**

CHAIRMAN: But your name is on the list as one of the invitees.

A: But I did not attend the function.”<sup>108</sup> (DI Emphasis)

Mrs. Budram- Ford also indicated to the DI that she was not invited to the function and further advised of the procedure that would attend a function of that nature. The following discourse ensued:

“[IC Officer]:

**Were you invited to that surprise party?**

A: **I was not invited to a surprise party.**

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<sup>108</sup> Transcript of hearing Involving Mrs. Ronique Budram-Ford dated October 17, 2018. Pg 45





*Q: Were you aware that it was a surprise party for the former Minister of Energy, MSTEM, Dr. The Honourable Andrew Wheatley?*

*A: I saw some emails between Yolande Ramharrack our HR manager and the hotel; I was copied on the email. Perhaps I was copied for information purposes but I didn't act on it because I was awaiting documentations to come to my desk, nothing came to my desk in relation to it.*

*Q: What documentations were you awaiting to come to your desk?*

*A: For example procurement documents, whether it is a procurement request to initiate the procurement or the bid evaluation control sheet but nothing came to my desk.*

*Q: Would it be usual for a surprise party to be - documentation in terms of the procurement of that to come to your desk?*

*A: Procurements for goods, works and services would come to my desk. If you are asking me if a procurement to plan a party for a Minister would come to my desk, unless instructions, specific instructions were given by the general manager then it would come to my desk.*

*CHAIRMAN: In your procurement function would you have access to the company credit card?*



A: No.

CHAIRMAN: *Who would give authorisation for something to be charged to the company's credit card or the company's credit card to be used to make the payment for it? In relation to the surprise party of which several emails are bound and you were copied on most of them that are available and are in the public domain, did you in your procurement role arrange for payment to be made for that function?*

A: **No, the payment went through accounting department.**

CHAIRMAN: *How would it have been authorised because you would have had to send a purchase order, wouldn't you?*

A: **That is what I am saying the procurement did not come through my unit at all, so clearly that payment went through HR to accounts, so it was not paid by means of generation from procurement documentation.**

CHAIRMAN: *And would that explain why the payment was made as far as May?*

...



A: *I really can't speak to the reason why that happened, I don't have that information.”<sup>109</sup> (DI Emphasis)*

The DI further sought to ascertain whether any actions were taken by Mrs. Budram- Ford, in her capacity as Procurement Unit Head, upon becoming aware of the referenced function. The following representations were made:

“[IC Officer]: *Mrs. Budram-Ford ... just to confirm you were the head of procurement at the time of this party?*

A: *Yes.*

Q: *And you received -- well the information we have is that you were copied to these emails, did you receive the emails?*

A: *Yes, the emails were received.*

Q: *Did you read the emails?*

A: *Some of them, maybe not all of them.*

Q: *What step did you take...*

A: *Just to be clear the emails that I was copied on that I would have responded to would have been to my accommodations to lay over at Half Moon specifically in relation to the accommodations for the Minister, I was copied on those emails.*

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<sup>109</sup> Transcript involving Mrs. Ronique Budram-Ford which was dated October 17, 2018 Pgs.47-49.



**Q: And having been copied on those emails were you alerted to the fact that these arrangements were being made and possibly would it fall under your portfolio as head of procurement?**

**A: Which is what I said before but those documents did not come to my desk for approval. So I saw emails, I get a million emails for the day but I can't act and read all of them, so until the documents reach to my desk then I would take whatever necessary steps I believe is warranted.**

**Q: Okay, so you didn't take step to enquire to say how it is I haven't seen a purchase order or anything for this event?**

**A: No, I didn't reach to my desk at the time. So the arrangements were made through the HR manager Yolande Ramharrack which is what I said before. The emails were between Yolande Ramharrack and Half Moon.**

**Q: I understand but I am just trying to get from your perspective as the head of procurement is that a role or function that you should write to be performing in terms of accommodation and things of that nature. You noticed that is what I said to you before. I said any procurement of goods, services and works should come through the procurement department but that didn't happen. Nothing came to me, I made that point already.**



*Q: I don't think you are understanding what I am saying.*

*MISS MARTIN: She wants to know if you've recognising that it is not coming to you but seeing emails that are speaking to it if you would have taken the initiative to say where are the documents.*

*[IC Officer]: You see somebody else performing your role, your functions, your task and you are being copied...*

*A: I did not say anything as I said I was waiting to see if the documents would have come to my desk before any necessary steps would have been taken by me.*

*CHAIRMAN: Indirectly you took a hands off approach then?*

*A: I wouldn't want to say I took a hands off approach because I don't know if that would be alluding that something is wrong.*

*CHAIRMAN: But the emails are copied to you.*

*A: Yes, but if you understand my desk and my role I get a million emails for the day, so for me to go and deal with every single email when there is a furnace that I need to procure which is more important so that the plant don't shut down I will deal with that as priority. Maybe I didn't see that at the time as priority, so when that particular documentation would reach to my desk then I would maybe do the necessary questioning and ask what is the purpose*



**of this function, but that did not reach to my desk  
so it was not dealt with by me.**<sup>110</sup>(DI Emphasis)

Representations Made by Ms. Maureen Freebourne Concerning an Event Held at the Half Moon  
Jamaica on January 9, 2018

Having regard to the representations that the event which was held on January, 9, 2018, and for which Petrojam Limited was billed the amount of US\$11,260.00, was a part of the proceedings for the naming of the Howard Powell Building, in Montego Bay and/or a part of a Petrojam Limited strategic review and/or pre-meeting, the following representations which were made by Ms. Maureen Freebourne, Corporate Planning and Risk Management Coordinator, Petrojam Limited are instructive:

*“Q: Is it fair to say then that you are principally involved in the strategic review meetings, any meeting you would be involved.*

*A: I am; I would be the person that would coordinate them, do the logistics – all of that stuff to make it happen.*

*Q: And you say coordinate, do the logistics, so all the invitations to attend the strategic review would emanate from you?*

*A: I would do the drafting of them and send them to the General Manager or his Admin Assistant or the Corporate Secretary, depending on who is getting the invitation. So if it is the Board, then it goes to*

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<sup>110</sup> Transcript of hearing involving Mrs. Ronique Budram-Ford Dated October 17, 2018. Pgs. 49-51



*Corporate Secretary; if it is general employees or the ministry, then it goes through the General Manager's office, but I would do the initial drafting and they would finalise and vet it. ”<sup>111</sup>*

*“Q: Are you aware of any, whether post meeting review or retreat any staff activity that was hosted at the Half Moon Hotel?*

*A: Half Moon?*

*Q: Yes.*

*A: In 2017?*

*Q: 2018.*

*A: This year. I can't say no but I am going to say that I am not too sure. Let me tell you why: Earlier this year there was an Access to Information Act request and it went through the RIM officer to Accounts for payment*

*...*

*A: Sorry, the Records and Information officer, to Accounts for payments for strategic planning meeting or something. I got the e-mail; when the accounting officer retrieves the information and sends it to RIM, she would copy it to all persons involved. Now there was a line item in there for something I think in April of this year, some party or the other, but I really didn't pay much attention to that, so that could have*

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<sup>111</sup> Pg 3



*been a 2018 event but to be honest, I really didn't peruse it, I just looked at the things that I knew were my end of strategic planning retreat, the balance for training and of course that party, the payment for it was also on the list. There was one other payment for something else but I really didn't pay much attention to it.*

*Q: So outside of having sight of that document were you ever made aware or invited to provide any task or execute any function in relation to any event at the Half Moon Hotel in 2018?*

*A: No.*

*Q: Were you subsequently made aware of a birthday party that was held in January 2018?*

*A: No. So there was a party in January?"<sup>112</sup> (DI Emphasis)*

Representations Made by Mr. Delroy Brown Concerning an Event Held at the Half Moon Jamaica on January 9, 2018

Mr. Delroy Brown, former Chief Financial Officer appeared before the DI on October 22, 2018, to respond to specific questions. The following representations were made by Mr. Brown as it regards the procedure which would be required to properly undertake the hosting of an event:

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<sup>112</sup> Transcript dated October 17, 2018 Involving Ms. Maureen Freebourne. Pgs. 18-20





*“Q: ... if a function is being organised what would be the accepted process to organise a function Petrojam would be undertaking?*

*A: What would happen, the person who is going to organise the function should get at least three quotations, because we have to satisfy ourselves that we’re getting value for money; so you would get about three – minimum three, preferable five or more – you would get those quotations, then we go through a process where we evaluate those quotations, and that is not done in my department, its done in the procurement area. In fact, when I am finished with this I will mention something about the procurement area; they used to report to me and then the current GM when he turned up took that away from me.*

*Q: The current or the previous?*

*A: Sorry, the previous one, Mr Grindley took that away from me and took the procurement under his wings, so the procurement reported to him – but let me come back to that, because a number of things happened in that procurement area that had to even to do with the change in the staffing members inside there as to who does what...*

*Having gotten the quotations now, the committee would go through it, look at it; if the money is significant they would go through it and say: okay, we think that this one can deliver at the best price, and then a*



*recommendation is made. The Compliance Officer, that is Ronique Budram Ford, would then go through it and ensure that it meets all TOJ's [sic] procurement requirements and then a purchase requisition is raised. When that purchase requisition is raised that is when I would go on the system via the SAP accounting system, tag it and approve it based on ensuring that all of these people have done that already.*

*Once that is done, a physical purchase order is generated – because what I did was electronic – a physical purchase order is generated, it would come to my desk, I sign off on it, the General Manager would sign off on it, and then a copy of that purchase order would be sent to the prospective supplier of that goods or service and we then take it from there. If an advance is required, that is requested from the department, the user department would request it; it would come to me, we would check to ensure that a purchase order exists and when the time comes to pay those bills you have to ensure that a purchase order exists or else you can't pay because the SAP system would not allow you to pay anything without proper authorisation being in place.*

*So it is really a tight process but to the extent that the people who are supposed to manage the process are not compromised – yes, I pause there; yes, you pick up*



*what I am saying. So that process is what it should be.*<sup>113</sup> (DI Emphasis)

In relation to his awareness of the event/ party which was held on January 9, 2018, and the payment which was made in respect of same, the following representations were made:

*“Q: In your role as the CFO now, is it usual that the company would organise events like surprise birthday parties?*

*A: No, no.*

*Q: And is there a specific policy that would indicate your strong ‘no’?*

*A: First of all, as I said because of the process of getting all of that in place, you cannot have that birthday party just willy-nilly because of the – otherwise a few occasions exist and if people find that its – I am normally a stickler for this, if you go and commit the company before, which is what some of them will do, and then try to get the purchase order afterwards because they claim that everything was hurried and emergency, and that’s one of the excuses that happens at the company many times from the user department: ‘say look, we had to get something done quickly and the process would take long, so we had to commit’, that’s sometimes when I push back and say no, you are wrong because you are asking me to approve something that you have gone and done already, so I am not in a*

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<sup>113</sup> Transcript dated October 22, 2018 involving Mr. Delroy Brown, Pgs. 6-7



position to really – I am just rubber-stamping what you have done already because you have already committed the company. So we usually have some strong words in that area because I am saying that is wrong; you cannot – you should not, sorry, I said ‘cannot’ – **you should not commit the company without having the proper documentation in place.** So we don’t have any surprises – no, we shouldn’t.”<sup>114</sup>

“Q: I am going to show you a little document, it has on it – that’s a later one for Half Moon; were you aware of that one? (Document shown to witness)

A: No, I know that what we had – **you notice it says: Delroy, please pay as requested – something like that; that was Floyd Grindley writing to me.** What happened is that I recall us going down to Montego Bay to name the building after a gentleman named Powell, a long time worker at the Montego Bay Terminal – Howard Powell – ... so we got approval to name the building after him. I understand many of the dignitaries were supposed to be there but obviously some of us as senior managers were shuttled elsewhere and some of the other favoured ones were shuttled elsewhere. So no, we didn’t get to stay, as senior as I was and Mikey and other senior members, we had to stay elsewhere while the favoured ones go across by Half Moon. So we didn’t know what happened across by Half Moon; its afterwards we heard about it,

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<sup>114</sup> Transcript dated October 22, 2018 involving Mr. Delroy Brown, Pgs 8-9



*because all we know is that they didn't come across and stay where the commoners were. So we didn't know about it; its afterwards that when all of these things come out – because I didn't know, we only get the bill and once him approve it then of course, if the Minister was staying there and some of the Directors were staying there, but at the time if my memory serves me right, at the hotel that we were staying, where the commoners were, I noticed that the General Manager didn't stay at that one, neither did the HR Manager, neither the Procurement Manager; they weren't among the commoners, so we wouldn't know what happened across there and I wouldn't be the one making the arrangements, I was only told that look, if you going down for the function, you go across there and stay that side and you were just told where to go. As for that arrangement I wouldn't know. Its afterwards now when everything is done you see the bill come in and then you are told to pay these things.*

*Q: Would this have been one of the bills that you would have had serious questions with?*

*A: Yes, these are bills that I would normally say, look, I don't understand, but then again as I said, if you notice it says here, look at the names on it. Now once you see those big names on it, boy, I ....*

[IC Officer]: What you referring to as 'big names'?



...

A: *When you see Minister Wheatley, and at the time Director Creary would have been there, you have Harold Malcolm, Director across there, in fact the Chairman, Dr. Perceval Behado[sic] Singh, I don't think he had made it to Jamaica at the time for that meeting; it was actually Mr Malcolm who actually gave the Chairman's address at the time. But when you work in a system and you see all of those big wigs across there, obviously should I push back? That is more hot water on top of hot water there for me; already I am in the dog house. I cannot push back any harder and if nobody coming to my rescue, nobody coming to my aid, then I would question these but I said, well, I can't question all of these things. If the Directors and Minister say that this is so, who am I to question the correctness of things any more? So once its properly authorised then I am duty bound to pay because any other brute would have been seen as being insubordinate and I was in enough hot water already for those same things already.*

...

Q: *Just looking at that document, Mr Brown, can you just indicate for us, based on the procedures that were in place then and if they are still in place now you can let us know, the persons who would need to approve for that expenditure to be made.*



A: *First of all, for that sort of procurement, I wouldn't necessarily know who the originator would be, but you would have to raise a purchase requisition, it has to be approved on the system and then the purchase order would come up and very likely the Procurement Unit would have been handling all of this. Whoever was arranging it, let's say for instance, the then General Manager's secretary, Judith Jagan[sic] was say organiser and making all the arrangements – sorry, Judith Jagan[sic], the General Manager's Admin. Assistant would probably start the process if she is given that task, then when the purchase requisition is done Procurement would have signed off on all of it and say yes, everything is fine. Then it goes to purchase order and all kind of stuff now. ”<sup>115</sup> (DI Emphasis)*

In relation to the propriety of the utilization of state funds for the celebration of a surprise birthday party for the then Minister, Mr. Brown made the following representations:

“A: *No, no, no surprise can't go for Minister that way, no; it couldn't work. Its public funds you're dealing with; you can't do that, so therefore no, if I knew that I would definitely point out, which I have done that on many occasions, that this is not in line with the public policy, so no. **But of course, this was never presented as if it was a birthday party, so I didn't know anything about it. I had no knowledge as to what took place.** I just know that they were across that side, we were across*

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<sup>115</sup> Transcript dated October 22, 2018 involving Mr. Delroy Brown, Pgs. 19-24



*this side; we don't know what happened. None of the regular people were across there so we couldn't tell.*

CHAIRMAN: *And in relation to this particular one, is it fair to say that the instructions on this one would have come from the then General Manager, Floyd Grindley.*

A: *That is correct,* so he then wrote two places, signed here, there.

Q: *And as a result of those instructions is it that you are also saying that you would have been duty bound to honour this?*

A: *That is correct, to honour that payment because everybody else said it was okay. The compliance people said it was okay, the purchase order exists, so then you just have to continue on with the payment.*<sup>116</sup>  
(DI Emphasis)

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<sup>116</sup> Transcript of hearing dated October 22, 2018 involving Mr. Delroy Brown. Pages 29-30.





Representations Made by Mr. Richard Creary Concerning an Event Held at the Half Moon  
Jamaica on January 9, 2018

Mr. Richard Creary, former Board Director, Petrojam Limited made the following statements concerning his awareness of a surprise Birthday Party which was held for then Minister of Science Energy and Technology, Dr. Andrew Wheatley:

“[IC Officer]: Was there a celebration of a birthday during this three days you had mentioned at the Half Moon? Do you recall that?

A: I recall – I can't remember if it was the first day, which day it was, there was over at a villa, I think that was where Dr Wheatley was staying, we went and had drinks and so on. As I say I don't remember when his birthday was but I know it could have been then because I remember there was the cutting of a cake and so on. As I say I don't recall the date but if you say it's January, I would imagine it is.

Q: *Can you recall any other invitees to that event that involved the cutting of the cake?*

A: *I know it was persons who were at the retreat. I can't recall the individual members who were at the Retreat.*

Q: *The General Manager was there? Mr Haddeed was there?*



A: *The General Manager I know definitely was there, I am not sure if Mr Hadeed was there. No, Mr Hadeed was not present at that.*

Q: *Any other members of the Board?*

A: *I know, Mr Bahado-Sing [sic] was there, Mr Malcolm.*

CHAIRMAN: *You were present?*

A: *Yes, I was present.*

[IC Officer]: *What about any employees at Petrojam? Do you recall them being there as well? The HR manager?*

A: *The HR Manager was present.*

CHAIRMAN: *Mr Grinley?*

A: *Mr Grindley was present as well.*

[IC Officer]: *Do you recall any other senior Managers of Petrojam **being** present?* A: *I can't all of who were there but I know those persons that I mentioned were present.*

...

[IC Officer]: *Do you recall whether or not you required any special invitation for that gathering at the minister's villa?*

A: *I was just told to attend.*

Q: *By whom?*



A: *I think perhaps Mr Grindley or the chairman. I don't remember which one; either the chairman or Mr Grindley; Chairman, Mr Bajado-Sing [sic] or Mr Grindley, I am not sure which one.*

Q: *Where were you accommodated for the meeting and the post events that took place at the Half Moon Hotl [sic]?*

A: *The meetings were at Half Moon.*

Q: *Yes, but where were you accommodated?*

A: *At Half Moon as well.”<sup>117</sup> (DI Emphasis)*

Representations Made by Dr. Perceval Bahado-Singh Concerning Event held at Half Moon  
Jamaica – January 9, 2018

The DI, by way of a statutory requisition, which was dated February 27, 2019, required that former Board Chairman, Dr. Perceval Bahado-Singh, respond to the following questions:

*“It has been alleged that a party was held in the celebration of the birthday of Dr. the Hon. Andrew Wheatley, former Minister of Science, Energy and Technology at the Half Moon Hotel by Petrojam Limited in January 2018.*

*Please provide a comprehensive executive summary outlining the following:*

*(a) The veracity of this allegation;*

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<sup>117</sup> Transcript of hearing involving Mr. Richard Creary which was dated September 11, 2018. Pages 30-34.



- (b) *Whether you were in attendance at the referenced party;*
- (c) *Whether you were directed or influenced to make any decisions in respect of the referenced party; and*
- (d) *In the event that your response to (c) 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.*<sup>118</sup>

Dr. Bahado- Singh, by way of his response which was dated March 11, 2019, made the following representations:

- “ a. The veracity of the allegation that a birthday party celebration for Andrew Wheatley at Half Moon Hotel by Petrojam Limited in January 2018, is confirmed by the Auditor General report, December 2018.*
- b. I was not in attendance at this referenced party.***
- c. I had no input in the planning of this referenced party, nor was I directed or influenced to make any decisions with respect to the referenced party.***<sup>119</sup> (DI Emphasis)

<sup>118</sup> Statutory Requisition dated February 27, 2019 which was sent to Dr. Perceval Bahado-Singh. Question No. 3.

<sup>119</sup> Response dated March 11, 2019 which was addressed to the IC by Dr. Perceval Bahado-Singh. Response 3.



Representations Made by Dr. Andrew Wheatley Concerning an Event Held at Half Moon  
Jamaica on January 9, 2018

“CHAIRMAN: Dr. Wheatley it is public knowledge that there were some parties that were held and it is public knowledge that more than, approximately one point four million was spent on a party for Dr. Perceval Bahado-Singh. It is also public knowledge that the invoices in relation to that party was issued to Miss Ramharrack. My question to you is whether or not you were aware of such an allegation?

A: Apart from -- I know you are taking the parties separately but I was not aware of any type of arrangements like that as it relates to the party, none whatsoever, any of the parties.

CHAIRMAN: Well, I am going to take each one separately.

A: I know. I am preempting it, because it is something that, you know it came as a surprise to me when it became public in the report to be quite honest. Continue Director, please.

...

CHAIRMAN: Are you aware that it is now in the public domain that there was another party which was held on your behalf?

A: I am aware.



CHAIRMAN: And we go back to your initial answer now that you were not aware of the circumstances by which the party or any details surrounding the party?

A: Correct.

CHAIRMAN: It is in the public domain that the sums expended on this party that was held on your behalf was reimbursed. Are you aware of that?

A: I am aware.

CHAIRMAN: And it has also become public knowledge that the sum was reimbursed by someone using the name Elizabeth Movston?

A: I am aware.

CHAIRMAN: Do you know Elizabeth Movston?

A: No.

CHAIRMAN: *But the sum was paid over to Petrojam on?*

A: I was told because it's in the public domain.

CHAIRMAN: You didn't solicit any funds to make any payment?

A: No.

CHAIRMAN: And you never approved the reimbursement either?

A: No...

...



CHAIRMAN: ...I am just going to show you briefly Dr. Wheatley and your attorney. This is a letter that was supplied to us from the named person, Elizabeth Moyston.

...

We will show it to you, and I will just indicate, it is a letter that was received from this person undertaking to repay the sums advanced. It's a copy of the letter that we received. **And as you have indicated before you have no personal knowledge of this person?**

A: **No.**

...

[IC Officer]: .... I am going back to your surprised birthday party. Can you tell me some of the individuals who were in attendance or the names of the individuals, for instance, to include any Petrojam employees or Board members, if any?

A: I am trying to recall the details of that night because I was under the weather, I had the flu that night so, you know, **the whole matter of a surprised party was not even a party per se because we went down there for the opening of a building and I got back late and there was -- I don't want to make any mistake in terms of naming persons who I don't fully recall their attendance. Mr. Director I don't want to posit an answer here where I am not too, too sure.**



[IC OFFICER]: *So you don't recall anybody at all being there?*

A: *I wouldn't say I don't recall. I am trying to ascertain the members, the persons who were there. Well, I know that the Jamaican members of the Board a couple of them were there.*

Q: *Which ones do you remember being there Dr. Wheatley?*

A: *I think Mr. Creary was there*

CHAIRMAN: *Richard Creary.*

A: *I am not too sure if Dr. Bahado-Singh was there, and I am trying to be very cautious because I don't recall the names of the persons there, because it was not like a party per se, because when I got there I wasn't in the best of mood to be quite honest, I was really under the weather, the flu was on me at the time.*

Q: *Do you recall whether any employees of Petrojam were there?*

A: *No.* <sup>120</sup> (DI Emphasis)

Representations Made by Mr. Floyd Grindley Concerning Event Held at Half Moon Jamaica—  
January 9, 2018

The DI, by way of a requisition dated February 27, 2019, considered it pertinent to ascertain the involvement of Mr. Floyd Grindley, former General Manager, Petrojam Limited, in relation to

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<sup>120</sup> Transcript of hearing involving Dr. Andrew Wheatley dated March 4, 2019. Pages 38, 42, 51-52.





the alleged use of state funds for the hosting of a surprise party in celebration of the birthday of Dr. Andrew Wheatley, MP. Mr. Grindley, in his July 23, 2019, response advised as follows:

“a. ...Petrojam officially opened its new Administrative Office Building at our Freeport Montego Bay location on January 9, 2018. The building was named **The Howard Powell Building**...

...

*Present at the event was the then Hon. Minister Wheatley (Guest Speaker at the event), Board of Directors, Group General Manager, Petrojam’s Management Team and several other members of staff. Staff members who attended were overnighted at various hotels in Montego Bay such as Half Moon and Secrets. Additionally, arrangements for accommodation and meals, were also made for Minister Andrew Wheatley, who was the guest speaker at the event, to overnight at the Half Moon Hotel. It was brought to my attention that it was the Minister’s birthday and the company provided a cake in gratitude of the Minister’s birthday.*

*Mrs. Yolande Ramharrack (HR Manager) spearheaded the handling of the Minister’s*



*reservation at Half Moon Hotel and that of all staff members who overnighted at various hotels in Montego Bay. Said accommodations and meals were paid for by Petrojam. Note that the department responsible for planning and execution of these activities fell under the remit of the Human Resources Department. Mrs. Ramharrack was the Manager for the HR Department.*

**All purchase orders in relation to the event at the Terminal and accommodations/meals were all approved by me in the capacity of General Manager.**

...

*...I was in attendance, at both events held at Petrojam's Terminal and Half Moon Hotel.*"<sup>121</sup> (DI Emphasis)

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<sup>121</sup> Response dated July 23, 2019 which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 8.



## **Circumstances Surrounding the Alleged Use of State Funds for the Hosting of a Surprise Party for the Former Board Chairman**

The DI commenced its investigation into the aforementioned matter upon receiving internal correspondence, dated August 23, 2018, which was retrieved from Petrojam Limited. The correspondence, which was addressed to the current General Manager, Mr. Winston Watson, on a Petrojam Limited letterhead, outlined, *inter alia*, the following:

### ***“Function held at The Palms – September 20, 2017.***

- 1) A function was held at The Palms on night of September 20, 2017.*
- 2) The Petrojam person making arrangements for this function was Ronique Budram-Ford.*
- 3) The stated purpose of the function was Surprise Birthday Party for former Board Chairman “Stevie” Bahado- Singh ...*
- 4) The organizer of the Strategic Planning Retreat, Maureen Freebourne was unaware of this function.*
- 5) The cake for the function was provided by Signature Cakes and Desserts.*
- 6) Lighting and DJ services were provided by Montage Audio Visual & Event Production (AV Montage).*
- 7) The cost of this function was US\$ 10,506.75 (ten thousand five hundred and six dollars and seventy cents) or J\$ 1,357,950.75 (one million three hundred and fifty seven thousand nine hundred and fifty dollars and seventy five cents) based on the quoted exchange rate by Rose Hall Development Limited*
- 8) A Purchase Order (4500040918) dated 30.10.2017 in the sum of US\$ 10,506.75 was generated to cover the cost of this function ...*



- 9) *The stated reason on the Purchase Order is “Pre strategic planning retreat meeting.*
- 10) *The Bid Evaluation Control Approval Sheet (BEACS) supporting the Purchase Order was signed by Judith Jaggon, Yolande Ramharrack, Ronique Budram- Ford and Floyd Grindley. The description of procurement activity states that it was a “Pre-Strategic Planning Retreat Meeting”*
- 11) *Please note that the function was held on September 20, 2017 and procurement started October 3, 2017 and the PO finalized on October 30, 2017. This is a retroactive approval which is in breach of Procurement rules as it was not an emergency. Ronique Budram-Ford as the head of the Procurement Unit ought to be aware of this.*
- 12) *Ronique Budram- Ford misled the current General Manager when she provided answers to questions relating to the said function in that when asked the purpose of the function she responded “I was instructed by the General Manager that there was a need to convene a pre-strategic planning meeting for 25 guests”. ” <sup>122</sup>*

#### Initiation and Planning of Event Held at the Palms/Palmyra on September 20, 2017

The DI perused the contents of several email correspondence which were sent during the period September 19, 2017 to December 8, 2017. The emails outline a chain of communication concerning the coordination of the event and the settlement of payment among then employees

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<sup>122</sup> Memorandum dated August 23, 2018, which was addressed to the current General Manager, Mr. Winston Watson, Petrojam Limited.



of Petrojam Limited and representatives of Rose Hall Developments. The following email chronology is of significant importance:

1. Email dated September 19, 2017 1:07PM which was sent by [REPRESENTATIVE 6], Rose Hall Developments to Mrs. Ronique Budram-Ford, bearing the subject line “Special Event- Rose Hall Palms at Palmyra”. The following, *inter alia*, was stated:

*“Ronique*

*It was wonderful talking to you today – we are excited to work with you on this surprise Birthday party for Stevie Bahado-Singh.*

*Please see attached a preliminary quote which shows pricing for a live band and catering as discussed. We have tentatively booked these services and await your confirmation of same.*

*Note we could achieve some savings if we went with a DJ instead of the live band but we wish to point out that the live band will achieve the flavour of event that we think you are looking for.”*

*(DI Emphasis)*

2. Email dated September 19, 2017 2:51 PM which was sent by Ms. Alecia Woodbine, on behalf of Signature Cakes & Desserts to Mrs. Ronique Budram-Ford bearing the subject “*invoice for cake Wednesday 20<sup>th</sup>*”. The following was stated:

*“please see the attached invoice.”*



3. Email dated September 19, 2017 6:55 PM from Mrs. Ronique Budram-Ford to Mrs. Yolande Ramharrack, bearing the subject, “*Special Event- Rose Hall Palms at Palmyra*”. The following was stated:

*“Hi Yolande: Let us discuss”.*

4. Email dated September 26, 2017 8:15 PM from Mrs. Ronique Budram-Ford to **[REPRESENTATIVE 6]** bearing the caption “*Special Event- Rose Hall Palms at Palmyra*”. The following was stated:

*“Hi **[REPRESENTATIVE 6]**: please be reminded to provide the final quote /invoice.”*

5. Email dated September 27, 2017 11:11 AM from **[REPRESENTATIVE 6]** to Mrs. Ronique Budram-Ford bearing the caption “*Special Event- Rose Hall Palms at Palmyra*”. The following was stated:

*“Ronique*

*Please see attached our Final Invoice for your event held at The Rose Hall Beach Club on September 20, 2017.”*

6. Email dated October 5, 2017 10:37 AM from **[REPRESENTATIVE 6]** to Mrs. Ronique Budram-Ford bearing the caption “*Special Event- Rose Hall Palms at Palmyra*”. The following was stated:

*“Hi Ronique*

*Quick note to follow up on this payment – can you say if it was done? If so- was it a cheque to be collected or a direct deposit?”*



7. Email dated October 5, 2017 6:21 PM from Mrs. Ronique Budram-Ford to Mrs. Floyd Grindley, bearing the caption “*Special Event- Rose Hall Palms at Palmyra*”. The following was stated:

*“Please ask Judith for an update and to expedite same...”*

8. Email dated November 10, 2017 5:03 PM from **[REPRESENTATIVE 6]** to Mrs. Ronique Budram-Ford bearing the caption “*Following Up on Payment*”. The following was stated:

*“[REPRESENTATIVE 6]: Thanks for the banking details.*

*Jerhoney: Please provide an update regarding payment.”*

9. Email dated December 6, 2017 7:46 AM from **[REPRESENTATIVE 6]** to Mrs. Ronique Budram-Ford bearing the caption “*Following Up on Payment*”. The following was stated:

*“Ronique*

*Our Accounts team cant seem to identify this deposit to our Account and we are way past the critical point to close this event- please help us to figure out if payment was a deposit to our USD or JMD Account.”*

10. Email dated December 6, 2017 8:25 AM from Mrs. Ronique Budram-Ford to **[REPRESENTATIVE 6]** and Mrs. Ronique Budram-Ford bearing the caption “*Following Up on Payment*”. The following was stated:

*“Will do, [REPRESENTATIVE 6]*



*Sorry this is taking so long.”*

11. Email dated December 8, 2017 8:57 AM from Ms. Jannell Johnson to Mrs. Ronique Budram Ford and Mr. Delroy Brown and copied to Ms. Jerhoney James and **[REPRESENTATIVE 6]**, bearing the subject “*Payment Details – Rose Hall Hotel*”. The following was stated:

*“Good Morning Ronique,  
The payment left our account on Tuesday afternoon, kindly see below tracking details.”*

In addition to the emails which were reviewed by the DI, the following documents were also perused:

1. Invoice dated September 20, 2017, bearing Invoice Number 1324 from Signature Cakes and Desserts in the amount of \$20,970.00, for an item described as “*Chocolate double fudge with mousse and coconut cream*”. The Invoice noted the customer as “*Petrojam*”;
2. A copy of the Bid Evaluation Approval Control Sheet which recorded, *inter alia*, the following:
  - i. Procurement Title: Petrojam Limited Strategic Planning Retreat
  - ii. Description of Procurement Activity: Pre Strategic Planning Retreat Meeting
  - iii. Comparable Estimate: US\$11,000.00
  - iv. Procurement Methodology: Direct Contracting
  - v. Number of invitees: 1
  - vi. Number of bids received: 1
  - vii. Recommended Vendor: Rose Hall Hotel
  - viii. NCC Category: N/A





- ix. Quoted Price US\$ 10,506.75
- x. J\$ Equivalent: \$1,386,891.00
- xi. Endorsements: Requestor- Judith Jaggon

Department Manager- Yolande Ramharrack  
Procurement Unit Head- Ronique Budram-Ford  
General Manager- Floyd Grindley

The DI notes that the endorsement was signed in each instance on October 3, 11, 6, and 12, 2017, respectively.

The DI attaches at Appendix 6, a copy of the Invoice which was prepared by Rose Hall Developments Limited.

In addition, the DI perused the Purchase Order which was prepared by Petrojam Limited in relation to the said function. The Purchase Order was dated October 30, 2017 and the noted delivery date was October 13, 2017. The items described were “*Provision of*

*Accommodation Services re Petrojam Limited Strategic Planning Retreat*”, with the total amount being US\$10,506.75.

Representations made by Mrs. Ronique Budram-Ford Concerning an Event which was held on September 20, 2017

By way of a Memorandum which was dated August 8, 2018, and which bore the caption “*Function held at Palmyra- September 19, 2017*”, Mr. Winston Watson wrote to Mrs. Ronique Budram-Ford advising of the conduct of an Investigation by the Security Unit of Petrojam Limited and requiring written responses to specific questions. Mrs. Budram-Ford, by way of her response which was dated August 10, 2018 and addressed to Mr. Winston Watson stated as follows:

***“Question 1: What was the purpose of this function?”***



**Response:** *I was instructed by the General Manager that there was a need to convene a pre-strategic planning meeting for 25 guests. I complied with this request as evidenced by the quotation.*

**Question 2:** *Who authorized this function?*

**Response:** *As far as I am aware, the function was authorized by the former General Manager.*

**Question 3:** *Was any member of the Petrojam Management Team in attendance?*

**Response:** *I am unsure which members of the Petrojam Management team were in attendance and this is a query that could appropriately be submitted to the former General Manager.*

**Question 4:** *Was any other Petrojam employee in attendance?*

**Response:** *The answer for this question is the same as Question 3*

**Question 5:** *Do you have any other information in relation to this function?*

**Response:** *I am unaware neither can I recall at this time any other pertinent issue.”*

On October 17, 2018, the DI required that Mrs. Budram- Ford appear before the Director of Investigation. The following is a verbatim extract of the transcript which was prepared in relation to the proceedings:

“CHAIRMAN: We move now ... a function that was held at Palmyra, the arrangement of that function would it have been facilitated by the procurement unit?



A: **That procurement was facilitated by the unit, yes.**

CHAIRMAN: *And in keeping with your earlier statement are you aware as to who would have been the initiator?*

A: **The initiator of that procurement was from the general manager.**

[IC Officer]: *The former general manager Floyd Grindley?*

A: *That is correct.*

CHAIRMAN: **Were you aware as to what that function at Palmyra would have been or entailed.**

A: **I was just instructed by the general manager that he wants to convene a meeting for 25 guests.**

[IC Officer]: *Mrs. Budhram [sic]-Ford did you consider that request to be unusual, are matters of this nature normally routed through you?*

A: *I didn't consider it unusual because there was a strategic meeting that was going on at that time that persons, employees would be going to Montego Bay, it was a retreat, it was like a five day, it was a retreat, a couple days and I understood that he wanted to have a pre meeting prior to that strategic meeting.*

Q: *The reason why I asked if the request was unusual to you, if you considered it unusual was, are you familiar with your – I didn't get the term, the title is*



*Corporate Planning and Risk Management  
Personnel?*

A: *At Petrojam? ...*

Q: *Yes.*

A: *If there is a person?*

Q: *Yes.*

A: *There is a department that deals with the planning  
of strategic...*

CHAIRMAN: *Events.*

[IC Officer]: *Retreat et cetera.*

A: *Yes, the retreat, the five years or whatever look  
ahead.*

[IC Officer]: *And so that is the reason for my question  
considering that you do have a department that  
would handle matters of that nature did you  
consider Mr. Grindley's request to do any  
coordination or planning in relation to that pre  
strategic meeting, did you consider it unusual given  
that fact?*

A: **At the time I didn't consider it unusual. I was  
given an instruction to put in place  
accommodations to facilitate a meeting he wanted  
to have. Details of the meeting I don't have. It**



**was before, the night before, the evening before  
the actual strategic review meeting.**

[IC Officer]: *Do you recall the date?*

A: *Of the Palmyra?*

[IC Officer]: *The date of the pre meeting and the date of the  
retreat that took place.*

...

A: *September 20, 2018.*

[IC Officer]: *2018?*

MISS MARTIN: *Sorry you made a mistake.*

A: *Sorry 2017.*

MISS MARTIN: *And the retreat was the 21st.*

[IC Officer]: *I am sorry I am a little confused. The retreat was  
held at the Palmyra in September?*

MISS MARTIN: *It was retreat held at a hotel in Montego Bay that  
according to the witness in the enquiry was better  
suited to accommodating the retreat, the staff, the  
small rooms for small sessions, this is the person  
you spoke of earlier she has actually given  
evidence in the enquiry last week and she gave a  
statement, so that retreat that happened at the hotel  
Ziva they held the retreat and on the night or the  
evening before the commencement at Palmyra there  
was this other event.*



...

[IC Officer]: *But you have a response to that question Mrs. Ford are you aware of the details of that prestrategic meeting or event.*

A: ***Details that I am aware of is the invoice that was provided and the instructions that were given to me to put the event in place, the accommodations in place.***

Q: ***So you do have an email or do you have any documentations with instructions to put those actions into place?***

A: ***I don't have any written instructions.***

Q: ***This discussion took place verbally, it was a verbal discussion?***

A: ***It was a verbal discussion, yes.***

CHAIRMAN: ***Who would have been the initiator?***

A: ***The former general manager Mr. Grindley would be the initiator.***

[IC Officer]: *Would you be able to recall the full discussion or the nature of the discussion that you had, what did Mr. Grindley say he wanted to have take place and what was he asking you to execute?*

A: ***He had asked for accommodations to be made at Palmyra and to accommodate 25 guests and this***



was in relation to a prestrategic meeting, that was the extent of the discussion.

Q: And what actions did you take in relation to that request or those instructions?

A: I contacted Rose Hall and asked if they make accommodations and he also asked since around that time it coincides with the Chairman's birthday that arrangements be made for cake a to be kept at the location as well.

Q: And did you consider that request to be unusual, any part of that request or those instructions to be unusual?

A: Providing a cake that coincides with the Chairman's birthday, it would be unusual in that it is a prestrategic meeting and it is his decision that he wanted to have a cake that coincides at that time with the meeting.

CHAIRMAN: So you never questioned it?

A: I didn't question it, those are instructions coming from the general manager.

[IC Officer]: Do you have – and I am not sure if the documents that you have will speak to that, but can you recall who were the persons who would have comprised that number of twenty-five that were invited to this event and the strategic meeting?



A: *I was not told who were the 25 persons.*

Q: *Were you in attendance?*

A: *I was not in attendance.*

Q: *Are you aware of any person who stood out to you who would have been invited?*

A: *The only person that I figure would have been attending is the general manager because the*

*instruction came from him. I could assume that Board of Directors would have been in attendance.*

CHAIRMAN: *But you are not certain?*

A: *I am not certain.*

[IC Officer]: *So you can correct me if I am wrong, but you did indicate that you were required or instructed to provide hotel accommodations for those 25 persons, would you say that?*

A: *Hotel accommodations meaning just not layover to provide names just for the venue, to provide accommodation at that venue for 25 guests for an event.*"<sup>123</sup> (DI Emphasis)

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<sup>123</sup> Transcript of hearing which was held on October 17, 2018 involving Mrs. Ronique Budram-Ford. Pages 36-40. Mrs. Budram-Ford was represented and assisted by Attorney-at-Law Ms. Deborah Martin.





Representations made by Ms. Maureen Freebourne Concerning Event held on September 20, 2017

Ms. Maureen Freebourne, Corporate Planning and Risk Management Coordinator, Petrojam Limited, appeared before the Director of Investigation on October 17, 2018, to respond to specific questions relating to the captioned matter. The following is a verbatim extract of the questions and responses which were provided:

*“Q: So you were not aware of any other function that may have been held at a venue named Palmyra?”*

*A: No.*

*Q: In relation to the organisation of that function any instructions were given by you?*

*A: Not by or to me.*

*Q: And in your role on pre-strategic review, strategic review, post strategic review functions would have been coordinated by you.*

*A: Yes, sir – should have been, yes...*

*...*

*CHAIRMAN: I would still ask the question even though I may have the answer: Are you aware now of any function which Petrojam would have held at Palmyra Hotel in relation to it being referred to as a strategic review session?*

*A: As I said to you before, that the pre-strategic meeting that was all over the news, the Press; inside the organisation there was a lot of buzz about it.*



*Q: No knowledge of it?*

*A: No knowledge prior to.*

*Q: Either....*

*A: No, that is not true, that is not true. In I think December an invoice came for payment and it was directed to me for payment because generally when there is an invoice to be paid, the person who receives the goods or service has to sign first, 'goods or service received', and then it goes to your manager for approval upon your word. So I think in December or maybe October – some time after the retreat though – an invoice came to be paid for a pre-strategic meeting. It was brought to my attention by the accounting officer to say 'I thought you said your account was closed out, so here is another invoice to be paid'. I said to her I don't know anything about it but let me see it – because this was a conversation on the phone. She took a screen shot of the purchase order and sent it to me via e-mail. At that time I saw that it said Rose Hall, it didn't say Palmyra it said Rose Hall and it said pre-strategic meeting. So I called her back and I said to her, I didn't do anything at Rose Hall; I was at Hyatt Ziva Zilara. However, on the purchase order it has Mrs Jagan's [sic] name, Judith Jagan [sic], talk to her; and that was the last I heard of the pre-strategic planning meeting ...<sup>124</sup>*

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<sup>124</sup> Transcript of hearing which was held on October 17, 2018, involving Ms. Maureen Freebourne. Pages 11,13-14.



Representations Made by Mr. Delroy Brown Concerning an Event which was held on September 20, 2017

The following representations were made by Mr. Delroy Brown, Chief Financial Officer, in relation to his knowledge of the subject event:

*“Q: In relation now to a surprise birthday party, in your role as CFO were you aware of a surprise birthday party that was going to be held at the Palmyra?*

*A: No, and if you recognise on the 31<sup>st</sup> August I was suspended for a week. Rumour has it that that one week was a window of opportunity for others – I won’t say much on that one. I mean, I was just called in and told that I must go off for a week and no proper reason given. When I came back I kept pressing, what was this all about?*

...

*Q: ...did you become aware of a surprise party that was being held at Palmyra?*

*A: No, I only heard through the grape vine afterwards; obviously I would not have been invited or made known of that because I would never have been in their good books because prior to when it was supposed to happen I was suspended, so you know I am not in their books.*



*Its afterwards when I saw the thing come up, I then went to Maureen Freebourne and I said: Maureen, what's this about? Because she's the one who arranges for the staff retreat and we had a Board meeting at that time down that side as well, which I normally attend the Board meeting because the Joint Venture Agreement makes provision for me to attend all Board meetings, so for years I have been attending Board meetings along with the General Manager in terms of making our reports – right?*

*So I saw this – I think I remember seeing something about US \$25,000, if my memory serves me correct, which was a separate one and looked a little bit odd, so I said, Maureen, you know of this? But of course, the General Manager signed off on it already. I said you are the one coordinating this; she said she would check it out. Then I didn't hear back anything from her and everybody was pressing for this payment to be made. So in the end if everybody is keeping quiet, nobody is saying anything and nobody see anything irregular about it, then obviously – – but I didn't know anything about it until afterwards when I hear certain things in the Press that – after my termination by the way that I heard about a lot of things in the Press that I didn't know of.”<sup>125</sup>*

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<sup>125</sup> Transcript of hearing involving Mr. Delroy Brown which was dated October 22, 2018. Pages 9-10, 19.



Representations made by Dr. Perceval Bahado-Singh Concerning an Event held on September 20, 2017

The DI, by way of a Requisition dated February 27, 2019, required that Dr. Perceval Bahado-Singh provide responses to question relating to, *inter alia*, the referenced party. In this regard, the following responses were received:

*“Background/Context:*

*On September 19<sup>th</sup>, 2017, I arrived in Jamaica for BOD meeting, PIMSEC and the Management Strategic Planning Retreat. The purpose of the business trip was to accompany the management team, comprised of general Manager Floyd Grindley, Chevril Shaw and Mr. Rodney Davis, consultant to Petrojam) to PIMSEC meeting on September 20<sup>th</sup>, 2017 in Kingston. The PIMSEC meeting was for Petrojam to make a presentation on the VDU project, and was seeking PIMSEC approval, which would proceed to cabinet for final approval. On September 21<sup>st</sup>, 2017 I participated in the Petrojam Strategic Planning Retreat held at Hyatt Ziva Hotel... On September 23<sup>rd</sup>, 2017 I further participated in the strategic planning retreat and departed Jamaica that evening.*

- a. A surprise birthday party was held at the Palmyra resort on September 19<sup>th</sup>, 2017. The surprise party was unbeknownst to me.*
- b. I gave no directives and/or instructions for Petrojam Ltd to host the “surprise birthday party”*
- c. I was in attendance at the surprise birthday party.”<sup>126</sup>  
(DI Emphasis)*

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<sup>126</sup> Response which was received from Dr. Perceval Bahado- Singh dated March 11, 2019. Response No. 2.



Representations made by Ms. Judith Jaggon Concerning an Event held on September 20, 2017

By way of a Statement which was provided on September 13, 2018, by Mrs. Judith Jaggon, Administrative Assistant to Mr. Winston Watson, current General Manager and the former General Manager, Mr. Floyd Grindley, the following representations were made:

*“At the beginning of October I received an invoice from Mrs. Ronique Budram-Ford who at the time was the head of the procurement unit. Mrs. Ford instructed me to have the former*

*General Manager sign off on the invoice and take it to the accounts department for processing. At the time I didn’t know what the invoice was for, but I knew that it was from the Rose Hall Hotel. I did as I was instructed. I must state that all invoices come to this desk and it would not be unusual for me to pass on an invoice to the former General Manager for his signature.*

*During the processing of the Invoice I was asked by the Accounts department to justify the submission of the invoice. The cost accountant [Mrs. Sophia Archer] asked what the Invoice was for and I directed her to Mrs. Ford, who submitted the invoice or Ms. Freebourne who is the corporate planner and coordinator of the Strategic Retreat. I don’t know the discussion that they had however the cost account explained to me that she could not understand why the invoice was submitted, when during same period the staff stayed at another hotel for the Strategic Planning Retreat. I was never a part of the matter beyond this point.”<sup>127</sup>*

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<sup>127</sup> Witness Statement of Mrs. Judith Jaggon dated September 13, 2018.



### The Reimbursement to the former General Manager for Out of Pocket Expense

Petrojam Limited provided the DI with a copy of a document entitled “*GM’s Out of Pocket Expenses*”, which detailed several items during the period September 26, 2017 to November 7, 2017, and which totaled \$225,747.80. The DI noted a payment in the amount of \$20,970.00, which was stated on the said document in relation to a “*Cake for Strategic Planning Retreat Function*”.

By way of a Statement which was provided on September 13, 2018, by Mrs. Judith Jaggon, the following representations were made:

*“Sometime at the end of September a receipt for a cake that cost Twenty Thousand Nine Hundred and Seventy Dollars was given to me by the former General Manager, and instructions were that the receipt was to be included in his [Floyd Grindley’s] reimbursable expense. I added the receipt to the former General Manager’s request for reimbursement and submitted it to the Chief Financial Officer (CFO) for processing, the payment was successfully processed and he was reimbursed for the cake.”<sup>128</sup>*

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<sup>128</sup> Ibid.



Representations Made by Mr. Floyd Grindley Concerning Event Held at the Palmyra Beach Condos— September 2017

The DI, by way of a requisition dated February 27, 2019, deemed it prudent to ascertain the involvement of Mr. Floyd Grindley, former General Manager, Petrojam Limited, in relation to the alleged use of state funds for the hosting of a surprise party in celebration of the birthday of Dr. Perceval Bahado-Singh. Mr. Grindley, in his July 23, 2019, response advised, *inter alia*, as follows:

*“...The chief purpose for convening at Palmyra Beach Condos was to host the annual strategic meeting/convention with several key stakeholders (line staff, mid-level managers, upper-level managers, and board directors) from Petrojam at Hyatt Ziva Rose Hall. Other invited guests included PCJ Board Chairman, PCJ Group General Manager and the Hon. Minister Wheatley. The day before Petrojam’s strategic meeting/convention, there was a need to convene a pre-strategic meeting. There was also a planned Board of Directors meeting scheduled for same date. **Being that both the strategic & board meetings coincided with the Chairman’s birthday, I gave last minute instructions that a cake be ordered in recognition of his birthday**...I anticipated a huge challenge ahead of us to get the VDU project approved by the Venezuelans from previous board meetings. This was the main driver why I requested the pre-strategic meeting with the Jamaican directors and*





*as an aside, we acknowledged the Chairman's birthday with the cake ordered thereafter. We were all already convened for the meetings and so we simply remained gathered for his birthday.*

...

*I instructed the Head of the Procurement Unit (Mrs. Ronique Budram Ford) and Human Resource Manager (Mrs. Yolande Ramharrack) to engage the services of Rose Hall – Palmyra to make arrangements for the pre-strategic meeting and thereafter we simply used those same arrangements to facilitate the birthday celebration.*

**...I purchased a cake on the day of the strategic meeting for approximately \$25,000.00 for which I was reimbursed by the company.**

*...I was in attendance, at the aforementioned pre-strategic meeting and birthday gathering thereafter.”<sup>129</sup> (DI Emphasis)*

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<sup>129</sup> Response dated July 23, 2019, which was addressed to the DI by Mr. Floyd Grindley, former General Manager, Petrojam Limited. Response 7.



## **Relationships and/or Affiliations between Petrojam Limited Employees, GoJ Officials and Other Persons**

The Director of Investigation has identified and established certain relationships which exist or may have existed between Petrojam Limited officials/employees, GoJ Officials and other key persons.

### **Dr. Andrew Wheatley, MP and Dr. Perceval Bahado-Singh**

During the course of a hearing held on March 4, 2019, Dr. Andrew Wheatley, MP stated the following, *inter alia*, regarding his alleged relationship with Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited:

**“...Dr. Bahado-Singh, I know him in a number of different, I know him as a former member in the previous government administration as a member of the South East Region Health Authority. He was also a former student of mine, PHD student...”**<sup>130</sup> (DI Emphasis)

Of significant import to the DI is Dr. Bahado-Singh’s response to the DI dated March 11, 2019, wherein he indicated, *inter alia*, that prior to 2016, Dr. Andrew Wheatley was his “academic/postgraduate supervisor, mentor and friend”.<sup>131</sup> He further indicated that he has a personal relationship with Dr. Wheatley during and post the period 2016-2018, as he knows him “fondly as a friend”.<sup>132</sup>

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:

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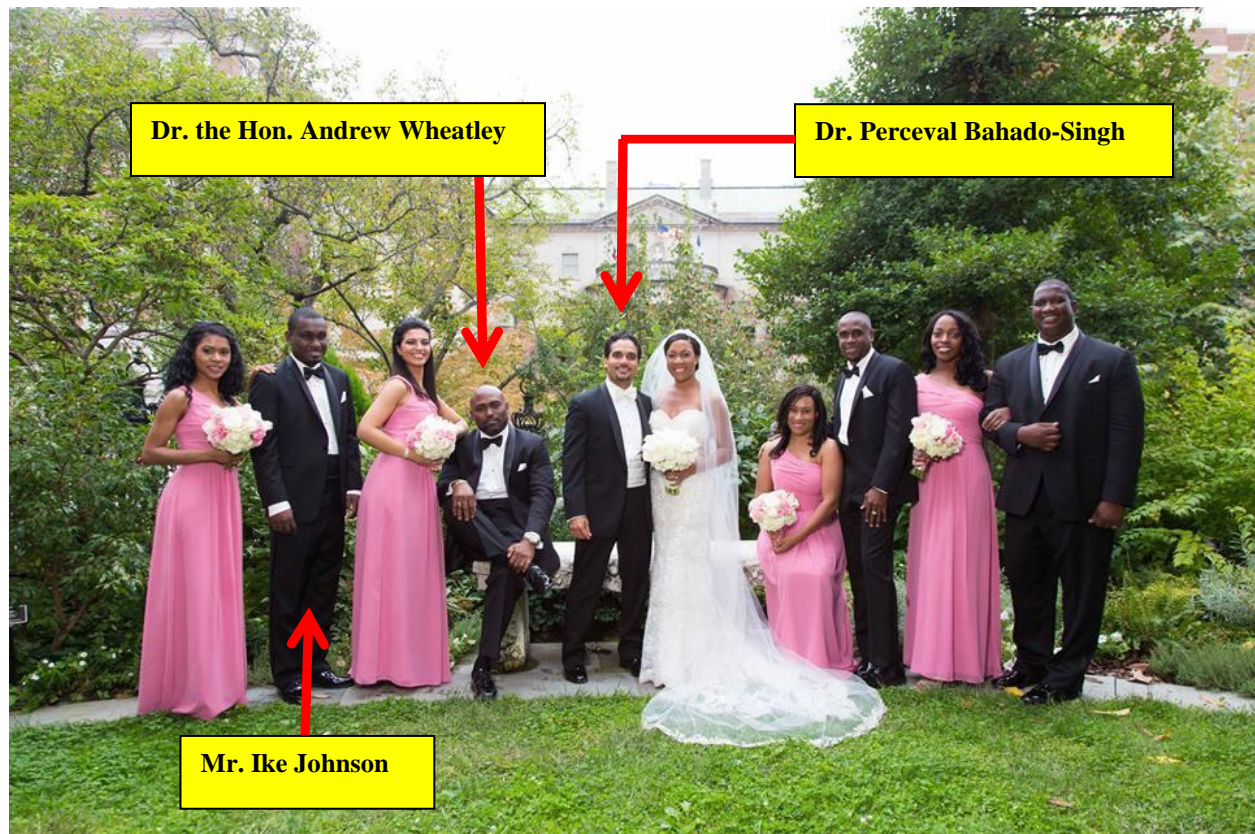
<sup>130</sup> Transcript of hearing held on March 4, 2019 involving Dr. the Hon. Andrew Wheatley. Page 11.

<sup>131</sup> Response dated March 11, 2019 which was addressed to the IC by Dr. Perceval Bahado-Singh, former Chairman, Petrojam Limited Response 7.

<sup>132</sup> Ibid.



**Photograph 1**



Based upon the above photograph, the DI also highlights that Mr. Ike Johnson was a member of the subject bridal party. The DI reiterates that Mr. Johnson, former Assistant Vice President, Scotia Investments Limited, was a member of the panel that interviewed Mr. Floyd Grindley for the position of General Manager, Petrojam Limited.

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 empanelled 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.

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.<sup>133</sup>

Upon the conclusion of its review, the DI notes the following public sector appointments made in relation to Dr. Perceval Bahado-Singh:

**Table 7**

#	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

The DI highlights that all three (3) entities to which Dr. Bahado-Singh was appointed operated pursuant to the Ministry of Science, Energy and Technology, the ministry for which Dr. Andrew Wheatley, MP, had portfolio responsibility.

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**...”<sup>134</sup>

(DI Emphasis)

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<sup>133</sup> Accessed on April 3, 2019 at <https://www.mset.gov.jm/dr-hon-andrew-wheatley>.

<sup>134</sup> Transcript of hearing held on March 4, 2019 involving Dr. the Hon. Andrew Wheatley, MP. Page 11.



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?*

*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.**<sup>135</sup> (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.

It is also the DI's observation that the following public sector appointments were made in relation to Mr. Richard Creary<sup>136</sup>:

**Table 8**

#	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.

**Dr. Andrew Wheatley and Mrs. Yolande Ramharrack**

By way of a hearing held on March 4, 2019, Dr. Andrew Wheatley, MP, advised the DI, *inter alia*, of the following:

**“CHAIRMAN:** *I will ask you another question in relation to another employee that was also at*

<sup>135</sup> Transcript of a hearing held on September 11, 2018 involving Mr. Richard Creary. Pages 21-22.

<sup>136</sup> Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet for the period 2016 to 2019.





*Petrojam during the period that you were Minister, the name is Miss Yolande Ramharrack. Are you aware of that person?*

*A: That person yes; and for the record that person served as a member of a number of Boards in the Ministry.*

*CHAIRMAN: Did she serve in any political capacity that you are aware of?*

*A: No.*

*CHAIRMAN: Was she ever a member of your political campaign team?*

*A: Never.*

*CHAIRMAN: Or employed in your constituency office?*

*A: Never.”<sup>137</sup>*

Further, upon an examination of Mrs. Ramharrack’s personnel file, the DI observed a letter dated March 9, 2017 which was addressed to Mrs. Yolande Ramharrack by Dr. Andrew Wheatley, MP, advising her that the Cabinet approved the recommendation of the Ministry of Science, Energy and Technology to appoint her as a member of the Board of Directors of the Government Electrical Regulator<sup>138</sup>.

The DI outlines below the following public sector appointments which were made in relation to Mrs. Yolande Ramharrack<sup>139</sup>:

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<sup>137</sup> Transcript of hearing held on March 4, 2019 involving Dr. Andrew Wheatley, MP. Pages 19-20.

<sup>138</sup> Letter dated March 9, 2017 which was addressed to Mrs. Yolande Ramharrack by Dr. Andrew Wheatley, MP.

<sup>139</sup> Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet for the period 2016 to 2019.

**Table 9**

#	Name of Entity	Ministry
1	Government Electrical Regulator	Ministry of Science, Energy and Technology
2	Spectrum Management Authority Limited	Ministry of Science, Energy and Technology
3	Petroleum Corporation of Jamaica	Ministry of Science, Energy and Technology

The DI highlights that the three (3) entities to which Mrs. Yolande Ramharrack was appointed, **all** operated pursuant to the Ministry of Science, Energy and Technology, the ministry for which Dr. Andrew Wheatley, MP, had portfolio responsibility.

Dr. Andrew Wheatley, MP and Mr. Harold Malcolm

During the course of a hearing held on March 4, 2019, Dr. Andrew Wheatley, MP stated that Mr. Harold Malcolm is an attorney-at-law as well as a member of the JLP.<sup>140</sup>

Upon a review of the article entitled “*Opposition JLP Condemns Beating Death of Mario Deane*” dated August 8, 2014 and published on the JLP’s website, ‘jamaicalabourparty.com’, Mr. Malcom was described as then Jamaica Labour Party’s Deputy Spokesperson on Justice.

The DI outlines below the following public sector appointments which were made in relation to Mr. Harold Malcolm<sup>141</sup>:

**Table 10**

#	Name of Entity	Ministry
1	Petrojam Limited	Ministry of Science, Energy and Technology

<sup>140</sup> Transcript of hearing held on March 4, 2019 involving Dr. Andrew Wheatley, MP. Page 11.

<sup>141</sup> Report on Appointments to Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals as approved by Cabinet for the period 2016 to 2019.





2	Petroleum Corporation of Jamaica	Ministry of Science, Energy and Technology
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The DI highlights that the two (2) entities to which Mr. Harold Malcolm was appointed, all operated pursuant to the Ministry of Science, Energy and Technology, the ministry for which Dr. the Hon. Andrew Wheatley, MP, had portfolio responsibility.

Dr. Andrew Wheatley, MP and Ms. Michon Bell

By way of a hearing held on March 4, 2019 which was convened with Dr. Andrew Wheatley, MP, the following, *inter alia*, was disclosed:

“CHAIRMAN: ... Micheon [sic] Bell?

A: *I became aware of Micheon [sic], is not a personal capacity for sure, in passing. She was part of a -- she is from my constituency.*

CHAIRMAN: *Worked in your constituency office?*

A: *She worked with my former Councilor.*

CHAIRMAN: *His name?*

A: *Owen Palmer.”<sup>142</sup>*

At this juncture, the DI reiterates that Mrs. Michon Daley *nee* Bell, indicated on her resume, which was submitted to Petrojam Limited for the position of Telephone Operator/Receptionist, that she was an employee at the Office of the Member of Parliament for South Central St. Catherine, Dr. Andrew Wheatley.

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<sup>142</sup> Transcript of hearing held on March 4, 2019 involving Dr. Andrew Wheatley, MP. Pages 25-26.

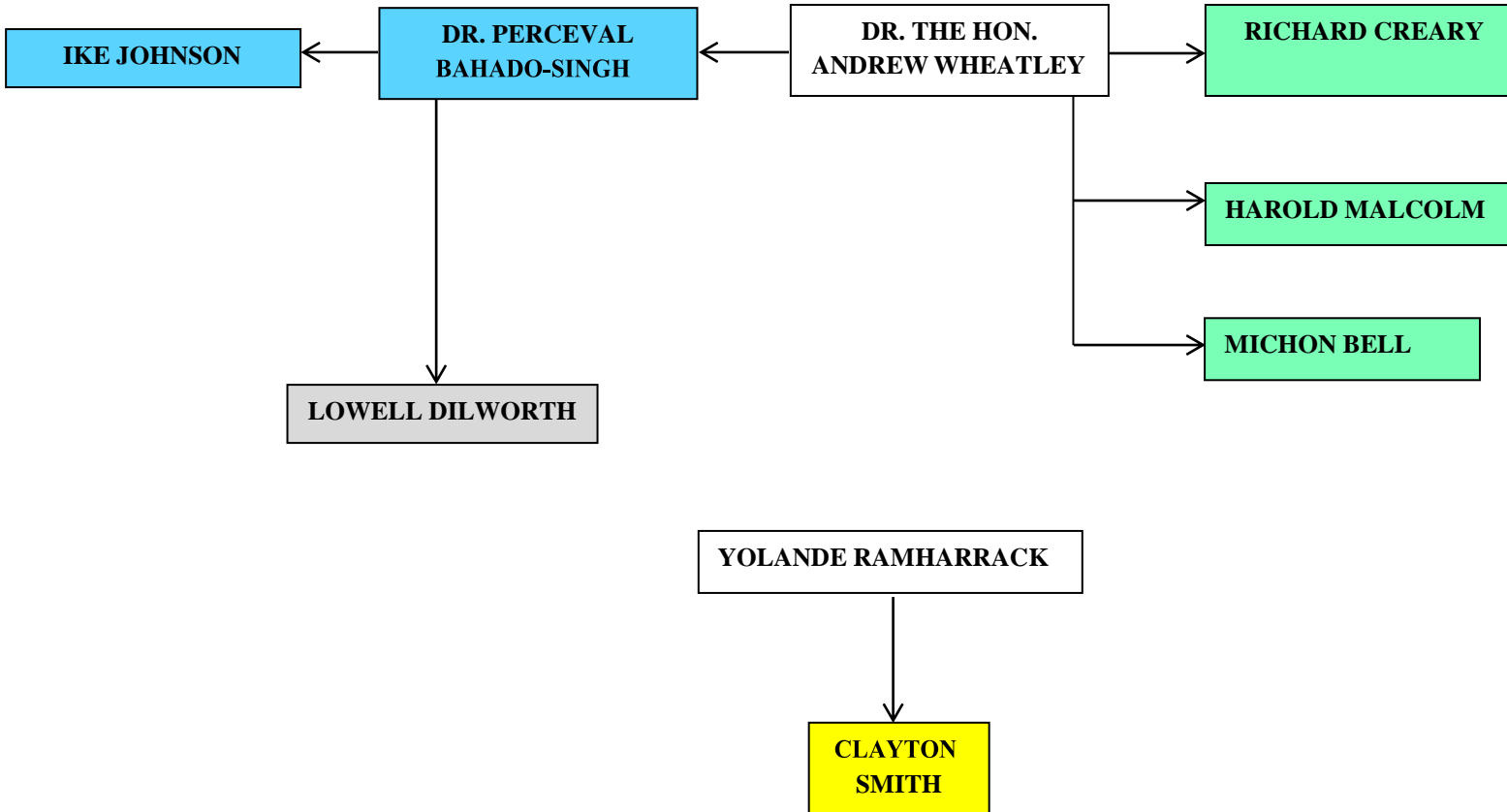


Mrs. Yolande Ramharrack and Mr. Clayton Smith

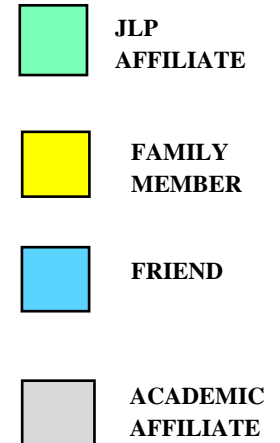
The DI reiterates that Mr. Clayton Smith, Instrument and Electrical Technician, Petrojam Limited is the brother of Mrs. Yolande Ramharrack, former Human Resource Development and Administration Manager, Petrojam Limited, whom she hired upon her recruitment to the entity. Further, and in breach of several internal policies of the company, Mrs. Ramharrack signed her brother's employment contract and was the sole signatory on behalf of the entity.

**[REDACTED]**

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:



**KEY**





## **The Failure of Certain Petrojam Limited Officials to Submit Statutory Declarations**

In furtherance of its Investigation, the Director of Investigation (DI) sought to ascertain whether certain Petrojam Limited officials submitted statutory declarations for the period 2017 to 2018.

By way of her response to a request which was made by the DI of Ms. Joy Powell, Director of Information and Complaints, Integrity Commission, the following, *inter alia*, was indicated:

“ ...

*No declaration was found for the following:*

- *Mrs. Yolande Ramharrack*
- *Mr. Floyd Grindley*
- *Mrs. Ronique Budram-Ford...*<sup>143</sup>

The DI highlights the provisions of Section 39 of the Integrity Commission Act which states, *inter alia*, as follows:

“(1) *Subject to the provisions of this Act, every person who, on or after the appointed day, is a parliamentarian or public official, shall submit to the Director of Information and Complaints, a statutory declaration of his assets and liabilities and his income in the form set out in the Third Schedule.*

*(2) Subsection (1) shall not apply to a public official who is in receipt of total annual emoluments of less than three million five hundred thousand dollars or such other amount*

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<sup>143</sup> Response dated February 21, 2019 which was addressed to the Director of Investigations from Ms. Joy Powell, Director, Information and Complaints, Integrity Commission. Response 1.



*as may be prescribed by the Minister, subject to affirmative resolution of the House of Representatives.”*

Section 43 (1) further states that:

*“A person who —*

*(a) Fails, without reasonable cause, to submit a statutory declaration which he is required to submit in accordance with the provisions of this Part;*

*...*

*Commits an offence, and is liable on summary conviction in a Parish Court to a fine not exceeding five hundred thousand dollars, or to a term of imprisonment not exceeding six months and the Court may make an order mandating the person to comply with the requirement in which the offence was committed.”*

Further, Sections 4 and 12 of the Corruption Prevention Act<sup>144</sup> stipulates the following:

**4.** *(1) Every person who, on or after the appointed day, is a public servant shall, subject to subsections (2), (3) and (4), furnish to the Commission a statutory declaration of his assets and liabilities and his income in the form set out as Form A in the Second Schedule.*

*...*

**12.** *(1) Where—*

*(a) any person fails to furnish the Commission with a statutory declaration which he is required to furnish in accordance with this Act; ...*

*...*

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<sup>144</sup> Which would be applicable prior to February 22, 2018.



*the Commission shall report the matter to the appropriate Service Commission, Board Body or other Authority and the Director of Public Prosecutions, setting out such details and particulars as it thinks fit.”*



### **The Failure of Mr. Floyd Grindley to Respond to the Statutory Requisition of the Director of Investigation**

On February 27, 2019, the 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 had 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.**

### **Mr. Floyd Grindley submitted his response to the Director of Investigation on July 23, 2019.**

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**

### **The Circumstances Surrounding the Recruitment of Certain Individuals to Petrojam Limited for the period November 2016 to December 2018**

1. The Director of Investigation concludes that there were instances of **nepotism and/or gross improprieties and irregularities** in the recruitment of Mrs. Yolande Ramharrack, Mr. Clayton Smith, Mrs. Michon Daley *nee* Bell, Reverend Dorothy Grant and Mr. Olivier Cole to Petrojam Limited during the period 2016 to 2018.
2. The circumstances in which Mrs. Yolande Ramharrack was recruited as the Human Resource Development and Administration Manager to Petrojam Limited are **stained with irregularities as the entity breached its own internal policies** in the following regard:
  - (a) Petrojam Limited breached Clause 6.0 of its Employment Policy by hiring Mrs. Ramharrack as the Human Resource Development and Administration Manager notwithstanding the fact that she failed to meet the minimum educational requirements for the referenced position.
  - (b) Mr. Floyd Grindley breached Clause 11.0 of Petrojam Limited's Employment Policy by waiving the **mandatory** three (3) month probation period for Mrs. Ramharrack, a period which is required to evaluate a new employee's performance and suitability for the position for which he/she was hired.
  - (c) Petrojam Limited breached Clause 10.2 of its Recruitment Policy in its utilisation of external persons, persons who were not representative of the Human Resource Department, the relevant manager or his designate and a senior employee in the specific discipline to comprise interview panels.



(d) The utilisation of individuals external to Petrojam Limited as members of interview panels is irregular as it is not an established practice of the entity, a fact that was confirmed by both Mrs. Roselee Scott-Heron, former Human Resource Development and Administration Manager, as well as Mrs. Ramharrack. In relation to the utilisation of external persons, the Director of Investigation concludes that:

- (i) The utilisation of Mr. Richard Creary, former Director, Petrojam Limited and Director, Petroleum Corporation of Jamaica (PCJ), as a member of the panel which interviewed Mrs. Ramharrack was irregular. There is no evidence to indicate that the inclusion of Directors of the Board of Petrojam Limited and to an even lesser extent, the PCJ, is in keeping with the standard operating procedures of Petrojam Limited as it concerns the constitution of interview panels.

Further, the Director of Investigation concludes that Mr. Creary did not possess the requisite skills and competence in the field of Human Resource and Administration which would render him adequately qualified to contribute to the selection of Mrs. Yolande Ramharrack as the Human Resource Development and Administration Manager. It is the DI's opinion that Mr. Creary's service on the Human Resource Sub-Committee of the PCJ, commencing in 2016, **would not have qualified him as one of the designated panelists in keeping with Petrojam Limited's Recruitment Process Policy.**

- (ii) The selection of Dr. Lowell Dilworth as a member of the panel which interviewed Mrs. Ramharrack for the position of Human Resource Development and Administration Manager, exhibited a **stark disregard for**



the policies of the entity. Dr. Dilworth is a Chemical Pathologist by profession and plays no role, has no function at, no relationship with, and no affiliation with Petrojam Limited, nor its associated companies. Further, Dr. Dilworth did not possess the requisite skills and competence which would render him capable of assessing Mrs. Yolande Ramharrack's suitability for the position of Human Resource Development and Administration Manager.

- (e) Petrojam Limited failed to provide the panel which interviewed Mrs. Ramharrack for the position of Human Resource Development and Administration Manager with all available data prior to the interview, resulting in a breach of Clause 10.2 of its Recruitment Process Policy.
  - (f) The Director of Investigation questions the source of the advertisement which was placed in the Jamaica Gleaner for the vacancy of Human Resource Development and Administration Manager at Petrojam Limited, as it is the entity's representation that same was not published upon their instructions.
- 3. The Director of Investigation concludes that the wanton breaches of the established Recruitment Process Policy and the Employment Policy undermined Petrojam Limited's recruitment process and resulted in the employment of unqualified persons in sensitive and specialized posts.
  - 4. Mr. Floyd Grindley, former General Manager, and by extension, Petrojam Limited, breached the provisions of Circular No. 15 dated July 1, 2016 and entitled "*Revised Guidelines for the Operation of Posts in the Public Sector*" of the Ministry of Finance and the Public Service, when he sought approval twelve (12) days prior to the intended effective date of commencement for the position of Human Resource Development and Administration Manager. The actions of Mr. Grindley in this regard deviated from the



stipulated policy which required that the Ministry of Finance and the Public Service's approval be sought two (2) months prior to the commencement date.

5. The circumstances in which Mrs. Ramharrack received a productivity incentive in the amount of \$173,652.34 for the period February 13, 2017 to March 31, 2017 is **irregular**. It is the Director of Investigation's considered opinion that Mr. Floyd Grindley waived the probation period for Mrs. Ramharrack to enable her to benefit from the company's productivity incentive scheme, for which she would not have otherwise qualified, at the relevant time.
6. The circumstances in which Mr. Clayton Smith was recruited as an Instrument and Electrical Technician to Petrojam Limited are also **stained with irregularities as Petrojam Limited breached its own internal policies and culminated into the commencement of improprieties committed by Mrs. Ramharrack at the entity.** These irregularities are outlined below:

- (a) Petrojam Limited breached Clause 12.0 of its Recruitment Process Policy by hiring Mr. Smith as an Instrument & Electrical Technician notwithstanding the fact that he did not score above the desired grade of 75% on the competency tests administered<sup>145</sup>.
- (b) Petrojam Limited breached Clause 14.2.2 of its Recruitment Process Policy in its failure to affix the signatures of the relevant Department Manager and the 'Managing Director' to the employment contract of Mr. Smith.

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<sup>145</sup> With the exception of one of the Mental Ability Tests.



(c) Petrojam Limited breached Clause 12 of its Employment Policy in employing Mr. Smith, the brother of Mrs. Yolande Ramharrack, who does not fall within the category of relatives, within which, the entity may exercise its discretion in hiring.

7. The Director of Investigation concludes that **the actions of Mrs. Ramharrack in the circumstances surrounding the recruitment of Mr. Clayton Smith is tantamount to nepotism** as she utilised her position as Human Resource Development and Administration Manager to hire her brother as the Instrument and Electrical Technician at Petrojam Limited.
8. The Director of Investigation has not seen any evidence to indicate that Mrs. Ramharrack declared a conflict of interest, in writing, as it relates to the recruitment of her brother, Mr. Clayton Smith, to Petrojam Limited. Further, Mrs. Ramharrack did not recuse herself from the approval process as she single-handedly signed his employment contract, an action in breach of Petrojam Limited's Recruitment Process policy.
9. Having regard to the fact that Mr. Clayton Smith applied for a job at Petrojam Limited without stating a specific role for which he so applied, the Director of Investigation does not accept the statement made by Mrs. Ramharrack wherein she indicated that she advised Mr. Floyd Grindley that Mr. Smith had specifically applied for a role in the Instrument and Electrical Department.

The DI further concludes that, in light of the contents of Mr. Smith's application letter, the Director of Investigation is of the opinion that Mrs. Ramharrack was disingenuous in her representations to the DI wherein she stated that Mr. Smith had specifically applied for a role in the Instrument and Electrical Department.



Further, the DI concludes that Mrs. Ramharrack was disingenuous in her representations concerning the instructions which were purportedly given by the then General Manager, Mr. Floyd Grindey, in relation to the employment of her brother, Mr. Clayton Smith.

10. The Director of Investigation questions the circumstances in which Mr. Clayton Smith submitted a job application to Petrojam Limited as he advised the DI that he was made aware of same by his sister, Mrs. Yolande Ramharrack. The Director of Investigation's conclusion is buttressed by the fact that Mr. Smith applied to Petrojam Limited **prior to** the commencement of Mrs. Ramharrack's tenure at the entity. In this regard, the Director of Investigation questions (a) the sincerity of Mr. Smith's representations and (b) the influence Mrs. Yolande Ramharrack may have had within Petrojam Limited prior to her employment at the entity.
11. As a public servant in the execution of her public function, Mrs. Ramharrack advanced a private interest which resulted in a monetary benefit to her brother. In this respect, her actions contravened the principles of integrity and good governance.

Consideration must be given as to whether Mrs. Ramharrack, in this regard, breached Section 14 (1) (b) of the Corruption (Prevention) Act and whether she obtained an illicit benefit for her brother or herself in her capacity as a public servant.

12. The Director of Investigation concludes that the circumstances in which Mrs. Michon Daley *nee* Bell was recruited as the Telephone Operator/Receptionist to Petrojam Limited **is highly irregular as the entity breached its own internal policies in this regard.** These irregularities are outlined below:

- (a) Petrojam Limited employed Mrs. Michon Daley *nee* Bell as the Telephone Operator/Receptionist notwithstanding the fact that she did not provide evidence of her stated academic qualifications; and



- (b) Petrojam Limited breached Clause 14.2.2 of its Recruitment Process Policy in its failure to affix the signature of the ‘Managing Director’ to the employment contract of Mrs. Daley.

13. The Director of Investigation concludes that the circumstances under which Reverend Dorothy Grant was hired as a Counsellor at Petrojam Limited was **tainted with irregularities and improprieties**. Such irregularities and improprieties include:

- (a) The rationale for which Mrs. Ramharrack recommended the services of Reverend Dorothy Grant and for which Mr. Grindley approved, is **unfounded**. Notwithstanding the description provided by an invoice purported to be submitted on behalf of Reverend Grant which describes her services as a “chaplain”, subsequent documents such as a purchase order of Petrojam Limited as well as Reverend Grant’s employment contract, indicate that she provided counselling services and was awarded a consultancy agreement.

The Director of Investigation accepts that the need for such services did not arise as Family Life Ministries was already contracted by Petrojam Limited to provide same.

- (b) The representation of the duration of Reverend Grant’s tenure is inconsistent. Based upon an invoice and purchase order gleaned by the Director of Investigation, the tenure of Reverend Grant’s employment was for the period April 12, 2017 to December 31, 2017, at a rate of \$3,000 per hour, amounting to a total of \$1,296,000.00 for the referenced period.

This information starkly contrasts with the terms of her contract dated April 10, 2018, which detailed a consultancy agreement as Counselor at Petrojam Limited for the



period of one (1) year commencing December 14, 2017 to December 13, 2018 at a rate of \$4,000.00 per hour.

14. The Director of Investigation concludes that the circumstances under which Mr. Olivier Cole was hired as Project Director of the Vacuum Distillation Unit Project at Petrojam Limited, were **highly irregular**. The Director of Investigation premises his conclusion based upon the following compendium of facts:

- (a) The Ministry of Finance and the Public Service did not approve the position of a Project Director for the Vacuum Distillation Unit (VDU) Project at Petrojam Limited.
- (b) Mr. Cole's application for the position of Process Engineer at Petrojam Limited was rejected by the first interview panel on the basis that he lacked the requisite knowledge and industry experience. It is the Director of Investigation's considered opinion that Mr. Cole was subsequently recruited for the unapproved position of Project Director by way of an ad hoc interview which was held by Mrs. Ramharrack and Mr. Simeon Hall, the latter not being the relevant Department Manager and both not having the requisite knowledge and experience in relation to the VDU.
- (c) Petrojam Limited breached Clause 14.2.2 of its Recruitment Process Policy in its failure to affix the signatures of the relevant Department Manager and the 'Managing Director' to the employment contract of Mr. Cole.
- (d) There is no evidence to suggest that the position of Project Director was advertised by the entity.





### Act of Corruption

- i. The Director of Investigation finds that Mrs. Ramharrack was engaged in the acts of corruption outlined in Findings of Fact 1 - 14 on the basis that:

She improperly exercised her official functions by:

- Employing her sibling, Mr. Clayton Smith, in the position of Instrument and Electrical Technician, at Petrojam Limited, although he was rejected by the interview panel on May 10, 2017, on the basis of lack of experience and qualification.
- Breaching Petrojam Limited's Employment Policy, which prohibits the employment of siblings.

This engagement was an explicit act of nepotism which constitutes the common law offence of misconduct in public office and a breach of public trust. The DI is satisfied, for the purpose of Section 2 of the Integrity Commission Act, that, if the facts as found were to be proved on admissible evidence to the requisite criminal standard, an appropriate tribunal, would find that Mrs. Ramharrack had committed the offence of misconduct in public office. Accordingly, the DI is satisfied that the jurisdictional requirements of Sections 6 (1) (a) and 33 (1) (a) and (b) of the Integrity Commission Act are satisfied.



## **Circumstances Surrounding the Reimbursement of Overseas Travel Expenses to Dr. Perceval Bahado-Singh**

15. The Director of Investigation concludes that in at least twenty-seven (27) instances, Dr. Perceval Bahado-Singh was permitted to make his own travel arrangements in relation to overseas travel for the conduct and/ or attendance of meetings, and conferences in his capacity as Chairman of the Board of Petrojam Limited. In each of the instances, he was in turn reimbursed by Petrojam Limited.

It is further concluded that the accounting and accountable officers of Petrojam Limited breached Section 7.1 of Circular No 21 “Revised Procedures for Official Overseas Travel”. The referenced section prohibits the travelling officer from being permitted to make his/her own travel arrangements.

16. Having regard to the Director of Investigation’s finding that reimbursements were made by Petrojam Limited to Dr. Perceval Bahado-Singh for travel related expenses which were not official company business, it is concluded that the referenced disbursements amount to a breach of Section 16 of the Financial Administration and Audit Act. The aforementioned disbursements were also in contravention of Section 2 of the Circular No. 21 “Revised Procedures for Official Overseas Travel”; given that, on the face of it, the ventures were not related to Petrojam Limited’s core business function.

17. In respect of the reimbursements which were made by Petrojam Limited for travel expenses for conferences and events which the former Chairman did not attend and/or which were not found to be official company business, the Director of Investigation concludes that there is, *prima facie*, evidence of dishonesty and a breach of duty on the part of Dr. Perceval Bahado-Singh.



The Director of Investigation's conclusion is buttressed upon the fact that the travel expenses reimbursement policy is in relation to *bona fide* travel, which is actual travel on behalf of the entity to conduct business. In the circumstances, Dr. Bahado-Singh would have been aware that he did not in fact attend a business related meeting and therefore his travel could not be considered *bona fide*, thereby constituting a dishonest act and willful breach of his duty of care.

It is the Director of Investigation's conclusion that irrespective of the fact that Dr. Bahado-Singh refunded Petrojam Limited the amounts of US\$31,798.53 and US\$24,978.98, in relation to reimbursed expenses, which were not *bona fide* company business or which were not attended by him, the act of dishonesty and breach of duty is not nullified or extinct.

Further, the Director of Investigation opines that an inadvertent breach or mistake in relation to the duty of care would not be frowned upon if the director acted honestly and in good faith, with a view to the best interests of Petrojam Limited.

18. The Accounting and Accountable Officers of Petrojam Limited acted in breach of the Section 16 of the Financial Administration and Audit Act, and Circular No 21 "Revised Procedures for Official Overseas Travel"; by their failure to (a) obtain and/or secure proper documentation in support of the disbursements which were made to the former Board Chairman in at least two (2) instances; (b) conduct the requisite due diligence on the requests which were made by Dr. Bahado-Singh for reimbursement; and (c) comply with the provisions of Circular 21.
19. The Director of Investigation concludes that the wanton disregard and abuse of the Circular No. 21 "Revised Procedures for Official Overseas Travel"; and the Financial Administration and Audit Act by the then Accounting Officer of Petrojam Limited, Mr.



Floyd Grindley, amounts to a breach of duty and is tantamount to gross dereliction of duties contrary to Section 16 of the Financial Administration and Audit Act and Section 17 of the Public Bodies Management and Accountability Act.

20. The Director of Investigation concludes that by authorizing reimbursements to Dr. Perceval Bahado-Singh in circumstances which were in breach of Circular No. 21 “Revised Procedures for Official Overseas Travel”; and the Financial Administration and Audit Act, the former General Manager and Accounting Officer, Mr. Floyd Grindley, acted in violation of the fiduciary responsibilities and obligations which were entrusted to him.

Act of Corruption

- i. The Director of Investigation finds that Dr. Perceval Bahado-Singh engaged in an act of corruption on the basis that his conduct outlined in Findings of Fact 15-20 is conduct that could adversely affect the honest or impartial exercise of official functions by a public official, within the meaning of Section 16 of the Financial Administration and Audit Act and Section 17 of the Public Bodies Management and Accountability Act.
- ii. Irrespective of the fact that Dr. Bahado-Singh refunded Petrojam Limited the amounts of US\$31,798.53 and US\$24,978.98, in relation to reimbursed expenses, which were not *bona fide* company business or which were not attended by him, the act of dishonesty and breach of duty is not nullified or extinct.
- iii. In point of fact, and is it relates to travel related expenditure for conferences and/or meetings which he allegedly did not attend and which were no *bona fide* company



business, the Director of Investigation relies on Section 27 of the Larceny Act, which provides, the following:

*“27. Every person who-*

*(1) being a director, public officer, or manager, of any body corporate or public company-*

*(a) as such, receives or possesses himself of any property of such body corporate or public company and, with intent to defraud, omits to make, or cause to be made, a full and true entry thereof in the books and accounts of such body corporate or public company;*

*(b) makes, circulates, or publishes, or concurs in making, circulating, or publishing, any written statement or account which he knows to be false in any material particular-*

*(i) with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company; ...*

*shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.”*

Additionally, the Larceny Act indicates that:

*“35. Every person who, by any false pretence-*

*(1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered, to himself or*



*to any other person for the use or benefit or on account of himself or any other person;...*

*shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years."*

- iv. The Director of Investigation finds that Dr. Bahado-Singh improperly exercised his official functions as Chairman of Petrojam Limited to benefit himself between the period 2016 and 2018.
- v. Dr. Bahado-Singh's conduct was corrupt conduct for the purpose of Section 14 (1) of the Corruption Prevention Act. This is because his conduct constituted or involved the dishonest exercise of his official functions and therefore comes within the interpretation of the referenced Act.
- vi. His conduct is also conduct that impairs, or could impair, public confidence in public administration and involves dishonestly obtaining or dishonestly benefiting from the payment of public funds for his own private advantage, and therefore comes within the interpretation of the referenced Act.
- vii. The Director of Investigation is satisfied, for the purpose of Section 2 of the Integrity Commission Act, that, if the facts as found were to be proved on admissible evidence to the requisite criminal standard, an appropriate tribunal, would find that Dr. Bahado-Singh had committed the criminal offences of fraud and corruption contrary to Section 27 of the Larceny Act and Section 14 (1) of the Corruption Prevention Act, respectively.



viii. The Director of Investigation is also satisfied, for the purpose of Section 2 of the Integrity Commission Act, that, if the facts as found were to be proved on admissible evidence to the requisite standard of on the balance of probabilities and accepted by an appropriate tribunal, there would be grounds on which such a tribunal would find that Dr. Bahado-Singh had committed the offence of misconduct in public office. Accordingly, the Director of Investigation is satisfied that the jurisdictional requirements of Sections 6 (1) (a) and 33 (1) (a) and (b) of the Integrity Commission Act are satisfied.

**Circumstances Surrounding the Alleged Use of State Funds for the Hosting of a Surprise Party for the Former Board Chairman**

21. The Director of Investigation accepts the testimony of Half Moon Jamaica that the person with whom discussions were had, in relation to the planning and coordinating of the event which was held at the hotel, was Mrs. Yolande Ramharrack. The Director of Investigation also accepts the testimony of Half Moon Jamaica that the event which was held on January 9, 2018, was in celebration of a birthday for Dr. Andrew Wheatley, MP.
22. The Director of Investigation rejects the assertions made by Mrs. Yolande Ramharrack that she was not aware that the date on which the “*Surprise Birthday Party*” was held was Dr. Wheatley’s Birthday and that she was just “*asked to facilitate the food and the drinks and a cake for the Minister*”. In point of fact, the Director of Investigation concludes that Mrs. Ramharrack was dishonest in her representations to the Director of Investigation and 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.



23. The Accounting and Accountable Officers of Petrojam Limited acted in breach of Section 16 of the Financial Administration and Audit Act, and Section 17 of the Public Bodies Management and Accountability Act in the expenditure of public funds for the hosting of parties to celebrate the Birthdays of Dr. Andrew Wheatley, MP and Dr. Perceval Bahado-Singh.

The Director of Investigation highlights, with emphasis, that the repayment for the sum which was expended for the parties by an external person or any other person, does not negate from the offence which was already committed.

24. The Director of Investigation accepts the testimony of Ms. Maureen Freebourne that the pre-strategic meeting which was held at the principal time was facilitated at the Hyatt Ziva Hotel and not at the Palms of Palmyra as indicated on the referenced Purchase Order and Bid Evaluation Approval Control Sheet which was prepared.

25. The Director of Investigation rejects the assertions made by Mrs. Ronique Budram-Ford in relation to her knowledge of and involvement in the planning and coordination of the surprise Birthday Party which was held for Dr. Perceval Bahado-Singh. The Director of Investigation concludes that Mrs. Budram-Ford was dishonest in her representations and 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.

26. The Director of Investigation questions the integrity and authenticity of the Bid Evaluation Approval Control Sheet which was prepared by Petrojam Limited and endorsed by Mrs. Yolande Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley. In point of fact, the Director of Investigation concludes that the document is false and its creation amounts to a breach of Section 3 (1) of the Forgery Act and Section





8 of the Perjury Act Section 3 (1) of the Forgery Act states that forgery “...*is the making of a false document in order that it may be used as genuine...*”

Section 3 (2) of the Forgery Act indicates that “*a document is false within the meaning of this Act if the whole or any material part thereof purports to be made by, on behalf of, or on account of a person who did not make it or authorize its making...*” In the foregoing regard, Section 5 (3) (j) stipulates that the associated penalty is imprisonment with hard labour for a term not exceeding seven (7) years.

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) ...

(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) ...

*Shall be guilty of a misdemeanour, and liable on conviction on indictment thereof to imprisonment with hard labour for nay term not exceeding two years, or to a fine , or to both such imprisonment and fine”.*

27. The Director of Investigation concludes that by Mrs. Budram-Ford’s failure to act and her apparent acquiescence upon receiving emails relating to “*Petrojam Surprise Party – Tuesday, January 9, 2018*”, she failed to discharge her obligations as Procurement Unit Head. This failure on the part of Mrs. Budram-Ford amounts to a breach of duty which is tantamount to a gross dereliction of duties contrary to Section 16 of the Financial



Administration and Audit Act and Section 17 of the Public Bodies Management and Accountability Act.

It is the Director of Investigation's opinion that Mrs. Budram-Ford, as the Procurement Unit Head and having been copied on the referenced emails, was duty bound to raise pertinent questions concerning the procedures through which the referenced surprise party was being procured by Petrojam Limited.

28. The Director of Investigation concludes that there is, *prima facie*, evidence of a conspiracy to defraud Petrojam Limited and by extension, the Government of Jamaica, among Mrs. Yolande Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley in relation to the improper use of public funds for the hosting of birthday parties for Dr. Andrew Wheatley and Dr. Perceval Bahado-Singh and the generation of a false document in relation to the later.

Act of Corruption

- i. The Director of Investigation finds that the following persons engaged in serious acts of corruption as outlined in Findings of Fact 21 - 28 on the basis that the actions of Mrs. Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley constituted an abuse or misuse of their respective official offices. Their actions also constituted or involved a breach of public trust and therefore comes within the interpretation of Section 14 of the Corruption Prevention Act. Further, their actions also impaired, or had the potential to impair public confidence in public administration by dishonestly generating a false document and using public funds for the hosting of birthday parties for Dr. Andrew Wheatley and Dr. Perceval Bahado-Singh.



- ii. Accordingly, the Director of Investigation is satisfied that the jurisdictional requirements of Sections 6 (1) (a) and 33 (1) (a) and (b) of the Integrity Commission Act are satisfied.
- iii. The Director of Investigation is of the opinion that consideration should be given to obtaining the advice of the Director of Corruption Prosecution with respect to the prosecution of these three (3) individuals for the offence of fraud pursuant to Section 3 of the Forgery Act and Section 27 of the Larceny Act.
- iv. The Director of Investigation is also of the opinion that consideration should be given to obtaining the advice of the Director of Corruption Prosecution with respect to the prosecution of the three individuals for an offence of conspiracy to defraud Petrojam Limited and by extension, the Government of Jamaica.

29. [REDACTED]

30. [REDACTED]

31. The Director of Investigation concludes that Mr. Floyd Grindley, Mrs. Ronique Budram-Ford and Mrs. Yolande Ramharrack failed to submit statutory declarations for the financial year 2017/2018 in breach of Section 4 of the Corruption Prevention Act and Section 39 of the Integrity Commission Act.

32. The Director of Investigation concludes that Mr. Grindley breached Section 48(3) of the Integrity Commission Act by his failure to comply with the Director of Investigation's statutory requisition.



## **RECOMMENDATIONS**

1. The Director of Investigation recommends that this Report be forwarded to the Director of Corruption Prosecution pursuant to Section 54 (3) (b) of the Integrity Commission Act.
2. The Director of Investigation recommends that Petrojam Limited refrain from employing persons who do not meet the minimum academic and professional qualifications and experience required to adequately execute job functions.
3. It is crucial for Petrojam Limited to implement the necessary enforcement mechanisms to ensure that employees abide by the principles outlined in its internal policies. It is also being strongly recommended that sanctions are promulgated to address breaches of the referenced internal policies.
4. The Director of Investigation recommends that Petrojam Limited ensures that follow-up interviews are held with prospective employees where applicable. It is further recommended that all competency tests are completed in the recruitment process and form a part of the initial interview process.
5. The Director of Investigation is also recommending that public officers/officials and Board members, who are engaged by GoJ, adhere to the strictest practices of professional ethics and conduct, whilst in the employ of the GOJ, especially as it relates to issues concerning real or perceived conflicts of interest.
6. It is recommended that Petrojam Limited ensure compliance with requirements of the Ministry of Finance and the Public Service regarding the recruitment of new employees prior to the commencement of employment.



7. The Director of Investigation recommends that Petrojam Limited excise from its unconventional practice, the waiving of the required probationary period for newly recruited employees.
8. It is incumbent on the Ministry of Science, Energy and Technology, Petroleum Corporation of Jamaica and Petrojam Limited, to ensure that its public officials are made aware of the requirements in relation to identifying and disclosing conflicts of interest, and that reasonable steps are taken to ensure the enforcement of this requirement.
9. In accordance with Section 25 of the Public Bodies Management and Accountability Act, it is recommended that a copy of this Report be referred to the Attorney-General for a determination as to whether Dr. Bahado-Singh contravened Section 17 of the Public Bodies Management and Accountability Act when he acted dishonestly in claiming for travel expenses from Petrojam Limited knowing that such expenses were not for *bona fide* business meetings. Dr. Bahado-Singh having refunded the funds in question, does not disavow the fact that there was a breach of his duty of care, but in actuality, evidences his acknowledgement of his willful breach.
10. It is recommended that a review be undertaken by the Ministry of Finance and the Public Service of Circular No 21 “Revised Procedures for Official Overseas Travel”; and in particular the definition ascribed to ‘Overseas Travel’. In this regard, overseas travel is defined as travel for official purpose **from** Jamaica to another country. There is therefore a lacuna in relation to travel from countries other than Jamaica to other countries for company related business.
11. The DI recommends that public officers and/ or officials, who are engaged by the GoJ, adhere to the strictest practices of professional ethics and conduct and the provisions of all requisite legislation whilst in the employ of the GoJ and its agencies.



12. Having regard to the breaches of the Financial Administration and Accountability Act (FAA Act), highlighted herein, the Director of Investigation recommends that the Accounting and Accountable officers of Petrojam Limited ensure scrupulous compliance with the FAA Act and other attendant legislations, policies and guidelines which govern the disbursement of public entrusted funds.
13. It is strongly recommended that the Accounting and Accountable Officers of Petrojam Limited ensure that adequate systems of due diligence and checks and balances are developed and/or aggressively enforced, in relation to the review and reimbursement of travel related expenditure.
14. Based upon the compendium of facts and, *prima facie*, evidence of a breach of duty on the part of Dr. Perceval Bahado-Singh, Mr. Floyd Grindley and Mr. Delroy Brown, it is recommended that a copy of this Special Report of Investigation be referred to the Director of Corruption Prosecutions, Integrity Commission, for due consideration and/or any action as may be deemed appropriate.
15. The Director of Investigation is, hereby, referring the matter to the Director of Corruption Prosecutions for a determination to be made in relation to the following matters:
  - a. Whether Dr. Perceval Bahado-Singh acted dishonestly in his representations and submissions to Petrojam Limited for reimbursement of travel expenditure and whether said actions gives rise to a breach of duty, misconduct in public office, the offence of fraud pursuant to Section 27 of the Larceny Act and an act of corruption pursuant to Section 14 of the Corruption Prevention Act;
  - b. Whether Mr. Floyd Grindley's act of authorizing reimbursements to Dr. Perceval Bahado-Singh in several instances which (a) contravened the Sections 17, 19(c) and 20 of the FAA Act and (b) which were devoid of adequate due diligence,



amounts to a misuse of public office, misuse of public funds and a breach of duty;

- c. Whether the actions of Mrs. Yolande Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley, in the hosting of birthday parties for Dr. Andrew Wheatley, MP and Dr. Perceval Bahado-Singh, amounts to a breach of duty, misuse of public office, misuse of public funds and a conspiracy to defraud Petrojam Limited and by extension, the Government of Jamaica ;
- d. Whether the actions of Mrs. Yolande Ramharrack, Mrs. Ronique Budram-Ford and Mr. Floyd Grindley, in preparing and/or endorsing the Bid Evaluation Approval Control Sheet and Purchase Order dated October 30, 2017 relating to a pre-strategic planning retreat meeting gives rise to an act of forgery contrary to Section 3 (1) of the Forgery Act and Section 8 of the Perjury Act;
- e. Whether the actions of Mrs. Yolande Ramharrack, in the employment of her brother, Mr. Clayton Smith to Petrojam Limited, amounted to an explicit act of nepotism which constitutes the common law offence of misconduct in public office, a breach of public trust and a breach of Section 14 of the Corruption Prevention Act;
- f. Whether the failure of Mr. Floyd Grindley, Mrs. Ronique Budram-Ford and Mrs. Yolande Ramharrack to submit statutory declarations for the financial year 2017/2018 amounts to a breach of Section 4 of the Corruption Prevention Act and Section 39 of the Integrity Commission Act; and
- g. Whether the failure of Mr. Grindley to comply with the Director of Investigation's statutory requisition amounts to a breach of Section 48(3) of the Integrity Commission Act.



16. The Director of Investigation recommends that Public Bodies treat with paramount importance and diligence, the review of documentation which are submitted for claims for reimbursement for official travel to ensure, *inter alia*, accountability and propriety in said disbursement and to guard against attempts of travel expense related fraud against the GoJ.
17. The Director of Investigation recommends that in circumstances where a government official is found to be in breach of his fiduciary duties, that legislation and policy be enacted to restrict that public official from further public appointments and/or engagement for a determined period.
18. The Director of Investigation recommends that the Board of Directors at Petrojam Limited apprise itself of and abide by the provisions of the Public Bodies Management and Accountability Act (PBMA) in relation to issues of conflict of interest, whether real or perceived.
19. 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”.**<sup>146</sup>

(DI Emphasis)

David Grey, JP

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Director of Investigation  
Integrity Commission

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<sup>146</sup> Nicholls, Colin. *Corruption and Misuse of Public Office*, 2<sup>nd</sup> Edition. Oxford University Press. 2011. Para. 11.96, Page 407.



## **APPENDICES**



**PETROJAM LIMITED**

**SERVING JAMAICA'S ENERGY NEEDS**

P.O. Box 241, 95 Marcus Garvey Drive, Kingston 15, Jamaica, W.I.

Telephone: (876) 923-8611-5 / 923-8814-8 Fax: (876) 923-5698

E-mail: [pjsys@cwjamaica.com](mailto:pjsys@cwjamaica.com)

January 30, 2017

Ms. Yolande Ramharrack

XXXXXXXXXXXXXX

XXXXXXXXXXXXXX,

XXXXXXX.

Dear Ms. Ramharrack:

We are pleased to offer you employment at Petrojam Limited on the following terms and conditions:

- (a) Our obtaining references satisfactory to us from your referees.
- (b) Your providing us with copies of the certificates for all your formal qualifications.
- (c) Your being passed as fit after a full medical examination by an approved medical practitioner; this must be undertaken within 1 month of signing this letter.
- (d) Your being free from any contractual restrictions preventing you from accepting this offer; and
- (e) Pre-employment substance testing and your agreeing to random testing during employment.

**POSITION**

**Manager, Human Resource Development and Administration**

**CATEGORY**

**M1**

**COMPENSATION PACKAGE**

**COMPENSATION -DURING PROBATION**

Your monthly compensation during the Probation Period will comprise of the following:

a) Basic or Pensionable Salary	- \$ 658,333.00
b) Transp. & Subsistence (Non-Taxable)	- \$ 111,802.00
c) Duty Allowance	- \$ 57,802.00
<b>Total Monthly Compensation</b>	<b>- \$ 770,136.00</b>

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DIRECTORS: Dr. Perceval Bahado-Singh (Chairman), Richard Creary, Harold Malcolm, Jesús Sánchez, César Milano, Carlos Rauseo, Tamara Robinson (Corporate Secretary), Floyd Grindley (General Manager)



**Offer Letter- MANAGER, D**

**YOU DE RAMHARRACK**

**COMPENSATION -AFTER PROBATION**

a) Basic or Pensionable Salary	- \$ 658,333.00
b) Transp. & Subsistence (Non-Taxable)	- \$ 111,802.00
c) Duty Allowance	- \$ 57,802.00
d) Other Taxable Salary (Non-pensionable)	- \$ 53,983.00
<b>Total Monthly Compensation</b>	<b>- \$ 824,119.00</b>
<b>Annualized</b>	<b>- \$10,583,048.00</b>

Future increases in compensation will be implemented in accordance with the Company's compensation programme, the Performance Appraisal System and on the recommendation of the Department Manager and are subject to the guidelines received from the Ministry responsible for the Public Service from time to time ("MPS")

**LOCATION**

Your primary place of engagement will be at Petrojam's Refinery. However, Petrojam Limited reserves the right to assign you to any of its operating locations in Jamaica, as the need arises under similar terms and conditions as your current employment. Failure to accept such change in -placement location will constitute a breach of this contract and Petrojam Limited reserves the right to terminate your contract of employment forthwith for any such breach.

**DUTIES AND RESPONSIBILITIES**

It is expected that you will carry out your job functions in a professional manner and in accordance with the Company's operational standards. Your duties and responsibilities are as outlined in the Job Description which is attached in the schedule hereto and, which may be amended from time to time, and as advised by your assigned Supervisor and the Department Manager.

- You will be required to undergo training prescribed and arranged by the Company as part of its Employee Development Programme.
- You will be required to respond to emergency situations in keeping with your training and experience.
- You will be required to work effectively with other employees in achieving the stated objectives of your Department and of the Company.

**EFFECTIVE DATE**

The effective date of employment is February 13, 2017

2



**ORIENTATION**

You will be required to successfully complete the prescribed Orientation & Safety Training Programme.

**PROBATION**

You are required to undergo an extensive Orientation Program (approximately one month) consequently your Probationary period shall be for four (4) months beginning on the Effective Date of your employment.

The first Ninety (90) days of your employment shall be a probationary period and your employment may be terminated during this period at any time by either party without notice.

We may, at our discretion, extend this period for up to a further Ninety (90) days. During this probationary period your performance and suitability for continued employment will be monitored. At the end of your probationary period you will be informed in writing if you have successfully completed your probationary period. Should either party wish to terminate the contract of employment during this period, notice in accordance with your contractual terms is required. We reserve the right to make a payment in lieu of such notice. You are required to give no more than the stated contractual notice or where that is less than the stated statutory notice the stated statutory notice. We shall have no obligation to compensate you for notice given in excess of the requisite period.

On the successful completion of the Probationary Period, you will be placed on the Permanent Staff of the Company.

**NORMAL WORKING HOURS**

Normal working hours will be 8:00AM to 4:30PM for a forty (40) hour work week. You may, however, be required to work overtime, weekends, Public Holidays or to work on shift, or a flexible work week, as determined by your Supervisor or the Department Manager.

In your capacity as Manager, Human Resources Administration and Development, you will not be eligible to receive overtime payments.

**DRESS CODE**

You will be required to dress appropriately while at work and to wear Personal Protective Equipment ("PPE") when required to do so. Should you fail and/or refuse to wear the PPE we will not be liable to compensate you for any injuries suffered by you as a consequence of the same.

**EMPLOYEE BENEFITS**

The General Manager, in accordance with MPS has approved the implementation of certain employee benefits. These may be changed or modified to comply with applicable Government regulations and any directives from MPS or circumstances related to the profitability or viability of the Company.

On the successful completion of the Probationary period, you will be eligible to participate in the Plans listed below:





**1. Savings Plan**

The Company's Savings Plan ("the Plan") in which you will be able to contribute up to a maximum of ten percent (10%) of your base monthly salary to your account in the Plan. The Company shall, on an annual basis, make contributions in accordance with the terms and conditions of the Plan in existence from time to time. Participation in the Savings Plan is optional.

**2. Medical Insurance**

Basic and Major Medical Insurance which currently provides coverage including but not limited to Optical, Dental and Prescription Drugs as amended from time to time will be provided for you and your dependents at prevailing costs. You must however advise the Company of and provide the required information and documents for your dependents.

**3. Group Life Insurance, Accidental Death & Dismemberment and Disability**

Coverage under the Group Life Insurance Plan during your employment by virtue of which your designated beneficiary will receive whilst an employee, thirty six (36) months' pay with an additional thirty six (36) months' pay in the event of accidental death. The provisions of the disability plan shall apply to you in respect of absences due to illness and in accordance with the rules of this Plan.

**4. Pension Plan**

Participation in the Petrojam Pension Plan is compulsory and requires that you contribute 5% of your Basic (Pensionable) Salary. The Company contributes 7.5%. You may also make a voluntary contribution of up to 7.5% of Basic (Pensionable) salary, the benefit of which is set out in the Trust Deed and Rules as amended from time to time.

**5. Vacation Entitlement**

On completion of twelve months service, beginning on the Effective Date, you will be eligible for vacation leave in accordance with Company Policy, as amended from time to time and the provisions of the Holidays with Pay Order.

- 3 weeks after the first year of service
- 4 weeks between 8 and 15 years
- 5 weeks for 15 years and over

**6. Education Assistance (Scholarship) Programme- For Children of Employees**

The Education Assistance Programme (Scholarship) for children of employees in accordance with the Policy as amended from time to time.



**7. Education Refund Programme**

The Company's Educational Refund Programme for approved courses in accordance with Company Policy and applicable Government Guidelines, including your agreement to comply with the terms of the applicable policy in place from time to time.

**8. Rebate on Products Produced by the Company**

- (a) You will receive a rebate on all receipted purchases such as LPG for personal use by you, as set out in the Company's Policy in relation to Product Rebate Provision as amended from time to time.

**Gasoline**

- (b) Where a station is located on premises Gasoline may be accessed from the station in accordance with the applicable rules and guidelines as amended from time to time.

**9. Canteen Policy**

A subsidized meal is provided in accordance with Company policy as amended from time to time.

**10. Motor Vehicle Loan**

The Automobile Plan in accordance with the terms of the Automobile Policy which cover the purchase of an automobile and as amended from time to time.

In order to secure the Company's interest, a lien, in favour of the Company shall be registered on the title.

**11. Productivity Incentive Program**

The Productivity Incentive Program is a part of the Company's Strategic Plan aimed at realizing the Company's Vision of being a World Class Organization by creating a high level of motivation for its employees as they work towards achieving the objectives of the Plan.

The payment is a taxable cash award to employees who have participated in the Company's achievement of its budgeted profit target. There is no incentive payment when the profit threshold (75% of budgeted profit) is not achieved. The details of the Plan are contained in the related Policy Document as amended by the Company from time to time.

**12. Deductions**

The Company reserves the right in its absolute discretion to deduct from your salary any sums which you may owe the Company including without limitation, any repayment on loans made to you by the Company or losses suffered by the Company as a result of your negligence or breach of the Company rules and regulations as it relates to policies and procedures rules and regulations of the Company.



**COMPANY RULES AND PROCEDURES**

**SAFETY PROGRAMME**

You are required to act in a safe manner and to comply with the Company safety rules at all times. An unsafe act by you could impact negatively on you, your co-workers and the organization and will be deemed to be negligence and you will be liable to be disciplined in accordance with the Disciplinary Code or as deemed fit by Management.

You will be provided with an Identification Badge. The Badge must be worn at all times while on the premises. The loss of the Badge must be reported immediately to your supervisor and to the Security Manager. There will be a nominal cost for replacement.

**EMPLOYMENT OF RELATIVES**

The Company may, in its absolute discretion, consider employment applications of employees' relatives, excluding spouses (formal or informal), parents and siblings, on such terms as it deems fit. However, they will not be given any particular preference in employment, but will be considered along with other candidates on the basis of qualifications and Company standards.

The Company will not assign an employee to a position in which he or she will be, or may become in the foreseeable future, either the supervisor or direct subordinate of a relative.

**CODE OF CONDUCT**

In order to maintain harmony, safety and productivity at the workplace, employees are expected to conduct themselves in a manner that promotes these objectives and to respect and to uphold the Company's Values.

Employees are expected to refrain from behaviour that may be disruptive, or that may be offensive to fellow employees.

Employees are expected to show courtesy and respect to others whether contractor, visitor or employee (regardless of their position in the Company).

**BUSINESS ETHICS & CONFLICT OF INTEREST**

The policy of Petrojam Limited is one of compliance with all laws and regulations applicable to its business.

It is a condition of employment that each employee does not contravene this policy. Further, it is required that each employee conducts his affairs according to the highest ethical standards; avoiding all activities which are or may be perceived as questionable, or in conflict with the Company's interests or business, or contrary to the Company's Policies and Rules or in contravention of Government laws and regulations, whatever their status in strict legal terms.

It is considered to be in conflict with the Company's interest and a violation of trust if an employee and/or his or her family have an interest in any organization or individual doing business with Petrojam Limited,





**Offer Letter- MANAGER**

**VOL. DE RAMHARRACK**

without the prior knowledge and written approval of Petrojam's General Manager. It is the obligation of the employee to advise the General Manager in writing should any such situation exist.

**The Company reserves the right in its absolute discretion to do the following:**

- (a) **Suspend**: you from work whether for investigatory or disciplinary purposes with or without pay by notice in writing to this effect.
- (b) **Transfer**: you whether by way of promotion, demotion, laterally or from one location to another or for disciplinary reasons

**TERMINATION AND NOTICE PERIOD**

After successful completion of the probationary period referred to herein, the prior written notice required from you or the Company to terminate your contract of employment shall be three (3) months' notice in writing.

We may at our sole and absolute discretion terminate your contract of employment at any time and with immediate effect notifying you that we are exercising our right under this clause and will make you a payment in lieu of notice within two (2) weeks of such notification. Payment in lieu of notice shall be made utilizing basic pay only.

For the avoidance of doubt, payment in lieu of notice shall not include any element in relation to:

- (a) any bonus or commission payments that might otherwise have been due during the period for which the payment in lieu is being made;
- (b) any payment in respect of benefits which you would have been entitled to receive during the period for which the payment in lieu is made; and
- (c) any payment in respect of any holiday entitlement that would accrue during the period for which payment in lieu is made.

**TERMINATION WITHOUT NOTICE**

We may also terminate your contract of employment with immediate effect without notice and with no liability to make any further payment to you (other than in respect of amounts accrued due at the date of termination) if you:

- (a) are guilty of any gross misconduct affecting the business of the Company or any associated company;
- (b) Commit any serious or repeated breach or non-observance of any of the provisions of this agreement or refuse or neglect to comply with any reasonable and lawful directions of the Company, or your supervisor at the Company;



- (c) are, in the reasonable opinion of the Management, negligent and/or incompetent in the performance of your duties;
- (d) are declared bankrupt or make any arrangement with or for the benefit of your creditors;
- (e) are charged with any criminal offence (other than an offence under any road traffic legislation in Jamaica or elsewhere for which a fine or non-custodial penalty is imposed);
- (f) become of unsound mind;
- (g) are guilty of any fraud or dishonesty or act in any manner which in the opinion of the Company brings or is likely to bring yourself or the Company into disrepute or is materially adverse to the interests of the Company;
- (h) are in breach of the Company's policies and procedures or standards required for the operation of the Company;
- (i) are guilty of a serious breach of any rules issued by the Company from time to time regarding the Company
- (j) provide any false information to the Company whether about your qualifications or otherwise;
- (k) fail any random substance testing during employment;
- (l) commit any breach of confidentiality;
- (m) are guilty of any serious professional misconduct, neglect of your duties or any act which might bring the Company or yourself into disrepute.

The rights of the Company under the above clause are without prejudice to any other rights that it might have at law to terminate your contract of employment or to accept any breach of this agreement by you as having brought your contract of employment to an end.

Any delay by the Company in exercising its rights to terminate your contract of employment shall not constitute a waiver thereof.

#### **ACCEPTANCE OF GIFTS**

You shall not without prior written consent of the General Manager accept any gift and/or favor of whatever kind from any customer, client or supplier of the Company, its subsidiaries or associated companies or any prospective customer, client or supplier of the Company, its subsidiaries or associated companies.

#### **MEDIA**

Save and except as required pursuant to your duties and responsibilities set out in your job description you are prohibited from communicating with the media of whatever kind in relation to information concerning the Company, its employees, its independent contractors without the express written approval of the General Manager. Failure to observe this rule shall warrant the immediate termination of your contract of employment.



**Offer Letter- MANAGER.1**

**YOLANDE RAMHARRACK**

**ADDITIONAL INFORMATION**

Further explanation on compensation, benefits and Company Policies and procedures may be obtained from the Human Resource Development and Administration Department.

On commencement of employment, the following will be required:

- a) NIS & TRN Numbers
- b) Original Income Tax Certificate (P45) from previous employer
- c) A recent passport size photograph
- d) Savings account (Commercial Bank) number for the lodgment of monthly salary.

**THE ENTIRE AGREEMENT**

This document constitutes the entire agreement between the company and yourself along with the Company's Policies, Petrojam Safety Rules and any other rules inclusive of disciplinary rules which the company may institute from time to time.

If you are in agreement with the terms and conditions of this contract of employment, please indicate your acceptance by signing in the space provided and returning the original of this letter.

Yours truly

**Petrojam Limited**

Floyd A. Grindley

**General Manager**

Date: 1/2/17

Accepted:

Yolande Ramharrack

Date: February 2, 2017



## PETROJAM LIMITED

### SERVING JAMAICA'S ENERGY NEEDS

P. O. Box 241, 96 Marcus Garvey Drive, Kingston 15, Jamaica, W.I.  
Telephone: (876) 923-8611-5 / 923-8814-8 Fax: (876) 923-8698  
E-mail: pjsys@cwjamaica.com

January 30, 2017

Ms. Yolande Ramharrack

XXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXX,

XXXXXXXXXX.

Dear Ms. Ramharrack:

We are pleased to offer you employment at Petrojam Limited on the following terms and conditions:

- (a) Our obtaining references satisfactory to us from your referees.
- (b) Your providing us with copies of the certificates for all your formal qualifications.
- (c) Your being passed as fit after a full medical examination by an approved medical practitioner; this must be undertaken within 1 month of signing this letter.
- (d) Your being free from any contractual restrictions preventing you from accepting this offer; and
- (e) Pre-employment substance testing and your agreeing to random testing during employment.

#### POSITION

**Manager, Human Resource Development and Administration**

#### CATEGORY

**M1**

#### COMPENSATION PACKAGE

Your monthly compensation will comprise of the following:

a) Basic or Pensionable Salary	- \$ 842,716.00
b) Transp. & Subsistence (Non-Taxable)	- \$ 111,802.00
c) Duty Allowance	- \$ 57,802.00
d) Company Contribution to Savings (non-pensionable)	- \$ 69,103.00

**Total Monthly Compensation** - \$ 1,081,423.00

**Annualized** - \$12,977,076.00

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DIRECTORS: Dr. Perceval Bahado-Singh (Chairman), Richard Creary, Harold Malcolm, Jesús Sánchez, César Milano, Carlos Rauseo, Tamara Robinson (Corporate Secretary), Floyd Grindley (General Manager)





Offer Letter- MANAG HRD

ANDE RAMHARRACK

Future increases in compensation will be implemented in accordance with the Company's compensation programme, the Performance Appraisal System and on the recommendation of the Department Manager and are subject to the guidelines received from the Ministry responsible for the Public Service from time to time ("MPS")

#### **LOCATION**

Your primary place of engagement will be at Petrojam's Refinery. However, Petrojam Limited reserves the right to assign you to any of its operating locations in Jamaica, as the need arises under similar terms and conditions as your current employment. Failure to accept such change in -placement location will constitute a breach of this contract and Petrojam Limited reserves the right to terminate your contract of employment forthwith for any such breach.

#### **DUTIES AND RESPONSIBILITIES**

It is expected that you will carry out your job functions in a professional manner and in accordance with the Company's operational standards. Your duties and responsibilities are as outlined in the Job Description which is attached in the schedule hereto and, which may be amended from time to time, and as advised by your assigned Supervisor and the Department Manager.

- You will be required to undergo training prescribed and arranged by the Company as part of its Employee Development Programme.
- You will be required to respond to emergency situations in keeping with your training and experience.
- You will be required to work effectively with other employees in achieving the stated objectives of your Department and of the Company.

#### **EFFECTIVE DATE**

The effective date of employment is **February 13, 2017**

#### **ORIENTATION**

You will be required to successfully complete the prescribed Orientation & Safety Training Programme.

#### **PROBATION**

Based on the General Manager's request, your probationary period has been waived.

However, you are required to undergo an extensive Orientation Program (approximately one month).

2

FC



**Offer Letter- MANAGER, HRD**

**YOLANDE RAMHARRACK**

Additionally, should either party wish to terminate the contract of employment, notice in accordance with your contractual terms is required. We reserve the right to make a payment in lieu of such notice. You are required to give no more than the stated contractual notice or where that is less than the stated statutory notice the stated statutory notice. We shall have no obligation to compensate you for notice given in excess of the requisite period.

In light of your Probationary Period being waived, you will be placed on the Permanent Staff of the Company with effect from February 13, 2017.

#### **NORMAL WORKING HOURS**

Normal working hours will be 8:00AM to 4:30PM for a forty (40) hour work week. You may, however, be required to work overtime, weekends, Public Holidays or to work on shift, or a flexible work week, as determined by your Supervisor or the Department Manager.

In your capacity as Manager, Human Resources Administration and Development, you will not be eligible to receive overtime payments.

#### **DRESS CODE**

You will be required to dress appropriately while at work and to wear Personal Protective Equipment ("PPE") when required to do so. Should you fail and/or refuse to wear the PPE we will not be liable to compensate you for any injuries suffered by you as a consequence of the same.

#### **EMPLOYEE BENEFITS**

The General Manager, in accordance with MPS has approved the implementation of certain employee benefits. These may be changed or modified to comply with applicable Government regulations and any directives from MPS or circumstances related to the profitability or viability of the Company.

##### **1. Savings Plan**

The Company's Savings Plan ("the Plan") in which you will be able to contribute up to a maximum of ten percent (10%) of your base monthly salary to your account in the Plan. The Company shall, on an annual basis, make contributions in accordance with the terms and conditions of the Plan in existence from time to time. Participation in the Savings Plan is optional.

##### **2. Medical Insurance**

Basic and Major Medical Insurance which currently provides coverage including but not limited to Optical, Dental and Prescription Drugs as amended from time to time will be provided for you and your dependents at prevailing costs. You must however advise the Company of and provide the required information and documents for your dependents.

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F9



your dependents at prevailing costs. You must however advise the Company of and provide the required information and documents for your dependents.

**3. Group Life Insurance, Accidental Death & Dismemberment and Disability**

Coverage under the Group Life Insurance Plan during your employment by virtue of which your designated beneficiary will receive whilst an employee, thirty six (36) months' pay with an additional thirty six (36) months' pay in the event of accidental death. The provisions of the disability plan shall apply to you in respect of absences due to illness and in accordance with the rules of this Plan.

**4. Pension Plan**

Participation in the Petrojam Pension Plan is compulsory and requires that you contribute 5% of your Basic (Pensionable) Salary. The Company contributes 7.5%. You may also make a voluntary contribution of up to 7.5% of Basic (Pensionable) salary, the benefit of which is set out in the Trust Deed and Rules as amended from time to time.

**5. Vacation Entitlement**

On completion of twelve months service, beginning on the Effective Date, you will be eligible for vacation leave in accordance with Company Policy, as amended from time to time and the provisions of the Holidays with Pay Order.

- 3 weeks after the first year of service
- 4 weeks between 8 and 15 years
- 5 weeks for 15 years and over

**6. Education Assistance (Scholarship) Programme- For Children of Employees**

The Education Assistance Programme (Scholarship) for children of employees in accordance with the Policy as amended from time to time.

**7. Education Refund Programme**

The Company's Educational Refund Programme for approved courses in accordance with Company Policy and applicable Government Guidelines, including your agreement to comply with the terms of the applicable policy in place from time to time.

**8. Rebate on Products Produced by the Company**

- (a) You will receive a rebate on all receipted purchases such as LPG for personal use by you, as set out in the Company's Policy in relation to Product Rebate Provision as amended from time to time.





**Offer Letter- MANAG HRD**

**ANDE RAMHARRACK**

**Gasoline**

- (b) Where a station is located on premises Gasoline may be accessed from the station in accordance with the applicable rules and guidelines as amended from time to time.

**9. Canteen Policy**

A subsidized meal is provided in accordance with Company policy as amended from time to time.

**10. Motor Vehicle Loan**

The Automobile Plan in accordance with the terms of the Automobile Policy which cover the purchase of an automobile and as amended from time to time.

In order to secure the Company's interest, a lien, in favour of the Company shall be registered on the title.

**Productivity Incentive Program**

The Productivity Incentive Program is a part of the Company's Strategic Plan aimed at realizing the Company's Vision of being a World Class Organization by creating a high level of motivation for its employees as they work towards achieving the objectives of the Plan.

The payment is a taxable cash award to employees who have participated in the Company's achievement of its budgeted profit target. There is no incentive payment when the profit threshold (75% of budgeted profit) is not achieved. The details of the Plan are contained in the related Policy Document as amended by the Company from time to time.

**11. Deductions**

The Company reserves the right in its absolute discretion to deduct from your salary any sums which you may owe the Company including without limitation, any repayment on loans made to you by the Company or losses suffered by the Company as a result of your negligence or breach of the Company rules and regulations as it relates to policies and procedures rules and regulations of the Company.

**COMPANY RULES AND PROCEDURES**

**SAFETY PROGRAMME**

You are required to act in a safe manner and to comply with the Company safety rules at all times. An unsafe act by you could impact negatively on you, your co-workers and the organization and will be deemed to be negligence and you will be liable to be disciplined in accordance with the Disciplinary Code or as deemed fit by Management.

You will be provided with an Identification Badge. The Badge must be worn at all times while on the premises. The loss of the Badge must be reported immediately to your supervisor and to the Security Manager. There will be a nominal cost for replacement.

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Offer Letter- MANAG HRD

ANDE RAMHARRACK

#### **EMPLOYMENT OF RELATIVES**

The Company may, in its absolute discretion, consider employment applications of employees' relatives, excluding spouses (formal or informal), parents and siblings, on such terms as it deems fit. However, they will not be given any particular preference in employment, but will be considered along with other candidates on the basis of qualifications and Company standards.

The Company will not assign an employee to a position in which he or she will be, or may become in the foreseeable future, either the supervisor or direct subordinate of a relative.

#### **CODE OF CONDUCT**

In order to maintain harmony, safety and productivity at the workplace, employees are expected to conduct themselves in a manner that promotes these objectives and to respect and to uphold the Company's Values.

Employees are expected to refrain from behaviour that may be disruptive, or that may be offensive to fellow employees.

Employees are expected to show courtesy and respect to others whether contractor, visitor or employee (regardless of their position in the Company).

#### **BUSINESS ETHICS & CONFLICT OF INTEREST**

The policy of Petrojam Limited is one of compliance with all laws and regulations applicable to its business.

It is a condition of employment that each employee does not contravene this policy. Further, it is required that each employee conducts his affairs according to the highest ethical standards; avoiding all activities which are or may be perceived as questionable, or in conflict with the Company's interests or business, or contrary to the Company's Policies and Rules or in contravention of Government laws and regulations, whatever their status in strict legal terms.

It is considered to be in conflict with the Company's interest and a violation of trust if an employee and/or his or her family have an interest in any organization or individual doing business with Petrojam Limited, without the prior knowledge and written approval of Petrojam's General Manager. It is the obligation of the employee to advise the General Manager in writing should any such situation exists.

#### **The Company reserves the right in its absolute discretion to do the following:**

- (a) **Suspend**: you from work whether for investigatory or disciplinary purposes with or without pay by notice in writing to this effect.
- (b) **Transfer**: you whether by way of promotion, demotion, laterally or from one location to another or for disciplinary reasons

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FG



Offer Letter- MANAG HRD

LANDE RAMHARRACK

#### TERMINATION AND NOTICE PERIOD

We may at our sole and absolute discretion terminate your contract of employment at any time and with immediate effect notifying you that we are exercising our right under this clause and will make you a payment in lieu of notice within two (2) weeks of such notification. Payment in lieu of notice shall be made utilizing basic pay only.

For the avoidance of doubt, payment in lieu of notice shall not include any element in relation to:

- (a) any bonus or commission payments that might otherwise have been due during the period for which the payment in lieu is being made;
- (b) any payment in respect of benefits which you would have been entitled to receive during the period for which the payment in lieu is made; and
- (c) any payment in respect of any holiday entitlement that would accrue during the period for which payment in lieu is made.

#### TERMINATION WITHOUT NOTICE

We may also terminate your contract of employment with immediate effect without notice and with no liability to make any further payment to you (other than in respect of amounts accrued due at the date of termination) if you:

- (a) are guilty of any gross misconduct affecting the business of the Company or any associated company;
- (b) Commit any serious or repeated breach or non-observance of any of the provisions of this agreement or refuse or neglect to comply with any reasonable and lawful directions of the Company, or your supervisor at the Company;
- (c) are, in the reasonable opinion of the Management, negligent and/or incompetent in the performance of your duties;
- (d) are declared bankrupt or make any arrangement with or for the benefit of your creditors;
- (e) are charged with any criminal offence (other than an offence under any road traffic legislation in Jamaica or elsewhere for which a fine or non-custodial penalty is imposed);
- (f) become of unsound mind;

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Offer Letter- MANAG HRD

ANDE RAMHARRACK

- (g) are guilty of any fraud or dishonesty or act in any manner which in the opinion of the Company brings or is likely to bring yourself or the Company into disrepute or is materially adverse to the interests of the Company;
- (h) are in breach of the Company's policies and procedures or standards required for the operation of the Company;
- (i) are guilty of a serious breach of any rules issued by the Company from time to time regarding the Company
- (j) provide any false information to the Company whether about your qualifications or otherwise;
- (k) fail any random substance testing during employment;
- (l) commit any breach of confidentiality;
- (m) are guilty of any serious professional misconduct, neglect of your duties or any act which might bring the Company or yourself into disrepute.

The rights of the Company under the above clause are without prejudice to any other rights that it might have at law to terminate your contract of employment or to accept any breach of this agreement by you as having brought your contract of employment to an end.

Any delay by the Company in exercising its rights to terminate your contract of employment shall not constitute a waiver thereof.

#### **ACCEPTANCE OF GIFTS**

You shall not without prior written consent of the General Manager accept any gift and/or favor of whatever kind from any customer, client or supplier of the Company, its subsidiaries or associated companies or any prospective customer, client or supplier of the Company, its subsidiaries or associated companies.

#### **MEDIA**

Save and except as required pursuant to your duties and responsibilities set out in your job description you are prohibited from communicating with the media of whatever kind in relation to information concerning the Company, its employees, its independent contractors without the express written approval of the General Manager. Failure to observe this rule shall warrant the immediate termination of your contract of employment.



**Offer Letter- MANAG** **HRD**

**YOLANDE RAMHARRACK**

**ADDITIONAL INFORMATION**

Further explanation on compensation, benefits and Company Policies and procedures may be obtained from the Human Resource Development and Administration Department.

On commencement of employment, the following will be required:

- a) NIS & TRN Numbers
- b) Original Income Tax Certificate (P45) from previous employer
- c) A recent passport size photograph
- d) Savings account (Commercial Bank) number for the lodgment of monthly salary.

**THE ENTIRE AGREEMENT**

This document constitutes the entire agreement between the company and yourself along with the Company's Policies, Petrojam Safety Rules and any other rules inclusive of disciplinary rules which the company may institute from time to time.

If you are in agreement with the terms and conditions of this contract of employment, please indicate your acceptance by signing in the space provided and returning the original of this letter.

Yours truly

**Petrojam Limited**

Floyd A. Grindley

**General Manager**

Date: 1/2/17

Accepted:

Yolande Ramharrack

Date: February 2, 2017

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FG





RS 5



67/1901

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Name SMITH Clayton  
Last First

Date 4 10 2017  
Month Day Year

Sex M  
M or F

EDUCATION: Encircle the last grade completed

(Grade School)								(High School)				(College)			
1	2	3	4	5	6	7	8	9	10	11	12	Fr	So	Jr	Sr

### DIRECTIONS

This is a test of arithmetic. Do each example in turn as quickly as you can.  
All of the answers are whole numbers. Work down the left-hand page first.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO

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66-136T



+ means add;    - means subtract;     $\times$  means multiply;     $\div$  means divide

Do Any Scratch Work Here

1.  $18 \times 9 =$  162 ✓
2.  $83 + 78 =$  161 ✓
3.  $267 \div 3 =$  89 ✓
4.  $121 - 59 =$  62 ✓
5.  $69 \times 4 =$  276 ✓
6.  $96 + 47 =$  143 ✓
7.  $276 \div 6 =$  46 ✓
8.  $103 - 34 =$  69 ✓
9.  $27 \times 8 =$  216 ✓
10.  $89 + 66 =$  155 ✓
11.  $348 \div 4 =$  87 ✓
12.  $116 - 97 =$  19 ✓
13.  $77 \times 3 =$  231 ✓
14.  $43 + 29 =$  72 ✓
15.  $234 \div 6 =$  39 ✓
16.  $112 - 34 =$  78 ✓
17.  $36 \times 8 =$  288 ✓
18.  $15 + 26 =$  41 ✓
19.  $224 \div 4 =$  56 ✓
20.  $141 - 72 =$  69 ✓
21.  $64 \times 6 =$  384 ✓
22.  $87 + 39 =$  126 ✓
23.  $261 \div 9 =$  29 ✓
24.  $127 - 68 =$  59 ✓
25.  $14 \times 8 =$  112 ✓
26.  $58 + 65 =$  123 ✓
27.  $329 \div 7 =$  47 ✓
28.  $65 - 39 =$  26 ✓
29.  $78 \times 3 =$  234 ✓
30.  $79 + 49 =$  128 ✓

DON'T STOP. GO ON TO NEXT PAGE.



+ means *add*;    - means *subtract*;     $\times$  means *multiply*;     $\div$  means *divide*

Do Any Scratch Work Here

31.  $295 \div 5 =$  59 ✓  
32.  $101 - 48 =$  53 ✓  
33.  $38 \times 7 =$  266 ✓  
34.  $16 + 86 =$  102 ✓  
35.  $158 \div 2 =$  79 ✓  
36.  $74 - 46 =$  28 ✓  
37.  $58 \times 4 =$  232 ✓  
38.  $89 + 14 =$  103 ✓  
39.  $343 \div 7 =$  49 ✓  
40.  $125 - 57 =$  68 ✓  
41.  $84 \times 9 =$  756 ✓  
42.  $78 + 29 =$  107 ✓  
43.  $222 \div 6 =$  37 ✓  
44.  $61 - 35 =$  26 ✓  
45.  $24 \times 7 =$  168 ✓  
46.  $25 + 58 =$  83 ✓  
47.  $285 \div 5 =$  57 ✓  
48.  $124 - 39 =$  85 ✓  
49.  $17 \times 9 =$  153 ✓  
50.  $38 + 68 =$  106 ✓  
51.  $252 \div 9 =$  28 ✓  
52.  $81 - 44 =$  37 ✓  
53.  $54 \times 3 =$  162 ✓  
54.  $47 + 48 =$  95 ✓  
55.  $136 \div 4 =$  34 ✓  
56.  $82 - 34 =$  48 ✓  
57.  $16 \times 7 =$  112 ✓  
58.  $25 + 67 =$  92 ✓  
59.  $130 \div 5 =$  26 ✓  
60.  $111 - 94 =$  17 ✓

DON'T STOP. GO ON TO NEXT PAGE.



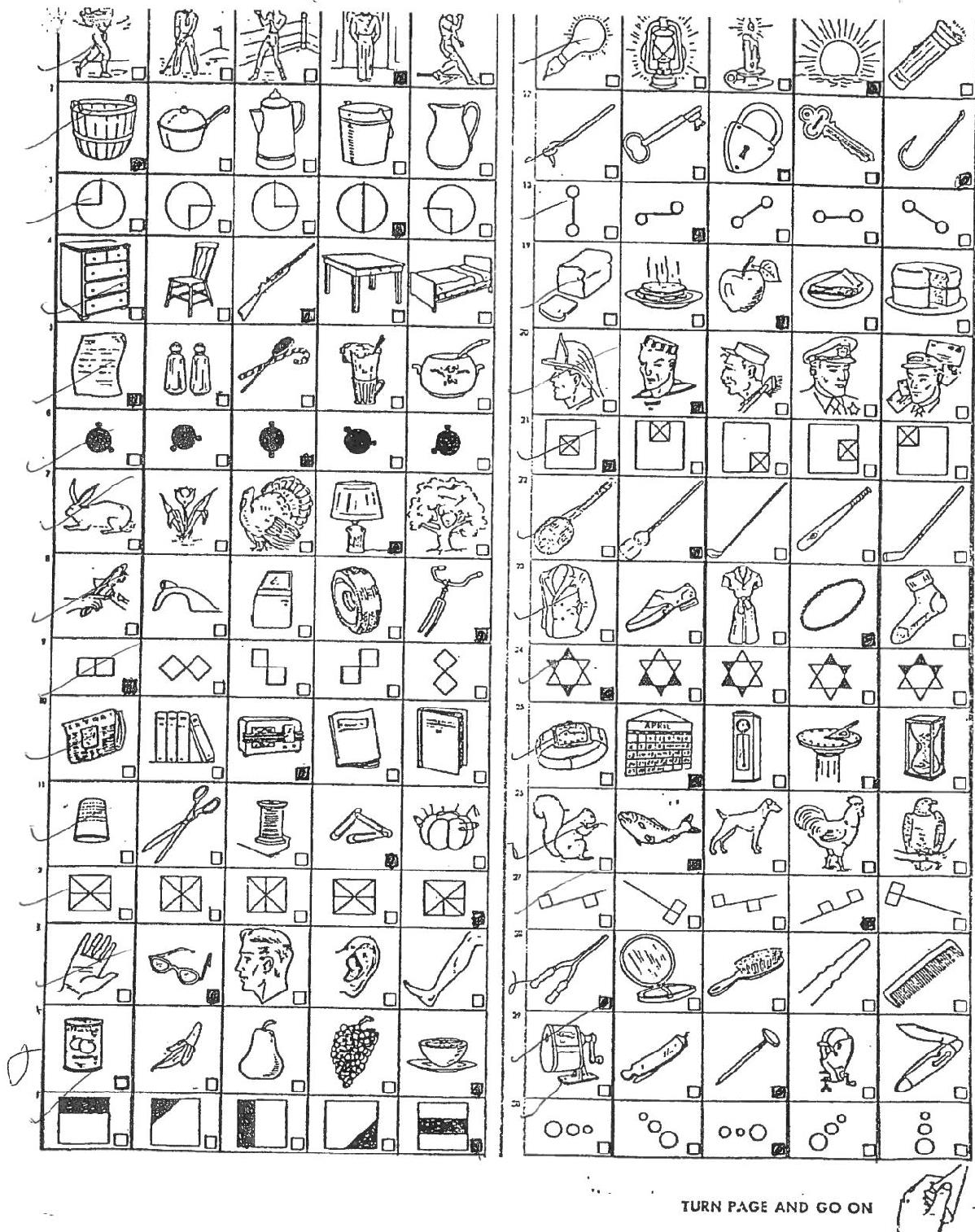
+ means *add*;    - means *subtract*;     $\times$  means *multiply*;     $\div$  means *divide*

Do Any Scratch Work Here

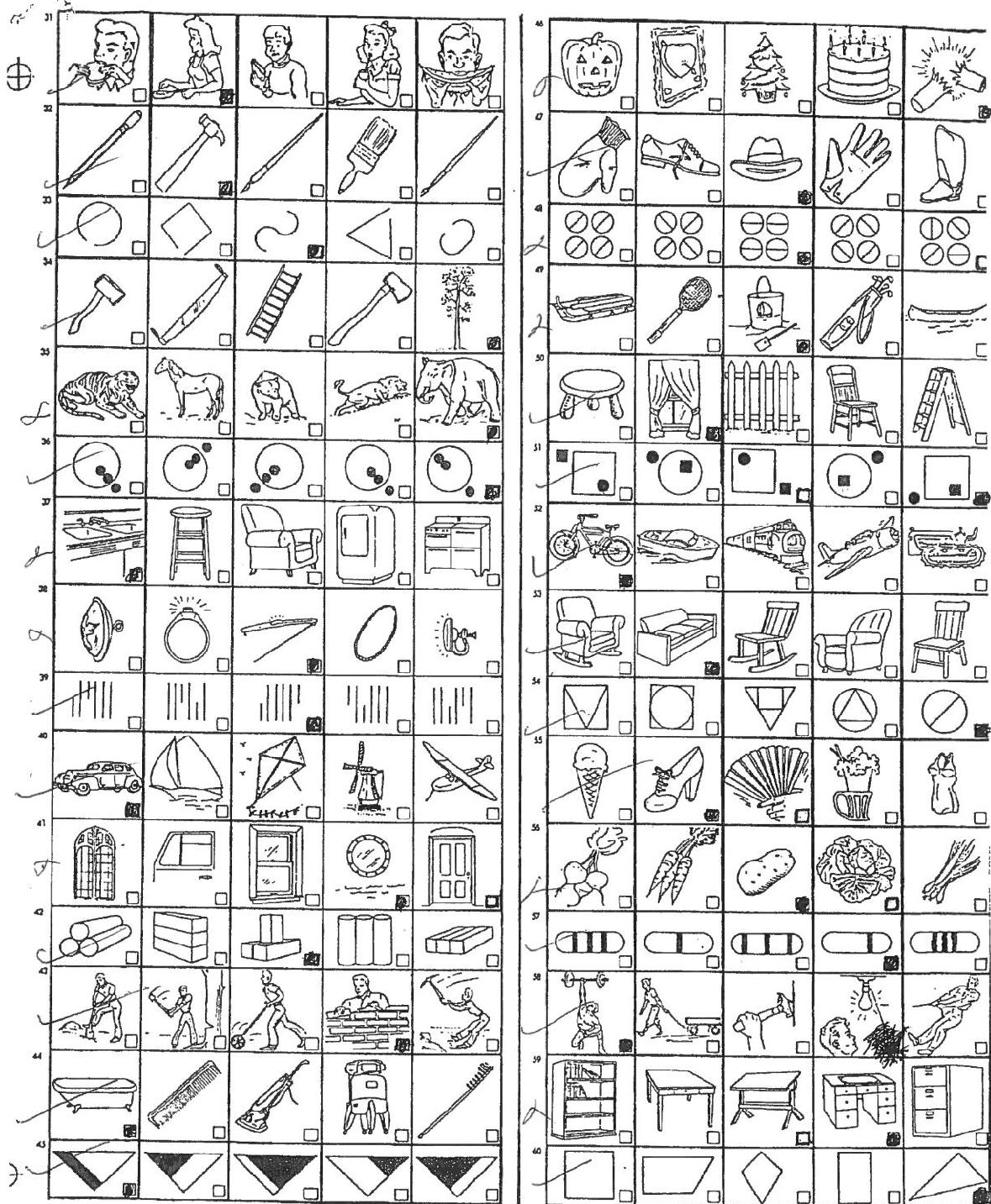
61.  $57 \times 4 =$  228 ✓  
62.  $87 + 47 =$  134 ✓  
63.  $340 \div 5 =$  68 ✓  
64.  $137 - 84 =$  53 ✓  
65.  $49 \times 6 =$  294 ✓  
66.  $43 + 65 =$  108 ✓  
67.  $316 \div 4 =$  79 ✓  
68.  $112 - 97 =$  15 ✓  
69.  $67 \times 5 =$  335 ✓  
70.  $36 + 27 =$  63 ✓  
71.  $259 \div 7 =$  37 ✓  
72.  $97 - 39 =$  58 ✓  
73.  $68 \times 4 =$  272 ✓  
74.  $47 + 67 =$  114 ✓  
75.  $201 \div 3 =$  67 ✓  
76.  $117 - 35 =$  82 ✓  
77.  $39 \times 9 =$  351 ✓  
78.  $52 + 66 =$  118 ✓  
79.  $288 \div 6 =$  48 ✓  
80.  $132 - 53 =$  79 ✓  
81.  $19 \times 8 =$  152 ✓  
82.  $85 + 59 =$  144 ✓  
83.  $224 \div 8 =$  28 ✓  
84.  $104 - 36 =$  68 ✓  
85.  $48 \times 7 =$  336 ✓  
86.  $84 + 52 =$  136 ✓  
87.  $220 \div 5 =$  44 ✓  
88.  $96 - 47 =$  49 ✓  
89.  $36 \times 9 =$  324 ✓  
90.  $29 + 69 =$  98 ✓











STOP HERE.

Donner No. 7 571



CLAYTON SMITH "R22"

# SRA NONVERBAL FORM

MENTAL ABILITY

FORM AH

Prepared by Robert N. McMurry, Ph.D. and Joseph E. King, Ph.D.

Print your name, group, and date in the spaces provided at the right side of this page. Now look at the row of pictures below:



40/60

NAME

First

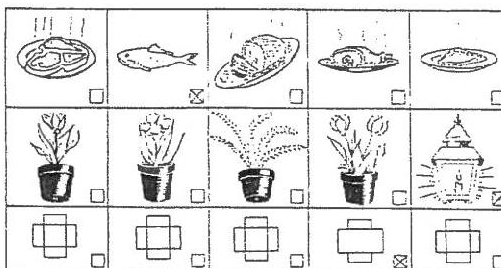
Last


Initial

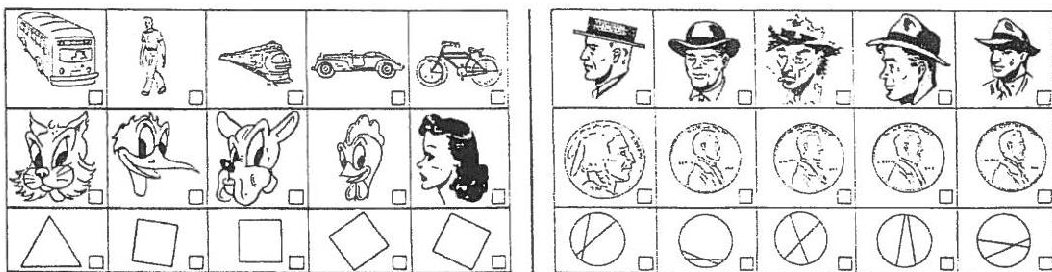
GROUP

There are faces of four girls and a man. The man's face is the MOST DIFFERENT picture in the row. An X has been marked in the box under the man.

Now look at the next three rows of problems. An X has been marked in the box of the MOST DIFFERENT picture in each row. Figure out why that picture was marked in each row.



Now work the problems below. In each row, put an X in the box of the picture that is MOST DIFFERENT. Mark your answers heavily. Do NOT make any marks except your answers. If you wish to change an answer, draw a circle around the box like this: . Then mark the new answer in the usual way.



DATE

You should have marked the man walking, the girl's face, the triangle, the tramp, the nickel, and the fourth circle. Be sure you understand how to work this kind of problem. When the examiner gives the signal, you are to work more problems like those above. Work quickly, but try not to make mistakes. You will have 10 minutes for the test. You are not expected to finish in the time allowed. There are TWO pages of problems.

STOP HERE—DO NOT TURN THE PAGE UNTIL THE EXAMINER TELLS YOU

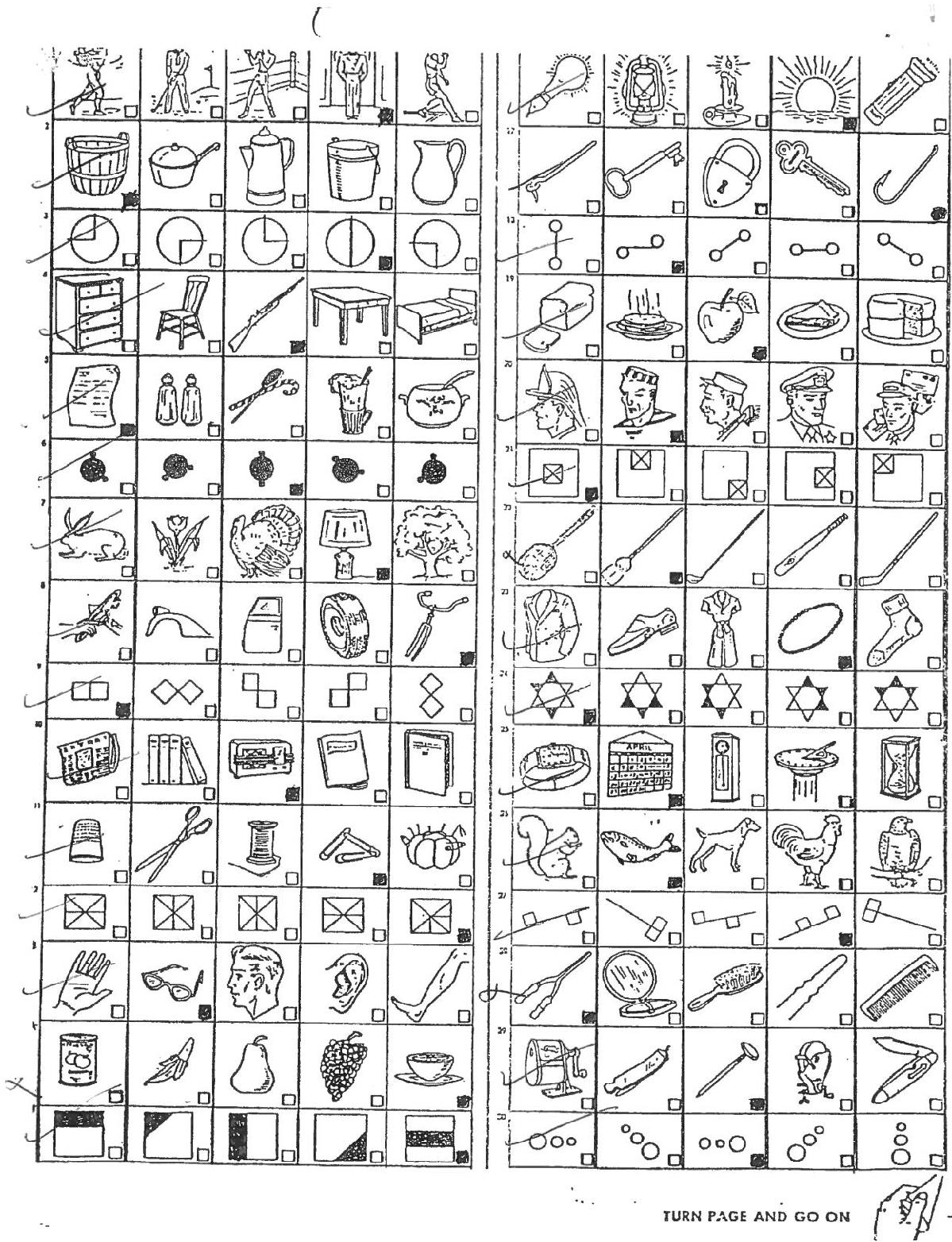
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SRA

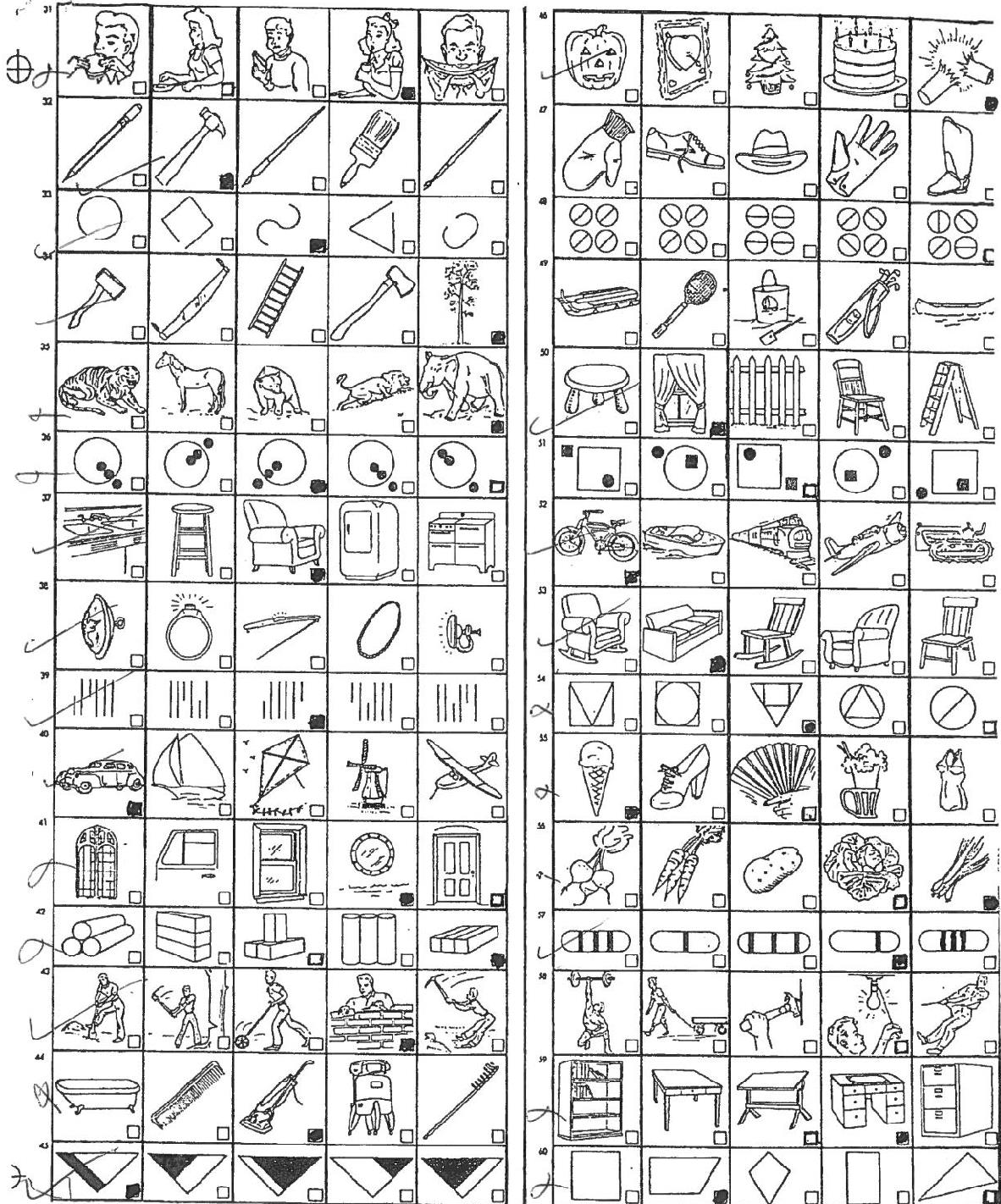
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Board No. 7 571



9/50

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Name Smith Clayton  
Last First  
Date 4 10 20A  
Month Day Year  
Sex M  
M or F

EDUCATION: Encircle the last grade completed  
(Grade School) (High School) (College)  
1 2 3 4 5 6 7 8 9 10 11 12 Fr So Jr Sr

### DIRECTIONS

This is a test of word meaning. For each word in the left-hand column choose from among the numbered words to the right the one which means the same or most nearly the same. Write the number of the word you choose on the line at the right.

Here are two samples:

ABBREVIATE      1. Deny      2. Object      3. Shorten      4. Select      3

Since *shorten* means the same as *abbreviate*, the number 3 is written on the line.

Now do this one yourself.

TARDY      1. Ready      2. Late      3. Prompt      4. Often      \_\_\_\_\_

Since *late* and *tardy* mean the same, you should have written the number 2 on the line.

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65-428T



MARK THE NUMBER OF YOUR ANSWER ON THE LINE AT THE RIGHT

1. SKEPTICAL	1. Lame	2. Clean	3. Bony	4. Doubting	<u>2</u>
2. AUXILIARY	1. Helping	2. Essential	3. Fragrant	4. Extinct	<u>2</u>
3. AFFLICT	1. Torment	2. Delight	3. Instruct	4. Hasten	<u>2</u>
4. NONCHALANT	1. Noteworthy	2. Unable	3. Stationary	4. Indifferent	<u>1</u>
5. HILARITY	1. Stench	2. Merriment	3. Ventilation	4. Drunkenness	<u>2</u>
6. DUBIOUS	1. Uncertain	2. Obedient	3. Tearful	4. Polite	<u>2</u>
7. ARROGANT	1. Displayed	2. Domineering	3. Deserted	4. Dartlike	<u>2</u>
8. BANISHMENT	1. Revelry	2. Flattery	3. Exile	4. Defeat	<u>2</u>
9. CARICATURE	1. Sofa	2. Coach	3. Parody	4. Candle	<u>3</u>
10. AMPLIFY	1. Determine	2. Liquidate	3. Electrocute	4. Increase	<u>2</u>
11. BOLSTER	1. Sheath	2. Support	3. Bluff	4. Bauble	<u>3</u>
12. DERELICT	1. Remembered	2. Beloved	3. Abandoned	4. Widowed	<u>2</u>
13. DISDAIN	1. Greed	2. Affection	3. Contempt	4. Amusement	<u>2</u>
14. QUIRK	1. Peculiarity	2. Spiral	3. Ream	4. Whip	<u>3</u>
15. ADORNMENT	1. Worship	2. Luster	3. Decoration	4. Asset	<u>2</u>
16. ALLEVIATE	1. Secede	2. Lighten	3. Transport	4. Nominate	<u>3</u>
17. IRRELEVANT	1. Unrelated	2. Blasphemous	3. Illegal	4. Ancient	<u>2</u>
18. ZEALOT	1. Enthusiast	2. Native	3. Victim	4. Convert	<u>2</u>
19. CHARLATAN	1. Prisoner	2. Decorator	3. Impostor	4. Inventor	<u>2</u>
20. SEQUEL	1. Occasion	2. Symptom	3. Consequence	4. Accident	<u>2</u>
21. CAJOLE	1. Reckon	2. Coax	3. Bemoan	4. Threaten	<u>3</u>
22. DELVE	1. Curse	2. Dig	3. Extol	4. Strike	<u>3</u>
23. DERIDE	1. Mock	2. Return	3. Strew	4. Embrace	<u>2</u>
24. CHAOTIC	1. Distant	2. Weak	3. Empty	4. Confused	<u>3</u>
25. IDIOSYNCRASY	1. Eccentricity	2. Harmony	3. Dictatorship	4. Sample	<u>2</u>

DON'T STOP. GO ON TO NEXT PAGE.





MARK THE NUMBER OF YOUR ANSWER ON THE LINE AT THE RIGHT

26. CONDONE	1. Refuse	2. Forgive	3. Inform	4. Mourn	<u>2</u> ✓
27. COMPLIANCE	1. Consent	2. Urgency	3. Trust	4. Percolator	<u>3</u> ✓
28. MANDATORY	1. Vicious	2. Unusual	3. Voluntary	4. Obligatory	<u>2</u> ✓
29. CORROBORATE	1. Pilfer	2. Dilute	3. Rust	4. Confirm	<u>2</u> ✓
30. REVERBERATE	1. Abuse	2. Echo	3. Memorize	4. Embellish	<u>2</u> ✓
31. WAIVE	1. Impair	2. Accept	3. Welcome	4. Forego	<u>2</u> ✓
32. RECTIFY	1. Destroy	2. Affirm	3. Avoid	4. Remedy	<u>2</u> ✓
33. ADMONISH	1. Offer	2. Imply	3. Caution	4. Watch	<u>2</u> ✓
34. OBESITY	1. Corpulence	2. Curtsy	3. Rage	4. Equipment	<u>2</u> ✓
35. AUDIT	1. Apply	2. Advise	3. Invoke	4. Examine	<u>2</u> ✓
36. MENIAL	1. Sinful	2. Central	3. Servile	4. Willful	<u>3</u> ✓
37. CULPABLE	1. Blameworthy	2. Exposed	3. Worried	4. Strong	<u>2</u> ✓
38. SATIATE	1. Assist	2. Corrupt	3. Satisfy	4. Simulate	<u>3</u> ✓
39. FURTIVE	1. Coated	2. Foolish	3. Genial	4. Stealthy	<u>3</u> ✓
40. BEQUEST	1. Wreath	2. Search	3. Legacy	4. Order	<u>2</u> ✓
41. RESTITUTION	1. Revival	2. Compensation	3. Poverty	4. Hospital	<u>2</u> ✓
42. EXTORT	1. Commit	2. Tighten	3. Force	4. Escape	<u>2</u> ✓
43. BARRISTER	1. Railing	2. Lawyer	3. Convict	4. Peer	<u>3</u> ✓
44. DIREFUL	1. Distended	2. Anxious	3. Lonesome	4. Dreadful	<u>2</u> ✓
45. CITATION	1. Rehearsal	2. Mention	3. Heroism	4. Location	<u>3</u> ✓
46. CONGEAL	1. Marry	2. Tremble	3. Perish	4. Freeze	<u>2</u> ✓
47. SEVERANCE	1. Anger	2. Porcelain	3. Separation	4. Harshness	<u>3</u> ✓
48. RANCOR	1. Malice	2. Odor	3. Status	4. Bovine	<u>2</u> ✓
49. VISCOUS	1. Limpid	2. Dangerous	3. Noble	4. Sticky	<u>2</u> ✓
50. EXPIATE	1. Delete	2. Atone	3. Await	4. Describe	<u>2</u> ✓



224



Name Smith Clayton  
Last First  
Date 3 29 2017  
Month Day Year  
Sex M  
M or F  
EDUCATION: Encircle the last grade completed  
(Grade School) (High School) (College)  
1 2 3 4 5 6 7 8 9 10 11 12 Fr So Jr Sr

### DIRECTIONS

This is a test of arithmetic. Do each example in turn as quickly as you can.  
All of the answers are whole numbers. Work down the left-hand page first.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO

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The Psychological Corporation, 304 East 45th Street, New York, N. Y. 10017

66-136T



+ means add;    - means subtract;     $\times$  means multiply;     $\div$  means divide

Do Any Scratch Work Here

1.  $18 \times 9 =$  162 ✓
2.  $83 + 78 =$  161 ✓
3.  $267 \div 3 =$  89 ✓
4.  $121 - 59 =$  62 ✓
5.  $69 \times 4 =$  276 ✓
6.  $96 + 47 =$  143 ✓
7.  $276 \div 6 =$  46 ✓
8.  $103 - 34 =$  69 ✓
9.  $27 \times 8 =$  216 ✓
10.  $89 + 66 =$  155 ✓
11.  $348 \div 4 =$  87 ✓
12.  $116 - 97 =$  19 ✓
13.  $77 \times 3 =$  231 ✓
14.  $43 + 29 =$  72 ✓
15.  $234 \div 6 =$  39 ✓
16.  $112 - 34 =$  78 ✓
17.  $36 \times 8 =$  288 ✓
18.  $15 + 26 =$  41 ✓
19.  $224 \div 4 =$  56 ✓
20.  $141 - 72 =$  69 ✓
21.  $64 \times 6 =$  384 ✓
22.  $87 + 39 =$  126 ✓
23.  $261 \div 9 =$  29 ✓
24.  $127 - 68 =$  59 ✓
25.  $14 \times 8 =$  112 ✓
26.  $58 + 65 =$  123 ✓
27.  $329 \div 7 =$  47 ✓
28.  $65 - 39 =$  26 ✓
29.  $78 \times 3 =$  234 ✓
30.  $79 + 49 =$  128 ✓

DON'T STOP. GO ON TO NEXT PAGE.



+ means add;    - means subtract;     $\times$  means multiply;     $\div$  means divide

Do Any Scratch Work Here

31.  $295 \div 5 =$  54  $\times$   
32.  $101 - 48 =$  53  $\checkmark$   
33.  $38 \times 7 =$  266  $\checkmark$   
34.  $16 + 86 =$  102  $\checkmark$   
35.  $158 \div 2 =$  67  $\checkmark$   
36.  $74 - 46 =$  48  $\times$   
37.  $58 \times 4 =$  232  $\checkmark$   
38.  $89 + 14 =$  103  $\checkmark$   
39.  $343 \div 7 =$  49  $\checkmark$   
40.  $125 - 57 =$  68  $\checkmark$   
41.  $84 \times 9 =$  576  $\times$   
42.  $78 + 29 =$  107  $\checkmark$   
43.  $222 \div 6 =$  37  $\checkmark$   
44.  $61 - 35 =$  \_\_\_\_\_  
45.  $24 \times 7 =$  \_\_\_\_\_  
46.  $25 + 58 =$  \_\_\_\_\_  
47.  $285 \div 5 =$  \_\_\_\_\_  
48.  $124 - 39 =$  \_\_\_\_\_  
49.  $17 \times 9 =$  \_\_\_\_\_  
50.  $38 + 68 =$  \_\_\_\_\_  
51.  $252 \div 9 =$  \_\_\_\_\_  
52.  $81 - 44 =$  \_\_\_\_\_  
53.  $54 \times 3 =$  \_\_\_\_\_  
54.  $47 + 48 =$  \_\_\_\_\_  
55.  $136 \div 4 =$  \_\_\_\_\_  
56.  $82 - 34 =$  \_\_\_\_\_  
57.  $16 \times 7 =$  \_\_\_\_\_  
58.  $25 + 67 =$  \_\_\_\_\_  
59.  $130 \div 5 =$  \_\_\_\_\_  
60.  $111 - 94 =$  \_\_\_\_\_

$$\frac{38}{60}$$

DON'T STOP. GO ON TO NEXT PAGE.



$+$  means *add*;  $-$  means *subtract*;  $\times$  means *multiply*;  $\div$  means *divide*

Do Any Scratch Work Here

61.  $57 \times 4 =$  \_\_\_\_\_
62.  $87 + 47 =$  \_\_\_\_\_
63.  $340 \div 5 =$  \_\_\_\_\_
64.  $137 - 84 =$  \_\_\_\_\_
65.  $49 \times 6 =$  \_\_\_\_\_
66.  $43 + 65 =$  \_\_\_\_\_
67.  $316 \div 4 =$  \_\_\_\_\_
68.  $112 - 97 =$  \_\_\_\_\_
69.  $67 \times 5 =$  \_\_\_\_\_
70.  $36 + 27 =$  \_\_\_\_\_
71.  $259 \div 7 =$  \_\_\_\_\_
72.  $97 - 39 =$  \_\_\_\_\_
73.  $68 \times 4 =$  \_\_\_\_\_
74.  $47 + 67 =$  \_\_\_\_\_
75.  $201 \div 3 =$  \_\_\_\_\_
76.  $117 - 35 =$  \_\_\_\_\_
77.  $39 \times 9 =$  \_\_\_\_\_
78.  $52 + 66 =$  \_\_\_\_\_
79.  $288 \div 6 =$  \_\_\_\_\_
80.  $132 - 53 =$  \_\_\_\_\_
81.  $19 \times 8 =$  \_\_\_\_\_
82.  $85 + 59 =$  \_\_\_\_\_
83.  $224 \div 8 =$  \_\_\_\_\_
84.  $104 - 36 =$  \_\_\_\_\_
85.  $48 \times 7 =$  \_\_\_\_\_
86.  $84 + 52 =$  \_\_\_\_\_
87.  $220 \div 5 =$  \_\_\_\_\_
88.  $96 - 47 =$  \_\_\_\_\_
89.  $36 \times 9 =$  \_\_\_\_\_
90.  $29 + 69 =$  \_\_\_\_\_



TEST OF  
MECHANICAL COMPREHENSION  
FORM BB

George K. Bennett and Minah E. Fry

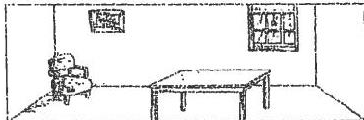


DIRECTIONS

Fill in the requested information on your ANSWER SHEET.

Now line up your answer sheet with the test booklet so that the "Page 1" arrow on the booklet meets the "Page 1" arrow on the answer sheet. Then look at Sample X on this page. It shows pictures of two rooms and asks, "Which room has more of an echo?" Because it has neither rugs nor curtains, there is more of an echo in room "A"; so blacken the space under "A" on your answer sheet. Now look at Sample Y and answer it yourself. Fill in the space under the correct answer on your answer sheet.

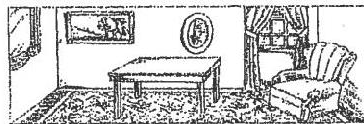
PAGE 1



A

X

Which room has more of an  
echo?



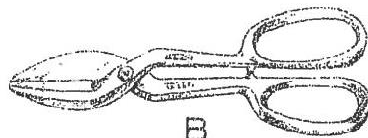
B



A

Y

Which would be the better shears  
for cutting metal?



B

On the following pages there are more pictures and questions. Read each question carefully, look at the picture, and fill in the space under the best answer on the answer sheet. Make sure that your marks are heavy and black. Erase completely any answer you wish to change. Be certain that you use the right column on the answer sheet for each page. The arrow on the page should meet the arrow on the answer sheet.

DO NOT MARK THIS BOOKLET—PUT YOUR ANSWERS ON THE ANSWER SHEET.

Drawings by Helen Cahryel  
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304 East 45th Street  
New York 17, N. Y.

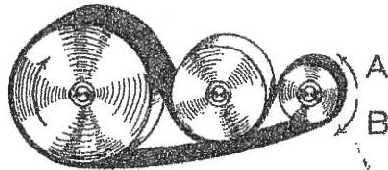
Printed in U.S.A.

55-176 TD





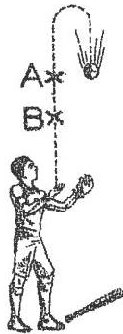
PUT YOUR ANSWERS ON THE ANSWER SHEET.



1

If the large wheel moves in the direction shown, in which direction will the small one move?

B

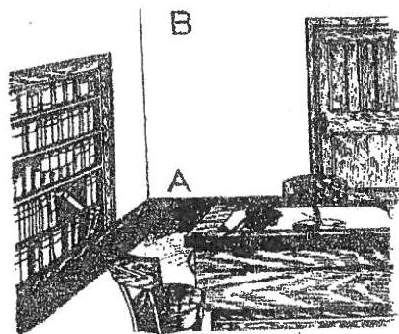


2

At which point is the ball going faster?

B

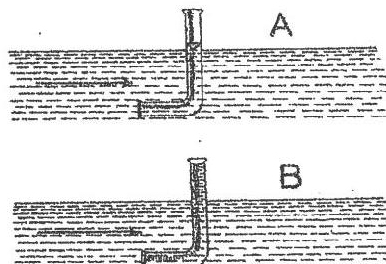
PAGE 2



3

At which point in the room is the air likely to be warmer?

B



4

Which of these streams is flowing faster?

A

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.



A

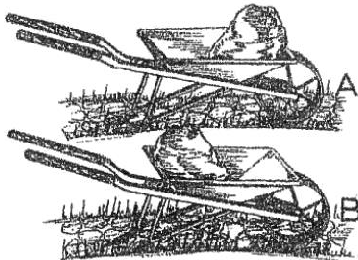


B

5

Which of these is an ordinary electric light cord?

A



A



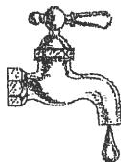
B

6

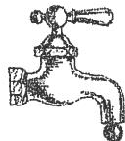
Which way will it be easier to carry the rock in the wheelbarrow?

A

PAGE 3



A

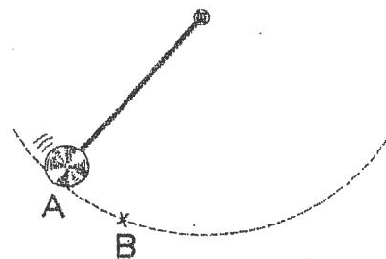


B

7

Which picture shows the way a drop of water looks just before it falls?

A



A

B

8

At which point will the pendulum be going faster?

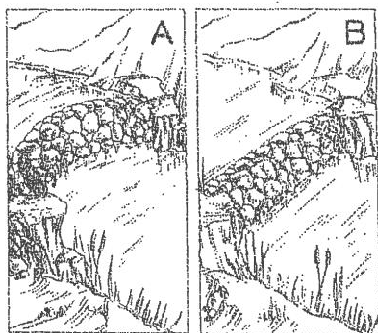
B

Do Not Stop. Go On to the Next Page.





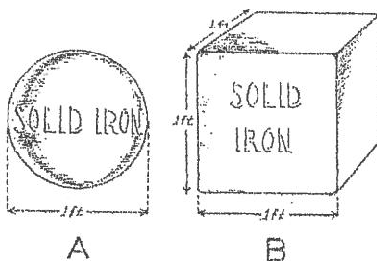
PUT YOUR ANSWERS ON THE ANSWER SHEET.



9

Which shape dam is stronger?

B

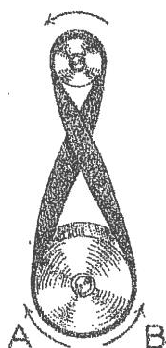


10

Which weighs more?

A

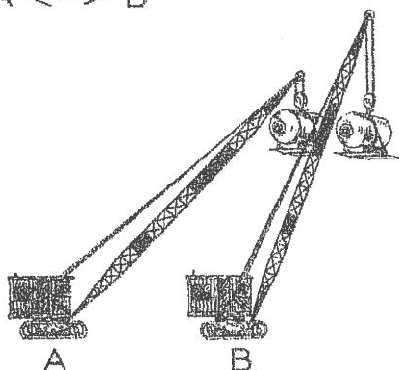
PAGE 4



11

If the upper wheel goes in the direction shown, in which direction will the lower wheel go?

A



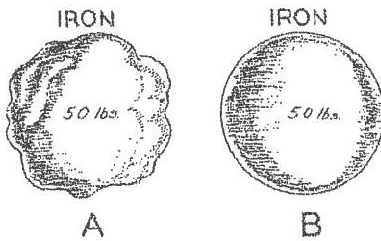
12

Which is more likely to tip over?

A



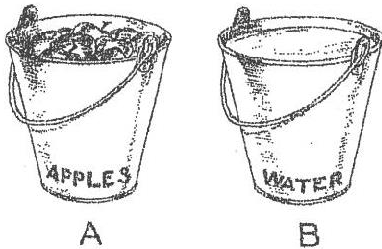
PUT YOUR ANSWERS ON THE ANSWER SHEET.



13

Which will it take more paint to cover?

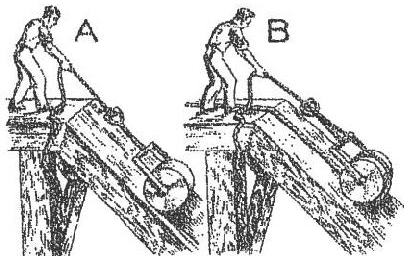
A ✓



14

Which weighs more?

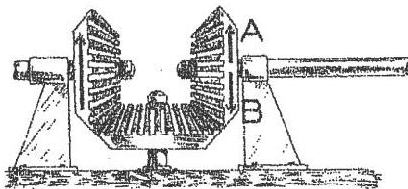
A ✓



15

Which man has to pull harder to lift the roller?

A ✓



16

If the left-hand gear moves in the direction shown, in which direction will the right-hand gear move?

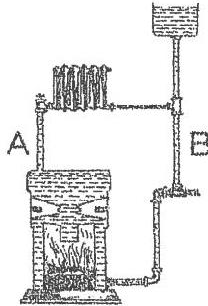
B ✓

PAGE 5

Do Not Stop. Go On to the Next Page.



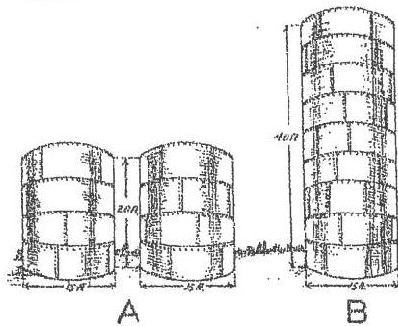
PUT YOUR ANSWERS ON THE ANSWER SHEET.



17

Which pipe contains the cooler water?

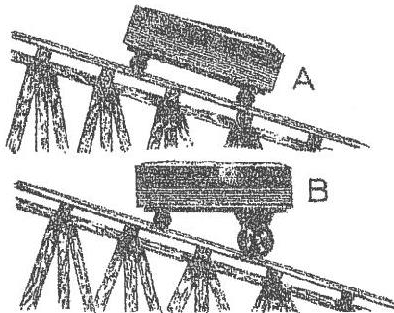
B



18

Which will hold more water, the two tanks at A or the one tank at B?

B

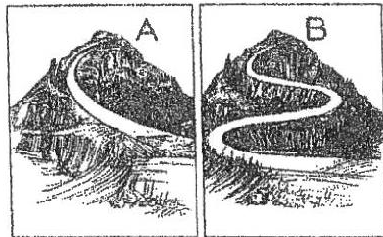


19

Which car will stand still on the incline?

A

PAGE 6



20

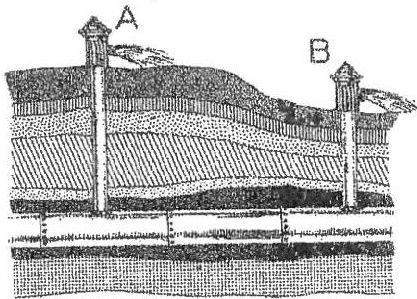
Which road is steeper?

A

Do Not Stop. Go On to the Next Page.



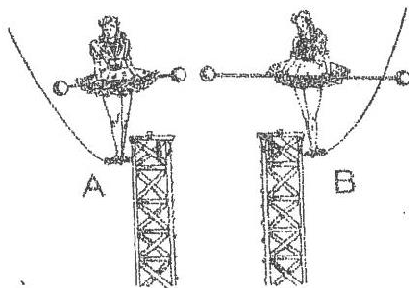
PUT YOUR ANSWERS ON THE ANSWER SHEET.



21

From which fire hydrant will the water spurt farther?

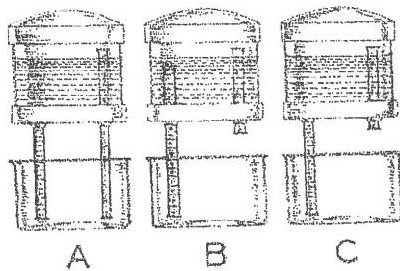
A



22

Which acrobat will find it easier to keep her balance?

B

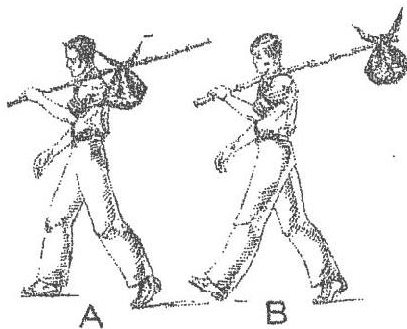


23

Which jar will let the most water run out?

C

PAGE 7



24

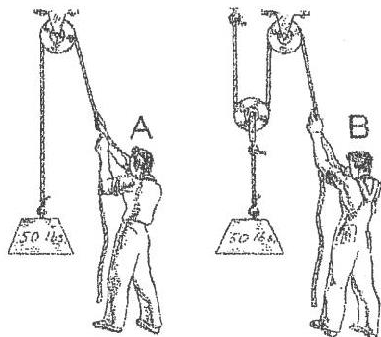
Which way will the bundle be easier to carry?

B

Do Not Stop. Go On to the Next Page.



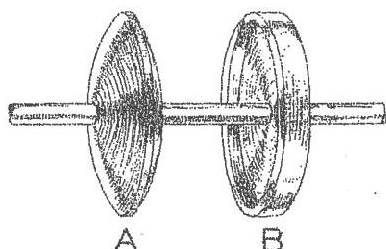
PUT YOUR ANSWERS ON THE ANSWER SHEET.



25

Which man has to pull more rope to raise the weight the same distance?

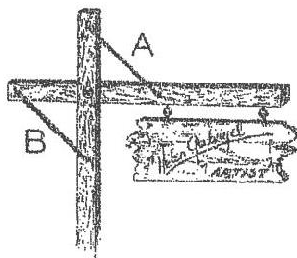
B ✓



26

Which wheel is more likely to fly apart if it is spun at high speed?

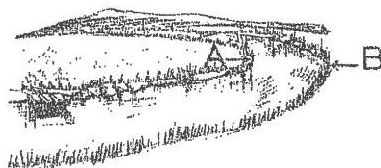
A ✓



27

Which one piece of chain will hold up the sign?

A ✓



28

Which bank of the river is more likely to wear away?

B ✓

PAGE 8

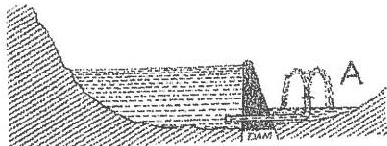
Do Not Stop. Go On to the Next Page.





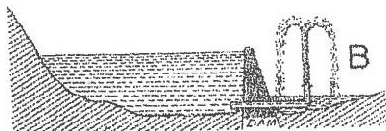
PUT YOUR ANSWERS ON THE ANSWER SHEET.

PAGE 9



29

Which of these pictures shows what would actually happen?



B

o



30

Which picture shows the way the straw would look?

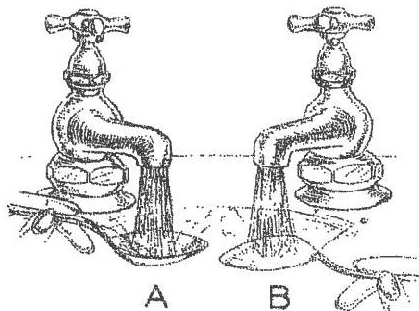


B



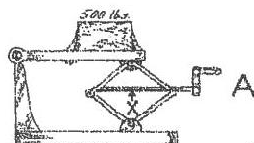
31

In which case will the water splash more?



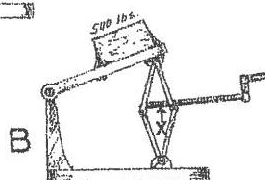
A

✓



32

In which position is there more strain on "X"?



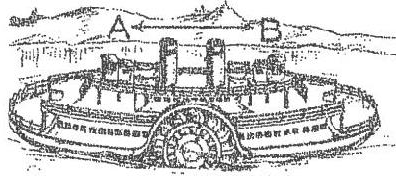
B

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

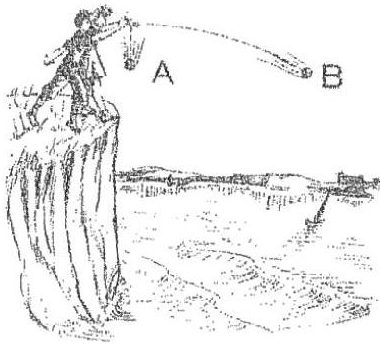
PAGE 10



33

In which direction will the boat go faster?

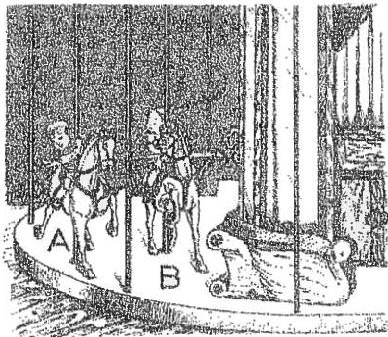
B



34

If one ball is thrown straight out and the other one dropped at the same instant, which will hit the water first?

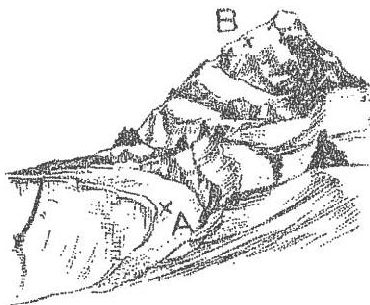
A



35

Which child will ride faster?

A



36

At which spot will it take longer to cook potatoes by boiling?

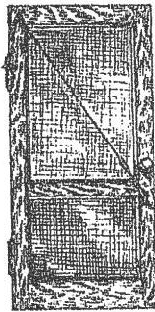
A

Do Not Stop. Go On to the Next Page.

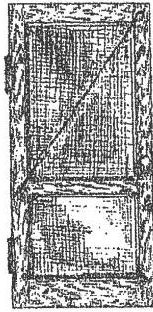


PUT YOUR ANSWERS ON THE ANSWER SHEET.

PAGE 11



A

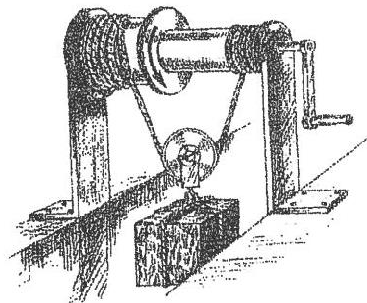


B

37

Which is the better way to brace a screen door to keep it from sagging?

B



38

If the windlass is turned in the direction shown, the load will:

- A, move up
- B, move down
- C, not move

A



A

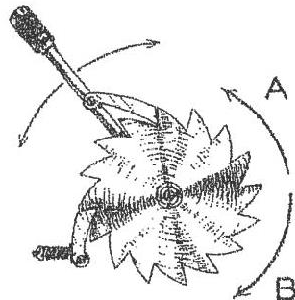


B

39

Which glass is more likely to crack when it is put into hot water?

B



40

When the handle is moved back and forth the wheel will turn:

- A, in direction A
- B, in direction B
- C, first one way then the other

A

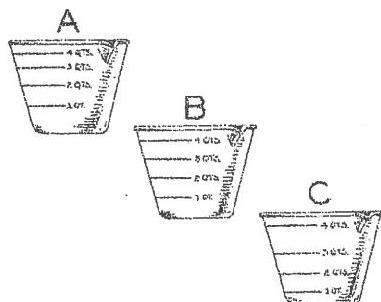
Do Not Stop. Go On to the Next Page.





PUT YOUR ANSWERS ON THE ANSWER SHEET.

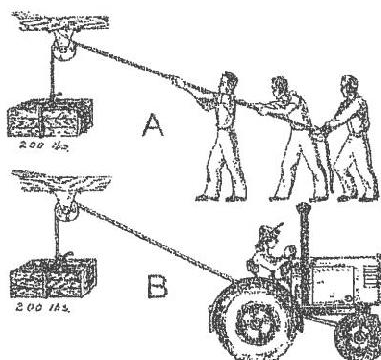
PAGE 12



41

Which measure is marked properly?

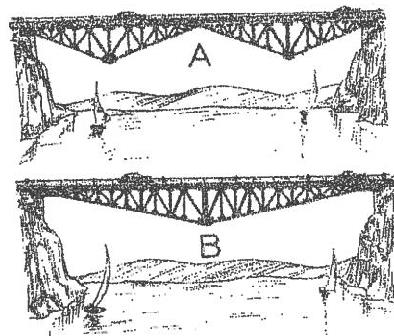
B



42

Which situation puts more strain on the rope?

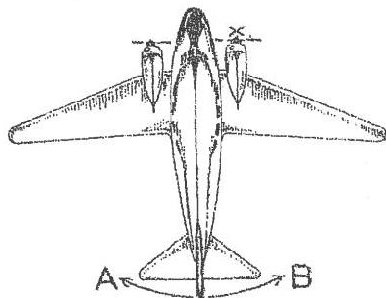
B



43

Which bridge is stronger?

A



44

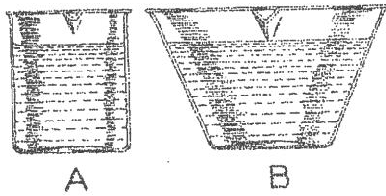
To keep the plane going straight if the engine "X" stops, in which direction should the rudder be moved?

A

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

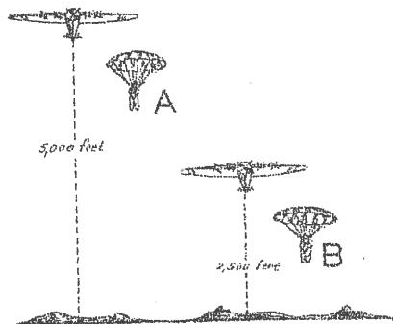


45

In which of these round jars will the liquid press harder on the bottom?

A

PAGE 13



46

Which man will be falling faster when he reaches the ground?

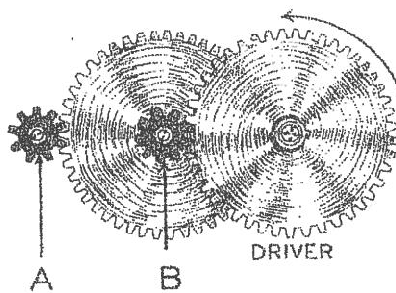
A



47

Past which point will more water pass in one minute?

B



48

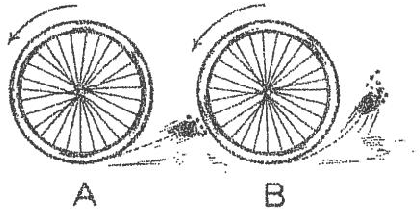
Which wheel moves faster?

A

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

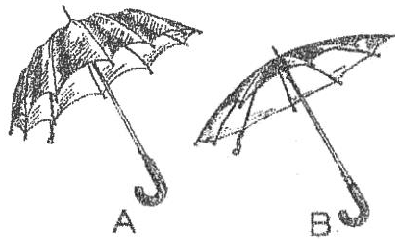


49

Which picture shows the way mud flies off a bicycle-wheel?

A

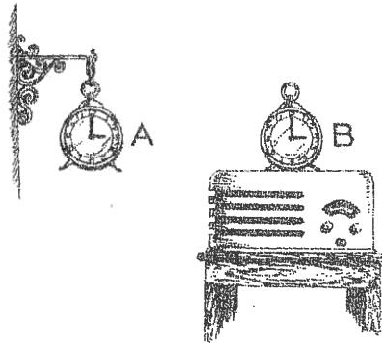
PAGE 14



50

Which umbrella is more likely to turn inside out in a high wind?

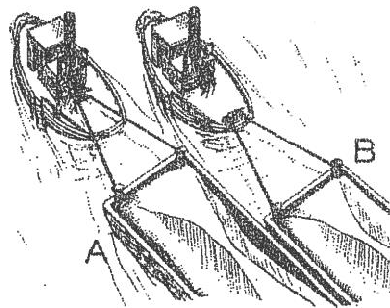
A



51

Where will the alarm clock sound louder?

B



52

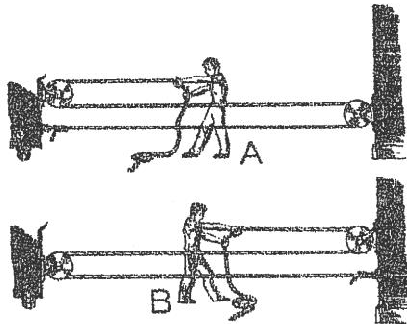
Which tug would be more easily handled?

B

Do Not Stop. Go On to the Next Page.



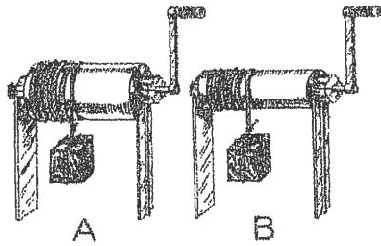
PUT YOUR ANSWERS ON THE ANSWER SHEET.



53

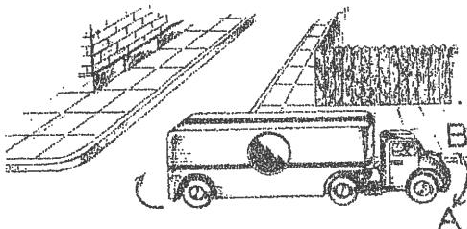
Which man will have to pull harder in order to move the load?

PAGE 15



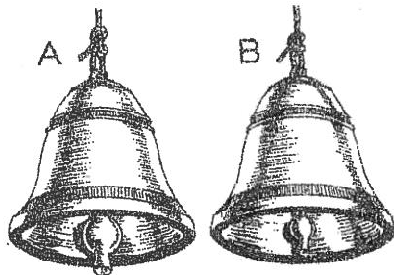
54

With which windlass can a man lift the heavier weight?



55

Which way should the driver first turn his front wheels to back the trailer in the direction shown?



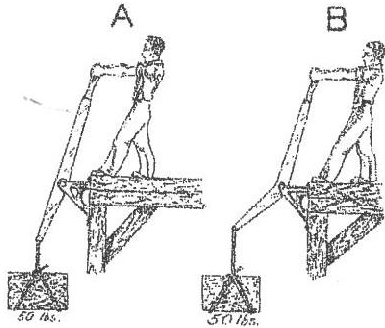
56

Which bell will have the higher note?

Do Not Stop. Go On to the Next Page.



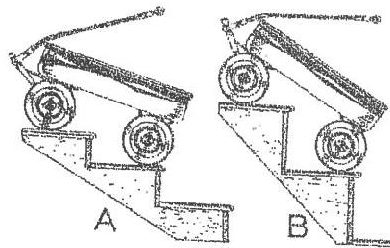
PUT YOUR ANSWERS ON THE ANSWER SHEET.



57

Which man has to pull harder?

B



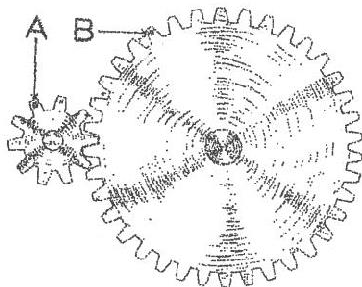
58

Which wagon is more likely to roll?

~~A~~

A

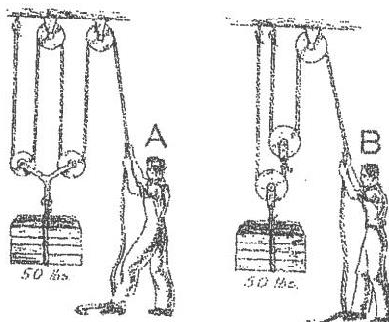
PAGE 16



59

Which point will move faster?

A



60

Which man has to pull harder?

B





TEST OF  
MECHANICAL COMPREHENSION  
FORM BB

George K. Bennett and Dinah E. Fry



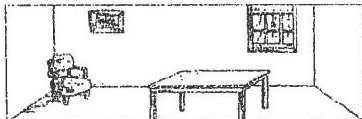
32  
"RS 5"  
Clayton Smith

DIRECTIONS

Fill in the requested information on your ANSWER SHEET.

Now line up your answer sheet with the test booklet so that the "Page 1" arrow on the booklet meets the "Page 1" arrow on the answer sheet. Then look at Sample X on this page. It shows pictures of two rooms and asks, "Which room has more of an echo?" Because it has neither rugs nor curtains, there is more of an echo in room "A"; so blacken the space under "A" on your answer sheet. Now look at Sample Y and answer it yourself. Fill in the space under the correct answer on your answer sheet.

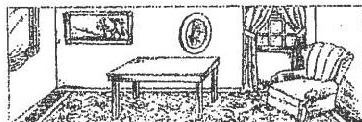
PAGE 1 →



A

X

Which room has more of an echo?



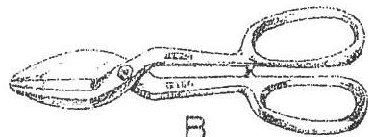
B



A

Y

Which would be the better shears for cutting metal?



B

On the following pages there are more pictures and questions. Read each question carefully, look at the picture, and fill in the space under the best answer on the answer sheet. Make sure that your marks are heavy and black. Erase completely any answer you wish to change. Be certain that you use the right column on the answer sheet for each page. The arrow on the page should meet the arrow on the answer sheet.

DO NOT MARK THIS BOOKLET.—PUT YOUR ANSWERS ON THE ANSWER SHEET.

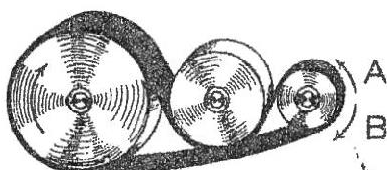
Drawings by Helen Gubryd  
Copyright 1941. All rights reserved.  
The Psychological Corporation  
304 East 45th Street  
New York 17, N. Y.

Printed in U.S.A.

55-178 TB



PUT YOUR ANSWERS ON THE ANSWER SHEET.



1

If the large wheel moves in the direction shown, in which direction will the small one move?

B

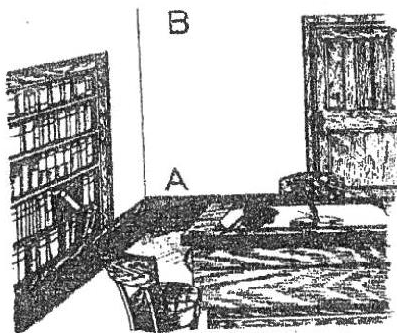


2

At which point is the ball going faster?

B

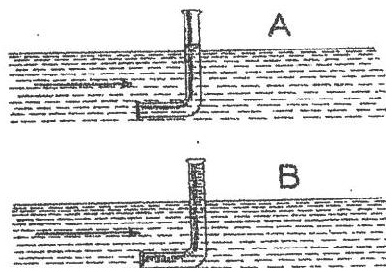
PAGE 2



3

At which point in the room is the air likely to be warmer?

B



4

Which of these streams is flowing faster?

A

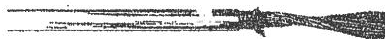
Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.



A

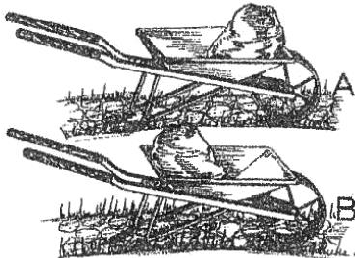


B

5

Which of these is an ordinary electric light cord?

A



A



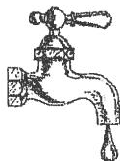
B

6

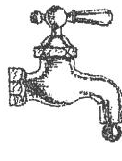
Which way will it be easier to carry the rock in the wheelbarrow?

A

PAGE 3



A

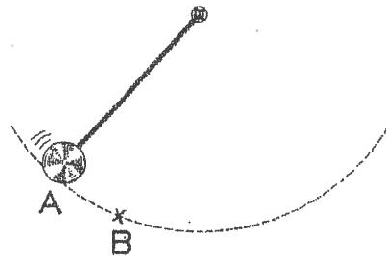


B

7

Which picture shows the way a drop of water looks just before it falls?

A



A

B

8

At which point will the pendulum be going faster?

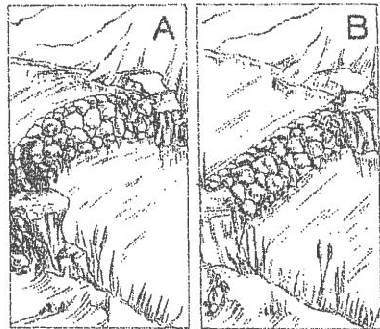
B

Do Not Stop. Go On to the Next Page.



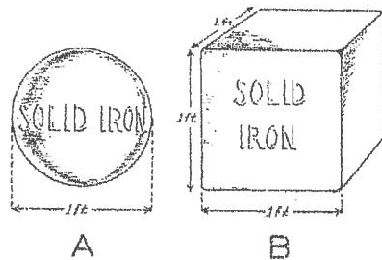


PUT YOUR ANSWERS ON THE ANSWER SHEET.



9  
Which shape dam is stronger?

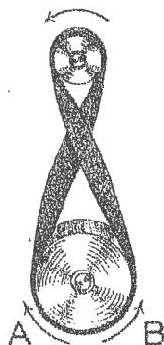
B



10  
Which weighs more?

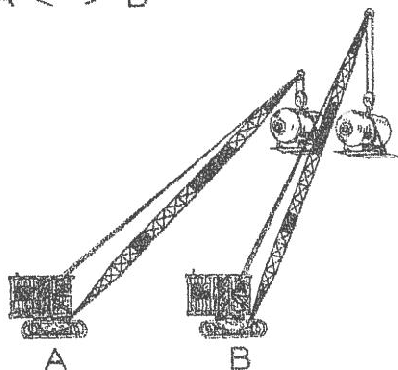
A

PAGE 4



11  
If the upper wheel goes in the direction shown, in which direction will the lower wheel go?

A

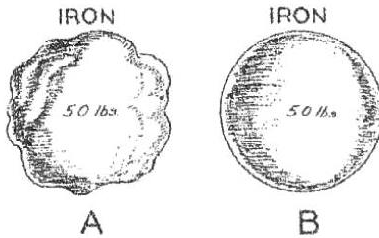


12  
Which is more likely to tip over?

A



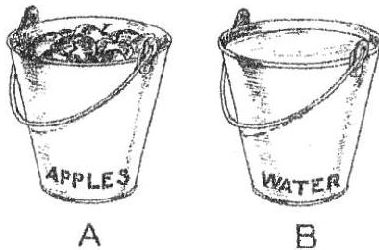
PUT YOUR ANSWERS ON THE ANSWER SHEET.



13

Which will it take more paint to cover?

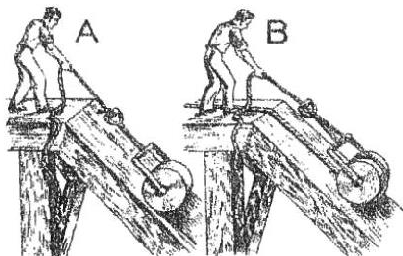
A ✓



14

Which weighs more?

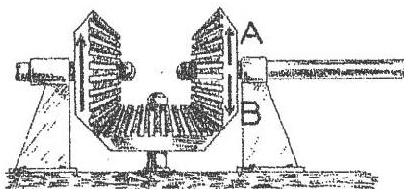
A ✓



15

Which man has to pull harder to lift the roller?

A ✓



16

If the left-hand gear moves in the direction shown, in which direction will the right-hand gear move?

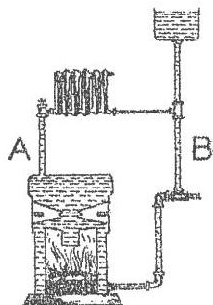
B ✓

PAGE 5

Do Not Stop. Go On to the Next Page.



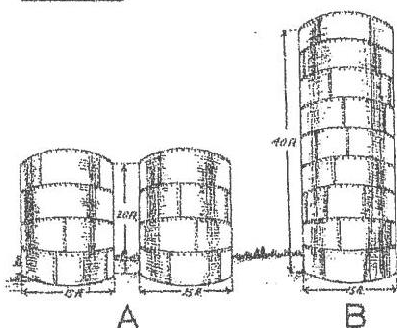
PUT YOUR ANSWERS ON THE ANSWER SHEET.



17

Which pipe contains the cooler water?

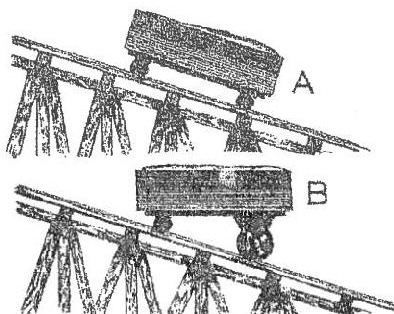
B



18

Which will hold more water, the two tanks at A or the one tank at B?

B

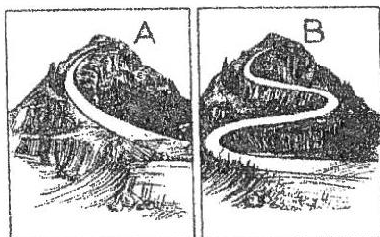


19

Which car will stand still on the incline?

A

PAGE 6



20

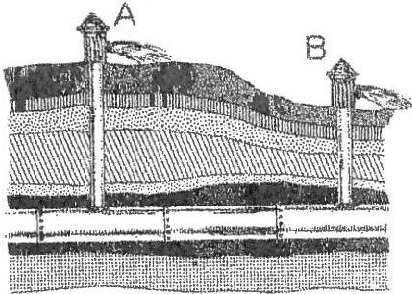
Which road is steeper?

A

Do Not Stop. Go On to the Next Page.



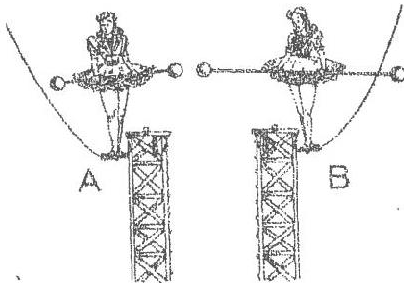
PUT YOUR ANSWERS ON THE ANSWER SHEET.



21

From which fire hydrant will the water spurt farther?

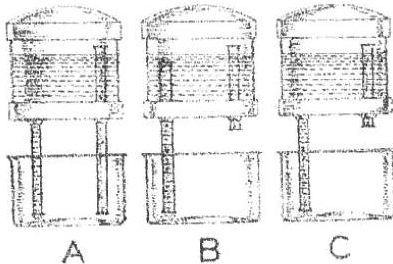
A



22

Which acrobat will find it easier to keep her balance?

B

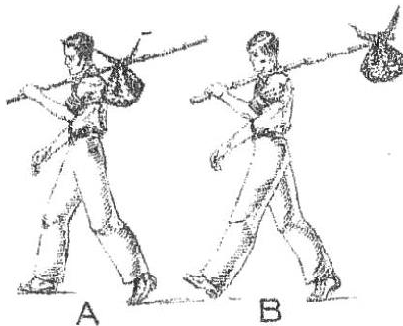


23

Which jar will let the most water run out?

C

PAGE 7



24

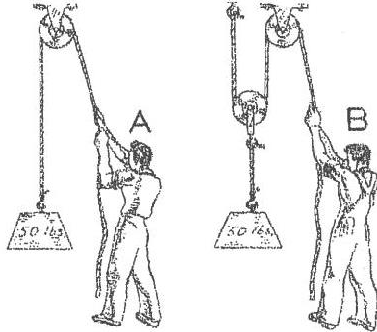
Which way will the bundle be easier to carry?

B

Do Not Stop. Go On to the Next Page.



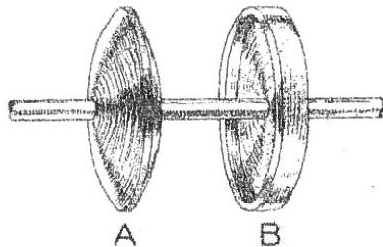
PUT YOUR ANSWERS ON THE ANSWER SHEET.



25

Which man has to pull more rope to raise the weight the same distance?

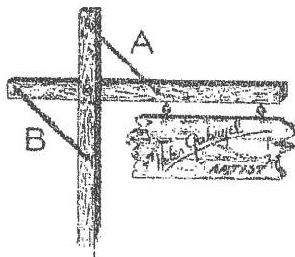
B ✓



26

Which wheel is more likely to fly apart if it is spun at high speed?

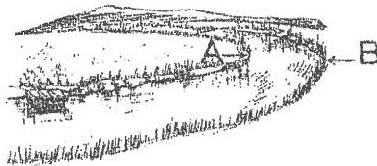
A ✓



27

Which one piece of chain will hold up the sign?

A ✓



28

Which bank of the river is more likely to wear away?

B ✓

PAGE 8

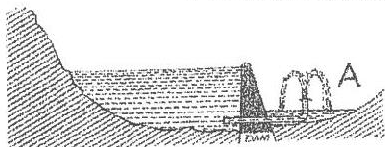
Do Not Stop. Go On to the Next Page.





PUT YOUR ANSWERS ON THE ANSWER SHEET.

PAGE 9



29

Which of these pictures shows what would actually happen?



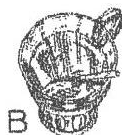
B

✓



30

Which picture shows the way the straw would look?

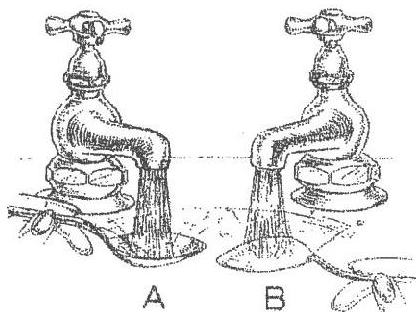


B ✓

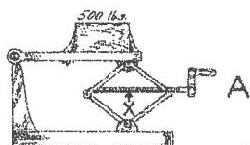
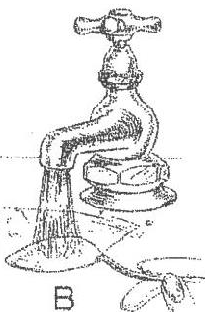


31

In which case will the water splash more?

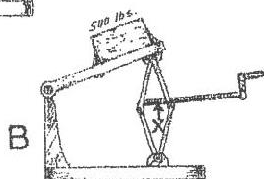


A ✓



32

In which position is there more strain on "X"?



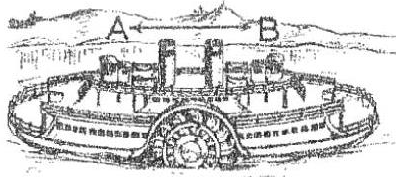
B

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

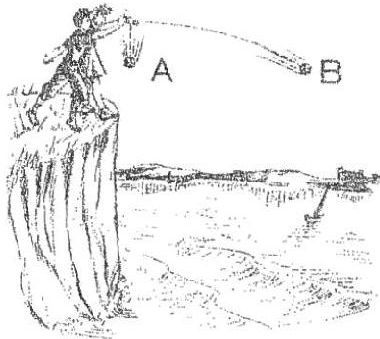
PAGE 10



33

In which direction will the boat go faster?

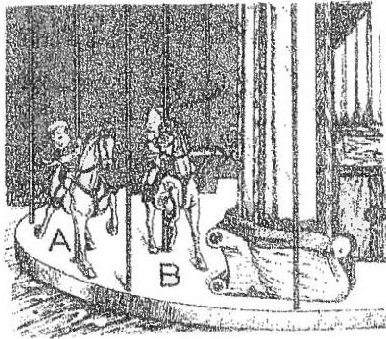
B



34

If one ball is thrown straight out and the other one dropped at the same instant, which will hit the water first?

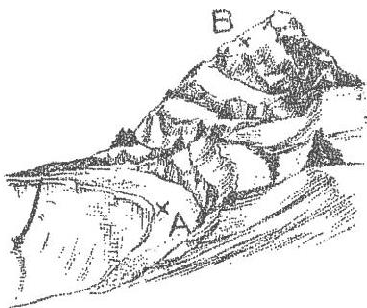
A



35

Which child will ride faster?

A



36

At which spot will it take longer to cook potatoes by boiling?

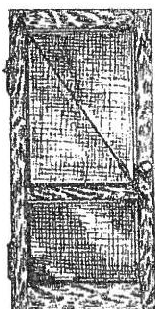
A

Do Not Stop. Go On to the Next Page.

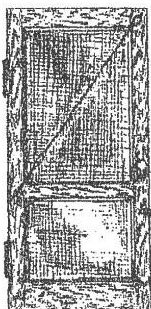


PUT YOUR ANSWERS ON THE ANSWER SHEET.

PAGE 11



A

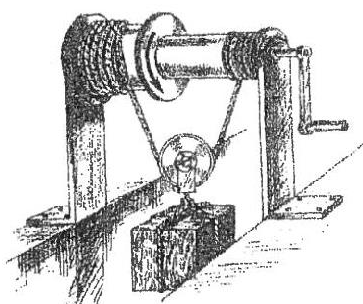


B

37

Which is the better way to brace a screen door to keep it from sagging?

B



A

B

38

If the windlass is turned in the direction shown, the load will:

- A, move up
- B, move down
- C, not move

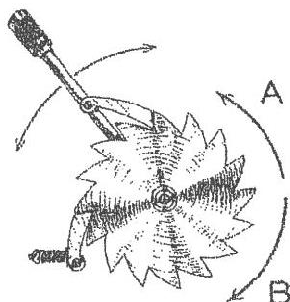
A



39

Which glass is more likely to crack when it is put into hot water?

B



40

When the handle is moved back and forth the wheel will turn:

- A, in direction A
- B, in direction B
- C, first one way then the other

A

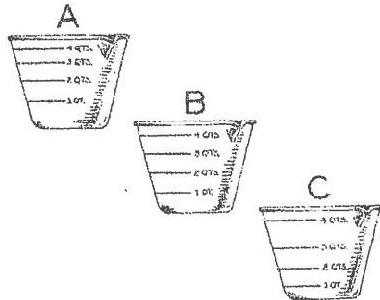
Do Not Stop. Go On to the Next Page.





PUT YOUR ANSWERS ON THE ANSWER SHEET.

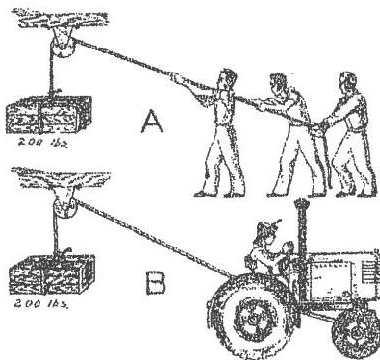
PAGE 12



41

Which measure is marked properly?

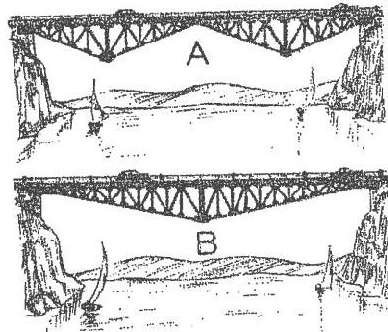
B



42

Which situation puts more strain on the rope?

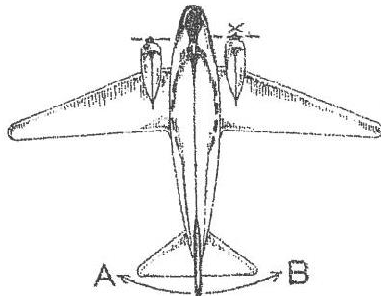
B



43

Which bridge is stronger?

A



44

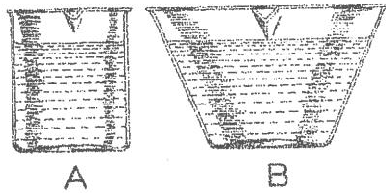
To keep the plane going straight if the engine "X" stops, in which direction should the rudder be moved?

A

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

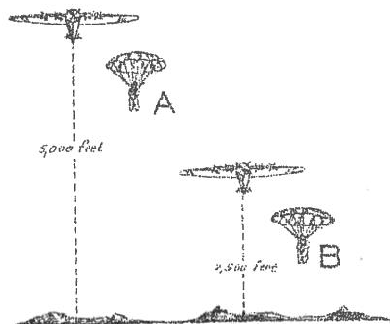


45

In which of these round jars will the liquid press harder on the bottom?

A

PAGE 13



46

Which man will be falling faster when he reaches the ground?

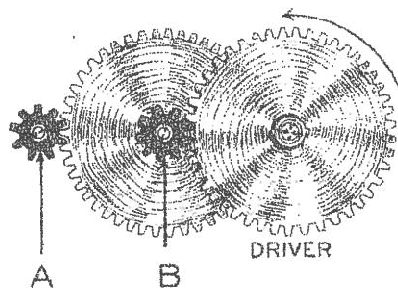
A



47

Past which point will more water pass in one minute?

B



48

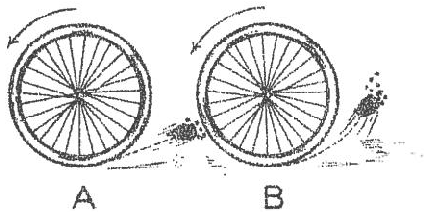
Which wheel moves faster?

A

Do Not Stop. Go On to the Next Page.



PUT YOUR ANSWERS ON THE ANSWER SHEET.

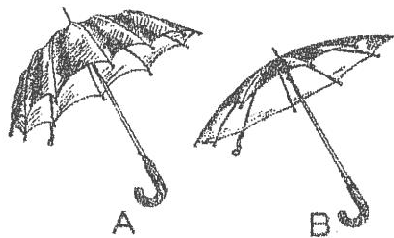


49

Which picture shows the way mud flies off a bicycle-wheel?

A

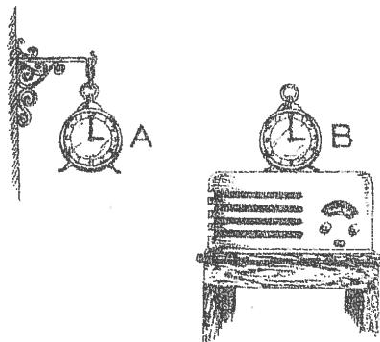
PAGE 14



50

Which umbrella is more likely to turn inside out in a high wind?

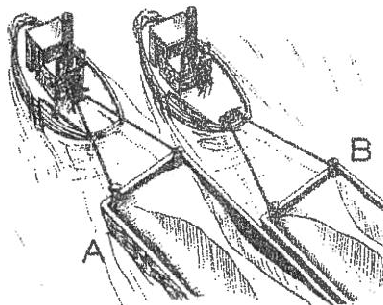
A



51

Where will the alarm clock sound louder?

B



52

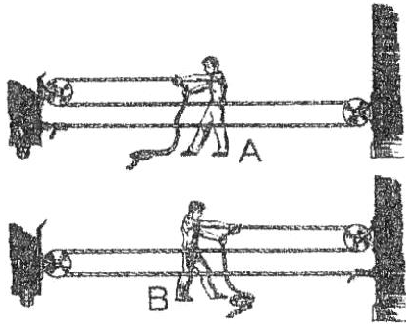
Which tug would be more easily handled?

B

Do Not Stop. Go On to the Next Page.



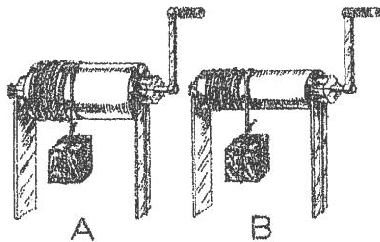
PUT YOUR ANSWERS ON THE ANSWER SHEET.



53

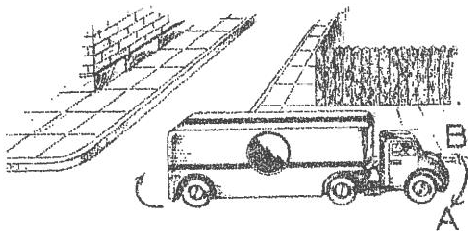
Which man will have to pull harder in order to move the load?

PAGE 15



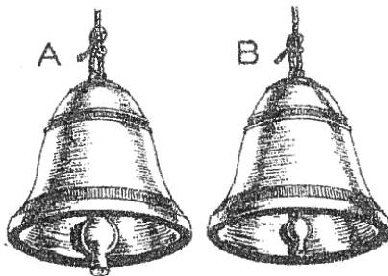
54

With which windlass can a man lift the heavier weight?



55

Which way should the driver first turn his front wheels to back the trailer in the direction shown?



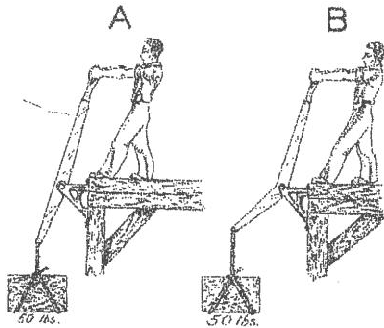
56

Which bell will have the higher note?

Do Not Stop. Go On to the Next Page.



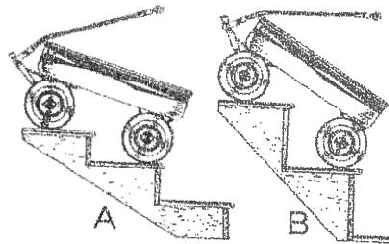
PUT YOUR ANSWERS ON THE ANSWER SHEET.



57

Which man has to pull harder?

B



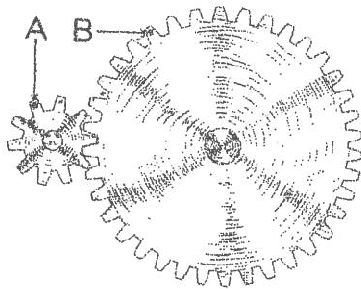
58

Which wagon is more likely to roll?

~~B~~

A

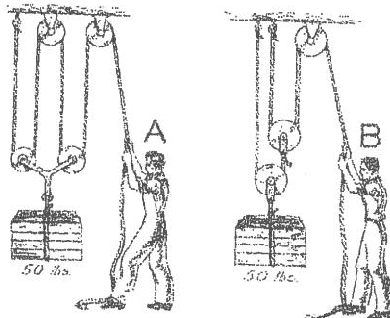
PAGE 16



59

Which point will move faster?

A



60

Which man has to pull harder?

B





RS1



Name Smith Clayton  
Last First  
Date 3 29 2017  
Month Day Year  
Sex M  
M or F

EDUCATION: Encircle the last grade completed  
(Grade School) (High School) (College)  
1 2 3 4 5 6 7 8 9 10 11 12 Fr So Jr Sr

8

8  
50

DIRECTIONS

This is a test of word meaning. For each word in the left-hand column choose from among the numbered words to the right the one which means the same or most nearly the same. Write the number of the word you choose on the line at the right.

Here are two samples:

ABBREVIATE      1. Deny      2. Object      3. Shorten      4. Select      3

Since *shorten* means the same as *abbreviate*, the number 3 is written on the line.

Now do this one yourself.

TARDY      1. Ready      2. Late      3. Prompt      4. Often      \_\_\_\_\_

Since *late* and *tardy* mean the same, you should have written the number 2 on the line.

DO NOT TURN THE PAGE UNTIL YOU ARE TOLD TO

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65-428T



MARK THE NUMBER OF YOUR ANSWER ON THE LINE AT THE RIGHT

1. SKEPTICAL	1. Lame	2. Clean	3. Bony	4. Doubting	<u>1x</u>
2. AUXILIARY	1. Helping	2. Essential	3. Fragrant	4. Extinct	<u>2x</u>
3. AFFLICT	1. Torment	2. Delight	3. Instruct	4. Hasten	<u>3x</u>
4. NONCHALANT	1. Noteworthy	2. Unable	3. Stationary	4. Indifferent	<u>3x</u>
5. HILARITY	1. Stench	2. Merriment	3. Ventilation	4. Drunkenness	<u>1x</u>
6. DUBIOUS	1. Uncertain	2. Obedient	3. Tearful	4. Polite	<u>2x</u>
7. ARROGANT	1. Displayed	2. Domineering	3. Deserted	4. Dartlike	<u>2✓</u>
8. BANISHMENT	1. Revelry	2. Flattery	3. Exile	4. Defeat	<u>2x</u>
9. CARICATURE	1. Sofa	2. Coach	3. Parody	4. Candle	—
10. AMPLIFY	1. Determine	2. Liquidate	3. Electrocute	4. Increase	<u>1x</u>
11. BOLSTER	1. Sheath	2. Support	3. Bluff	4. Bauble	<u>3x</u>
12. DERELICT	1. Remembered	2. Beloved	3. Abandoned	4. Widowed	—
13. DISDAIN	1. Greed	2. Affection	3. Contempt	4. Amusement	—
14. QUIRK	1. Peculiarity	2. Spiral	3. Ream	4. Whip	<u>2x</u>
15. ADORNMENT	1. Worship	2. Luster	3. Decoration	4. Asset	<u>2x</u>
16. ALLEVIATE	1. Secede	2. Lighten	3. Transport	4. Nominate	—
17. IRRELEVANT	1. Unrelated	2. Blasphemous	3. Illegal	4. Ancient	<u>1✓</u>
18. ZEALOT	1. Enthusiast	2. Native	3. Victim	4. Convert	<u>3x</u>
19. CHARLATAN	1. Prisoner	2. Decorator	3. Impostor	4. Inventor	—
20. SEQUEL	1. Occasion	2. Symptom	3. Consequence	4. Accident	—
21. CAJOLE	1. Reckon	2. Coax	3. Bemoan	4. Threaten	—
22. DELVE	1. Curse	2. Dig	3. Extol	4. Strike	—
23. DERIDE	1. Mock	2. Return	3. Strew	4. Embrace	<u>2x</u>
24. CHAOTIC	1. Distant	2. Weak	3. Empty	4. Confused	<u>2x</u>
25. IDIOSYNCRASY	1. Eccentricity	2. Harmony	3. Dictatorship	4. Sample	<u>3x</u>

DON'T STOP. GO ON TO NEXT PAGE.



MARK THE NUMBER OF YOUR ANSWER ON THE LINE AT THE RIGHT \*

26. CONDONE	1. Refuse	2. Forgive	3. Inform	4. Mourn	<u>2</u> ✓
27. COMPLIANCE	1. Consent	2. Urgency	3. Trust	4. Percolator	<u>2</u>
28. MANDATORY	1. Vicious	2. Unusual	3. Voluntary	4. Obligatory	<u>1</u> ✓
29. CORROBORATE	1. Pilfer	2. Dilute	3. Rust	4. Confirm	<u>1</u> ✓
30. REVERBERATE	1. Abuse	2. Echo	3. Memorize	4. Embellish	<u>2</u> ✓
31. WAIVE	1. Impair	2. Accept	3. Welcome	4. Forego	<u>2</u> ✓
32. RECTIFY	1. Destroy	2. Affirm	3. Avoid	4. Remedy	<u>1</u> ✓
33. ADMONISH	1. Offer	2. Imply	3. Caution	4. Watch	—
34. OBESITY	1. Corpulence	2. Curtsy	3. Rage	4. Equipment	—
35. AUDIT	1. Apply	2. Advise	3. Invoke	4. Examine	<u>2</u> ✓
36. MENIAL	1. Sinful	2. Central	3. Servile	4. Willful	<u>3</u> ✓
37. CULPABLE	1. Blameworthy	2. Exposed	3. Worried	4. Strong	—
38. SATIATE	1. Assist	2. Corrupt	3. Satisfy	4. Simulate	—
39. FURTIVE	1. Coated	2. Foolish	3. Genial	4. Stealthy	—
40. BEQUEST	1. Wreath	2. Search	3. Legacy	4. Order	—
41. RESTITUTION	1. Revival	2. Compensation	3. Poverty	4. Hospital	<u>2</u> ✓
42. EXTORT	1. Commit	2. Tighten	3. Force	4. Escape	<u>2</u> ✓
43. BARRISTER	1. Railing	2. Lawyer	3. Convict	4. Peer	<u>2</u> ✓
44. DIREFUL	1. Distended	2. Anxious	3. Lonesome	4. Dreadful	—
45. CITATION	1. Rehearsal	2. Mention	3. Heroism	4. Location	<u>2</u> ✓
46. CONCEAL	1. Marry	2. Tremble	3. Perish	4. Freeze	—
47. SEVERANCE	1. Anger	2. Porcelain	3. Separation	4. Harshness	—
48. RANCOR	1. Malice	2. Odor	3. Status	4. Bovine	—
49. VISCOUS	1. Limpid	2. Dangerous	3. Noble	4. Sticky	—
50. EXPIATE	1. Delete	2. Atone	3. Await	4. Describe	—





## Appendix 4 (a)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Yvonne Ramharack

Interviewer Ar Lavel Dilworth

Interview Date January 27, 2017

Interview Length 55 mins Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For HRD MANAGER

Location Kingston

Applicant's Interests \_\_\_\_\_ Location Kingston

#### RATING SCALE

1 2 3 4 5

#### I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview)

General first impression	poor	fair	average	<u>good</u>	excellent
Personal appearance (neatness)	poor	fair	average	good	<u>excellent</u>
Diction and vocabulary	poor	fair	average	good	<u>excellent</u>
Initiative in conversation	poor	fair	average	good	<u>excellent</u>
Poise, manner and tact	poor	fair	average	good	<u>excellent</u>
Maturity (in talk and appearance)	poor	fair	average	<u>good</u>	excellent

##### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	fair	average	<u>good</u>	<u>excellent</u>
Work experience	poor	fair	average	<u>good</u>	excellent
Alertness (intelligence)	poor	fair	average	<u>good</u>	excellent
Capacity for growth	poor	fair	average	<u>good</u>	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	fair	average	<u>good</u>	excellent
Ability to get along with others	poor	fair	average	<u>good</u>	<u>excellent</u>
Communication Skills - Effective, Confident	poor	fair	average	good	<u>excellent</u>
Results Oriented	poor	fair	average	good	<u>excellent</u>
Enthusiasm	poor	fair	average	<u>good</u>	excellent
Personal ambitions & desires	poor	fair	average	<u>good</u>	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

Shows required skills and competencies, highly qualified, mature, driven.

2. State briefly any factors disfavours applicant's employment for job under consideration:

#### III. OVERALL RATING (1 - 5)

			<u>4</u>	
--	--	--	----------	--

#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

Updated by M. Brown  
Sept 20, 2010

INTERVIEWER'S SIGNATURE: Ar Lavel Dilworth



## Appendix 4 (b)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Yolande Ramharrack Interviewer RICHARD CREATH

Interview Date January 27, 2017 Interview Length 55 mins Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For HRD MANAGER Location Kingston

Applicant's Interests \_\_\_\_\_ Location PETROJAM

**RATING SCALE** 1 2 3 4 5  
I. **APPRAISAL OF APPLICANT'S QUALIFICATION** (Circle the degree of the following characteristics)

#### PERSONALITY (as apparent during interview)

General first impression	poor	fair	average	good	excellent
Personal appearance (neatness)	poor	fair	average	good	excellent
Diction and vocabulary	poor	fair	average	good	excellent
Initiative in conversation	poor	fair	average	good	excellent
Poise, manner and tact	poor	fair	average	good	excellent
Maturity (in talk and appearance)	poor	fair	average	good	excellent

#### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	fair	average	good	excellent
Work experience	poor	fair	average	good	excellent
Alertness (intelligence)	poor	fair	average	good	excellent
Capacity for growth	poor	fair	average	good	excellent

#### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	fair	average	good	excellent
Ability to get along with others	poor	fair	average	good	excellent
Communication Skills - Effective, Confident	poor	fair	average	good	excellent
Results Oriented	poor	fair	average	good	excellent
Enthusiasm	poor	fair	average	good	excellent
Personal ambitions & desires	poor	fair	average	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

KNOWLEDGE AND EXPERIENCE IN THE ROLE WAS EXCELLENT

2. State briefly any factors disavouring applicant's employment for job under consideration:

GAVE TOO MUCH INFORMATION UNSOLICITED BY PANEL

#### III. OVERALL RATING (1 - 5)

4

#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

SUITABLE FOR POSITION

Updated by M. Brown  
Sept. 20, 2010

INTERVIEWER'S SIGNATURE:

[Signature] 1



## Appendix 4 (c)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Yolande Ramharack Interviewer Floyd Gaudrey

Interview Date January 27, 2017 Interview Length 55 min Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For HRD MANAGER Location Kingston

Applicant's Interests \_\_\_\_\_ Location \_\_\_\_\_

**RATING SCALE** 1 2 3 4 5  
I. **APPRAISAL OF APPLICANT'S QUALIFICATION** (Circle the degree of the following characteristics)

#### PERSONALITY (as apparent during interview)

General first impression	poor	fair	average	<u>good</u>	excellent
Personal appearance (neatness)	poor	fair	average	<u>good</u>	<u>excellent</u>
Diction and vocabulary	poor	fair	average	<u>good</u>	<u>excellent</u>
Initiative in conversation	poor	fair	average	<u>good</u>	<u>excellent</u>
Poise, manner and tact	poor	fair	average	<u>good</u>	<u>excellent</u>
Maturity (in talk and appearance)	poor	fair	average	<u>good</u>	<u>excellent</u>

#### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	fair	average	<u>good</u>	<u>excellent</u>
Work experience	poor	fair	average	<u>good</u>	<u>excellent</u>
Alertness (intelligence)	poor	fair	average	<u>good</u>	<u>excellent</u>
Capacity for growth	poor	fair	average	<u>good</u>	<u>excellent</u>

#### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	fair	average	<u>good</u>	<u>excellent</u>
Ability to get along with others	poor	fair	average	<u>good</u>	<u>excellent</u>
Communication Skills - Effective, Confident	poor	fair	average	<u>good</u>	<u>excellent</u>
Results Oriented	poor	fair	average	<u>good</u>	<u>excellent</u>
Enthusiasm	poor	fair	average	<u>good</u>	<u>excellent</u>
Personal ambitions & desires	poor	fair	average	<u>good</u>	<u>excellent</u>

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

Positive attitude displayed in employee engagement and satisfaction for working for

2. State briefly any factors disavouring applicant's employment for job under consideration:

#### III. OVERALL RATING (1 - 5)

4.5

IV. **RECOMMENDATION** (State your recommendation for employment, rejection or delay for further consideration)

Hire Mrs Yolande Ramharack as the new HR Manager

Updated by M. Brown  
Sept 20, 2010

INTERVIEWER'S SIGNATURE: \_\_\_\_\_

[Signature]



## Appendix 4 (d)



PETROJAM LIMITED

### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer **immediately after** each interview)

Name of Applicant Clayton Smith Interviewer NAS  
Interview Date May 10, 2017 Interview Length 11:30 Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For I&E Technician Location Kingston

Applicant's Interests \_\_\_\_\_ Location \_\_\_\_\_

**RATING SCALE** 1 2 3 4 5  
I. **APPRAISAL OF APPLICANT'S QUALIFICATION** (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview)

General first impression	poor	fair	<u>average</u>	good	excellent
Personal appearance (neatness)	poor	fair	<u>average</u>	good	excellent
Diction and vocabulary	poor	fair	<u>average</u>	good	excellent
Initiative in conversation	poor	fair	<u>average</u>	good	excellent
Poise, manner and tact	poor	fair	<u>average</u>	good	excellent
Maturity (in talk and appearance)	poor	fair	<u>average</u>	good	excellent

##### TECHNICAL ABILITY (as required by job under consideration)

Education	<u>poor</u>	fair	average	good	excellent
Work experience	<u>poor</u>	fair	average	good	excellent
Alertness (intelligence)	<u>poor</u>	fair	<u>average</u>	good	excellent
Capacity for growth	<u>poor</u>	fair	average	good	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	<u>poor</u>	fair	average	good	excellent
Ability to get along with others	<u>poor</u>	fair	<u>average</u>	good	excellent
Communication Skills - Effective, Confident	<u>poor</u>	fair	average	good	excellent
Results Oriented	<u>poor</u>	fair	average	good	excellent
Enthusiasm	<u>poor</u>	fair	<u>average</u>	good	excellent
Personal ambitions & desires	<u>poor</u>	fair	average	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

None

2. State briefly any factors disavouring applicant's employment for job under consideration:

No experience or education in the field of electrical *Insufficient*

#### III. OVERALL RATING (1 - 5)

☒ ☐ ☐ ☐ ☐

#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

INTERVIEWER'S SIGNATURE: NAS





## Appendix 4 (e)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Clayton Smith Interviewer H. Hamey  
Interview Date May 8, 2017 Interview Length 26 min Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For I&E Technician Location Kingston

Applicant's Interests \_\_\_\_\_ Location \_\_\_\_\_

**RATING SCALE** 1 2 3 4 5  
I. **APPRAISAL OF APPLICANT'S QUALIFICATION** (Circle the degree of the following characteristics)

#### PERSONALITY (as apparent during interview)

General first impression	poor	fair	<u>average</u>	good	excellent
Personal appearance (neatness)	poor	fair	<u>average</u>	good	excellent
Diction and vocabulary	poor	<u>fair</u>	average	good	excellent
Initiative in conversation	poor	<u>fair</u>	average	good	excellent
Poise, manner and tact	poor	<u>fair</u>	average	good	excellent
Maturity (in talk and appearance)	poor	<u>fair</u>	average	good	excellent

$\frac{14}{30} \Rightarrow 0.47$

#### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	<u>fair</u>	average	good	excellent
Work experience	<u>poor</u>	fair	average	good	excellent
Alertness (intelligence)	poor	<u>fair</u>	average	good	excellent
Capacity for growth	<u>poor</u>	fair	average	good	excellent

$\frac{6}{20} \Rightarrow 0.3$

#### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	<u>fair</u>	average	good	excellent
Ability to get along with others	poor	fair	<u>average</u>	good	excellent
Communication Skills - Effective, Confident	poor	<u>fair</u>	average	good	excellent
Results Oriented	poor	<u>fair</u>	average	good	excellent
Enthusiasm	poor	fair	<u>average</u>	good	excellent
Personal ambitions & desires	poor	<u>fair</u>	average	good	excellent

$\frac{14}{30} \Rightarrow 0.47$

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

Has worked in formal structured environment.

2. State briefly any factors disfavoring applicant's employment for job under consideration: <sup>③</sup> Experience in industrial field; electrical engineering very limited was not familiar the job requirement.

#### III. OVERALL RATING (1 - 5)

1.24

IV. **RECOMMENDATION** (State your recommendation for employment, rejection or delay for further consideration)

INTERVIEWER'S SIGNATURE: H. Hamey



## Appendix 4 (f)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Clayton Smith Interviewer J. Blackwood

Interview Date April 8, 2017 Interview Length 30mins Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For I&E Technician Location Kingston

Applicant's Interests \_\_\_\_\_ Location Petrojam Ltd

**RATING SCALE** 1 2 3 4 5  
I. **APPRAISAL OF APPLICANT'S QUALIFICATION** (Circle the degree of the following characteristics)

#### PERSONALITY (as apparent during interview)

	1	2	3	4	5
General first impression	poor	fair	<u>average</u>	good	excellent
Personal appearance (neatness)	poor	<u>fair</u>	average	good	excellent
Diction and vocabulary	poor	<u>fair</u>	average	good	excellent
Initiative in conversation	poor	<u>fair</u>	average	good	excellent
Poise, manner and tact	poor	<u>fair</u>	average	good	excellent
Maturity (in talk and appearance)	poor	<u>fair</u>	average	good	excellent

$$\frac{13}{30} = 0.43$$

#### TECHNICAL ABILITY (as required by job under consideration)

	1	2	3	4	5
Education	poor	<u>fair</u>	average	good	excellent
Work experience	poor	<u>fair</u>	average	good	excellent
Alertness (intelligence)	poor	<u>fair</u>	average	good	excellent
Capacity for growth	poor	<u>fair</u>	average	good	excellent

$$\frac{8}{20} = 0.4$$

#### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

	1	2	3	4	5
Industry (consistency)	poor	<u>fair</u>	average	good	excellent
Ability to get along with others	poor	<u>fair</u>	average	good	excellent
Communication Skills - Effective, Confident	poor	<u>fair</u>	average	good	excellent
Results Oriented	poor	<u>fair</u>	average	good	excellent
Enthusiasm	poor	<u>fair</u>	average	good	excellent
Personal ambitions & desires	poor	<u>fair</u>	average	good	excellent

$$\frac{14}{30} = 0.46$$

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

No relevant electrical experience but willing to learn

2. State briefly any factors disavouring applicant's employment for job under consideration:

Applicant is not electrical or instrument inclined

#### III. OVERALL RATING (1 - 5)

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IV. **RECOMMENDATION** (State your recommendation for employment, rejection or delay for further consideration)

I do not recommend for employment

Updated by M. Brown

INTERVIEWER'S SIGNATURE:



## Appendix 4 (g)

**12 PETROJAM LIMITED**

### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant CHIVER COLE

Interviewer CHEERIL SHAW

Interview Date January 15, 2016

Interview Length \_\_\_\_\_

Referred by oja

#### JOB CONSIDERATIONS

Job Considered For \_\_\_\_\_

Location Kingston

Applicant's Interests VDU support  
People's Engineer

Location Kingston / Negril

#### RATING SCALE

1 2 3 4 5

#### I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview) - 10%

Personal appearance (neatness)	poor	<u>fair</u>	average	good	excellent
Poise, manner and tact	poor	<u>fair</u>	average	good	excellent
Maturity (in speech and appearance)	poor	fair	<u>average</u>	good	excellent

##### TECHNICAL ABILITY (as required by job under consideration) - 60%

Education/ Theoretical Knowledge	poor	fair	average	<u>good</u>	excellent
Work experience (Practical/Industrial)	poor	<u>fair</u>	average	good	excellent
Refining Technology & Equipment	poor	fair	<u>average</u>	good	excellent
Design; Codes & Standards	poor	<u>fair</u>	average	good	excellent
Software (e.g. design, modeling)	poor	<u>fair</u>	average	good	excellent
Capacity for growth/potential to progress to higher job categories	poor	<u>fair</u>	average	good	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information) - 30%

Teamwork and interpersonal skills	poor	fair	<u>average</u>	good	excellent
Analytical, problem solving, critical thinking	poor	<u>fair</u>	average	good	excellent
Communication Skills - Effective, Confident	poor	fair	<u>average</u>	good	excellent
Initiative and leadership	poor	<u>fair</u>	average	good	excellent
Attention to detail and quality	poor	<u>fair</u>	average	good	excellent
Planning and organization	poor	fair	<u>average</u>	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

None

2. State briefly any factors disfavoring applicant's employment for job under consideration:

Lack of practical experience/knowledge

#### III. OVERALL RATING (1 - 5)

--	--	--	--	--

#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

REJECTION

INTERVIEWER'S SIGNATURE: \_\_\_\_\_

CS

Updated by M. Brown  
Sept 20, 2010



## Appendix 4 (h)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Oliver Cole Interviewer PME

Interview Date Jan 18, 2018 Interview Length \_\_\_\_\_ Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For Process Eng. VDU Location Kingston

Applicant's Interests \_\_\_\_\_ Location \_\_\_\_\_

#### RATING SCALE

I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview) - 10%

	1	2	3	4	5
Personal appearance (neatness)	poor	fair	<u>average</u>	good	excellent
Poise, manner and tact	poor	fair	average	<u>good</u>	excellent
Maturity (in speech and appearance)	poor	fair	average	<u>good</u>	<u>excellent</u>

##### TECHNICAL ABILITY (as required by job under consideration) - 60%

	1	2	3	4	5
Education/ Theoretical Knowledge	poor	fair	average	<u>good</u>	excellent
Work experience (Practical/Industrial)	poor	<u>fair</u>	average	good	excellent
Refining Technology & Equipment	poor	<u>fair</u>	average	good	excellent
Design; Codes & Standards	poor	<u>fair</u>	average	good	excellent
Software (e.g. design, modelling)	poor	<u>fair</u>	average	good	excellent
Capacity for growth/potential to progress to higher job categories	poor	fair	<u>average</u>	good	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information) - 30%

	1	2	3	4	5
Teamwork and interpersonal skills	poor	fair	<u>average</u>	good	excellent
Analytical, problem solving, critical thinking	poor	fair	<u>average</u>	good	excellent
Communication Skills - Effective, Confident	poor	fair	<u>average</u>	<u>good</u>	excellent
Initiative and leadership	poor	fair	<u>average</u>	good	excellent
Attention to detail and quality	poor	fair	<u>average</u>	good	excellent
Planning and organization	poor	fair	<u>average</u>	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

2. State briefly any factors disfavoring applicant's employment for job under consideration:

#### III. OVERALL RATING (1 - 5)

IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

INTERVIEWER'S SIGNATURE: \_\_\_\_\_

Updated by M. Brown  
Sept 20, 2010





## Appendix 4 (i)

**12 PETROJAM LIMITED**

### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Oliver Cole

Interviewer Joel Graham

Interview Date 18 Jan - 2013 Interview Length \_\_\_\_\_ Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For Process Engineer Location Kingston

Applicant's Interests - VDU Project

Location \_\_\_\_\_

#### RATING SCALE

1 2 3 4 5

#### I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview) - 10%

Personal appearance (neatness)	poor	fair	<u>average</u>	good	excellent
Poise, manner and tact	poor	fair	average	<u>good</u>	excellent
Maturity (in speech and appearance)	poor	fair	average	<u>good</u>	excellent

##### TECHNICAL ABILITY (as required by job under consideration) - 60%

Education/ Theoretical Knowledge	poor	<u>fair</u>	average	good	excellent
Work experience (Practical/Industrial)	poor	<u>fair</u>	average	good	excellent
Refining Technology & Equipment	poor	<u>fair</u>	average	good	excellent
Design; Codes & Standards	poor	<u>fair</u>	average	good	excellent
Software (e.g. design, modeling)	<u>poor</u>	fair	average	good	excellent
Capacity for growth/potential to progress to higher job categories	<u>poor</u>	fair	average	good	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information) - 30%

Teamwork and interpersonal skills	poor	fair	<u>average</u>	good	excellent
Analytical, problem solving, critical thinking	<u>poor</u>	fair	average	good	excellent
Communication Skills - Effective, Confident	poor	fair	<u>average</u>	good	excellent
Initiative and leadership	poor	<u>fair</u>	average	good	excellent
Attention to detail and quality	poor	<u>fair</u>	average	good	excellent
Planning and organization	poor	<u>fair</u>	average	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

\_\_\_\_\_

2. State briefly any factors disfavoring applicant's employment for job under consideration:

Lack of engineering experience; Superficial problem solving

#### III. OVERALL RATING (1 - 5)

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#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

Rejection

INTERVIEWER'S SIGNATURE: \_\_\_\_\_

Joel Graham

Updated by M. Brown  
Sept. 20, 2010



## Appendix 4 (i)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Olivier Cole Interviewer AMB

Interview Date 18/11/2018 Interview Length 45 mins Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For VDU Project Process Engineer Location Kingston

Applicant's Interests \_\_\_\_\_ Location \_\_\_\_\_

#### RATING SCALE

1 2 3 4 5  
I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview) - 10%

Personal appearance (neatness)	poor	fair	average	good	excellent
Poise, manner and tact	poor	fair	average	good	excellent
Maturity (in speech and appearance)	poor	fair	average	good	excellent

##### TECHNICAL ABILITY (as required by job under consideration) - 60%

Education/ Theoretical Knowledge	poor	fair	average	good	excellent
Work experience (Practical/Industrial)	poor	fair	average	good	excellent
Refining Technology & Equipment	poor	fair	average	good	excellent
Design, Codes & Standards	poor	fair	average	good	excellent
Software (e.g. design, modeling)	poor	fair	average	good	excellent
Capacity for growth/potential to progress to higher job categories	poor	fair	average	good	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information) - 30%

Teamwork and interpersonal skills	poor	fair	average	good	excellent
Analytical, problem solving, critical thinking	poor	fair	average	good	excellent
Communication Skills - Effective, Confident	poor	fair	average	good	excellent
Initiative and leadership	poor	fair	average	good	excellent
Attention to detail and quality	poor	fair	average	good	excellent
Planning and organization	poor	fair	average	good	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

None

2. State briefly any factors disavouring applicant's employment for job under consideration:

Not much industry experience or project experience

#### III. OVERALL RATING (1 - 5)

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#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

Reject

INTERVIEWER'S SIGNATURE: A. Brown

Updated by M. Brown  
Sept 20, 2010



## Appendix 4 (k)



### RECORD OF INTERVIEW

2-3 wks - normal

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Oliver B Cline

Interviewer S. Hall

Interview Date 13/2/18 Interview Length \_\_\_\_\_ Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For \_\_\_\_\_ Location Kingston

Applicant's Interests Process Engineer Location \_\_\_\_\_

#### RATING SCALE

I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview)

	1	2	3	4	5
General first impression	poor	fair	average	<u>good</u>	excellent
Personal appearance (neatness)	poor	fair	average	<u>good</u>	excellent
Diction and vocabulary	poor	fair	average	<u>good</u>	excellent
Initiative in conversation	poor	fair	average	<u>good</u>	excellent
Poise, manner and tact	poor	fair	average	<u>good</u>	excellent
Maturity (in talk and appearance)	poor	fair	average	<u>good</u>	excellent

##### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	fair	average	<u>good</u>	excellent
Work experience	poor	fair	average	<u>good</u>	excellent
Alertness (intelligence)	poor	fair	average	<u>good</u>	excellent
Capacity for growth	poor	fair	average	<u>good</u>	excellent

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	fair	average	<u>good</u>	excellent
Ability to get along with others	poor	fair	<u>average</u>	<u>good</u>	excellent
Communication Skills - Effective, Confident	poor	fair	average	<u>good</u>	excellent
Results Oriented	poor	fair	average	<u>good</u>	excellent
Enthusiasm	poor	fair	<u>average</u>	<u>good</u>	excellent
Personal ambitions & desires	poor	fair	average	<u>good</u>	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

EXPERIENCE; EXPERIENCE PROCESS ENGINEER; RECOMMEND FOR PROJECT LEAD; KEEN ON TRAINING 4th STAFF; ETC.

2. State briefly any factors disavouring applicant's employment for job under consideration:

N/A

#### III. OVERALL RATING (1 - 5)

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#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

Updated by M. Brown  
Sept 20, 2010

INTERVIEWER'S SIGNATURE: \_\_\_\_\_



## Appendix 4 (I)



### RECORD OF INTERVIEW

(ALL sections to be completed by interviewer immediately after each interview)

Name of Applicant Olivia Cole Interviewer Yolande Lambert

Interview Date \_\_\_\_\_ Interview Length 1hr Referred by \_\_\_\_\_

#### JOB CONSIDERATIONS

Job Considered For \_\_\_\_\_ Location Kingston

Applicant's Interests Process Engineer (VDC) Location Kingston (Regional)

#### RATING SCALE

1 2 3 4 5

#### I. APPRAISAL OF APPLICANT'S QUALIFICATION (Circle the degree of the following characteristics)

##### PERSONALITY (as apparent during interview)

General first impression	poor	fair	average	<u>good</u>	excellent
Personal appearance (neatness)	poor	fair	average	<u>good</u>	excellent
Diction and vocabulary	poor	fair	average	<u>good</u>	excellent
Initiative in conversation	poor	fair	average	<u>good</u>	excellent
Poise, manner and tact	poor	fair	average	good	<u>excellent</u>
Maturity (in talk and appearance)	poor	fair	average	good	<u>excellent</u>

##### TECHNICAL ABILITY (as required by job under consideration)

Education	poor	fair	average	<u>good</u>	excellent	
Work experience	poor	fair	average	<u>good</u>	excellent	
Alertness (intelligence)	<u>Ability to strategize</u>	poor	fair	average	<u>good</u>	<u>excellent</u>
Capacity for growth	poor	fair	average	<u>good</u>	excellent	

##### BEHAVIOURAL COMPETENCE (as evidenced by interview responses & background information)

Industry (consistency)	poor	fair	average	<u>good</u>	excellent
Ability to get along with others	poor	fair	average	<u>good</u>	excellent
Communication Skills - Effective, Confident	poor	fair	average	<u>good</u>	excellent
Results Oriented	poor	fair	average	<u>good</u>	excellent
Enthusiasm	poor	fair	average	good	<u>excellent</u>
Personal ambitions & desires	poor	fair	average	<u>good</u>	excellent

#### II. ANALYSIS OF APPLICANT'S APPRAISAL

1. State briefly principal factors favouring applicant's employment for job under consideration:

2. State briefly any factors disavowing applicant's employment for job under consideration:

No Cole would bring to the VDC project leadership competencies/team building. Strategist as it relates to

#### III. OVERALL RATING (1 - 5)

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#### IV. RECOMMENDATION (State your recommendation for employment, rejection or delay for further consideration)

Candidate to be considered for a more strategic role on the project given intellect, expertise and strategic competencies.

Updated by M. Brown  
Sept 20, 2010

INTERVIEWER'S SIGNATURE:

Yolande Lambert





## Appendix 5

Deboy:  
PLEASE PAY AS DISCUSSED.  
Thx,  
FG  
5/1/2018  
CIT# 018449

Pay via M&B  
✓ 2209  
5000069673

**Petrojam Ltd Party**  
Tuesday, January 9, 2018

Half Moon, Jamaica  
Half Moon P.O.  
Rose Hall, St. James  
Jamaica, W.I.  
T: (876)953-2211 ext. 6720 F: (876)953-3244

Invoice Date: January 4, 2018

Attention: Ms. Yolande Ramharack

Accommodation + Meal for  
Minister Wheatley attending opening  
ceremony for The Howard  
Bowell Building

DESCRIPTION	QUANTITY	RATE	TOTAL COST
	Pax/dozen	US\$	US\$
<b>FOOD &amp; BEVERAGE</b>			
<i>Vegetarian Hors D'Oeuvres</i>			
Ackee and Callaloo Samosa	1	\$42.00	\$42.00
Vegetable Spring Roll, Sweet Chili Sauce	1	\$42.00	\$42.00
Mozzarella, Sun Dried Tomato & Olives Roll Ups	1	\$42.00	\$42.00
Mozzarella Sticks, Smoked Tomato Sauce	1	\$42.00	\$42.00
Truffled Goat Cheese and Caramelized Onion Patties	1	\$42.00	\$42.00
Baked Brie Tart with Spicy Sorrel Chutney (per dozen)	1	\$42.00	\$42.00
<i>Dinner Menu</i>	15	\$95.00	\$1,425.00
4 Tiered "Topsy Turvy Cake" Chocolate Cake	1	\$1,000.00	\$1,000.00
Premium Bar (2 hours)	15	\$50.00	\$750.00
<b>MISCELLANEOUS ITEMS</b>			
Event Set-up Fee	1	\$600.00	\$600.00
Chef's Fee	2	\$100.00	\$200.00
Uplights	8	\$65.00	\$520.00
Tropical Cocktail Centerpiece	4	\$45.00	\$180.00
Lounge Set	1	\$200.00	\$200.00
Table Runners	4	\$15.00	\$60.00
<b>ACCOMMODATION</b>			
1 - 6 bedroom Ocean view	1	\$3,802.00	\$3,802.00
Sub-Total			\$8,989.00
10% Government Tax			\$898.90
15% Service Charge			\$1,348.35
Add \$4 daily accommodation tax per room	6	\$4.00	\$24.00
<b>F&amp;B/MISCELLANEOUS TOTAL</b>			<b>\$11,260.25</b>

**NOTES:**

\*\*Full payment is due upon confirmation.

\*\* Payment may be made via credit card, wire transfer or manager's cheque, payable to Half Moon Bay Limited

\*\* For cancellations the following penalties will apply:  
7-14 days prior to - 50% penalty  
3-6 days prior to - 70% penalty  
Cancellations received within 72 hours - 100% penalty

\*\*A guaranteed number of meals to be served must be established no later than 72 hours prior to the starting time of each function and this number will be binding.

Signature:	Signature:
Print Name: Jacinth Fennell	Print Name:
Title: Events Coordinator	Title:
Date: January 4, 2018	Date:



## Appendix 6

45000 40918 V-41240

**ROSE HALL**  
JAMAICA

**Invoice**  
Date: September 19, 2017  
Group Name: Petrojam Corp.

Invoice # M092017001

Event Date: September 19, 2017  
No of Persons: 25 adults  
Time: 8pm-Midnight

Don 51056/1234  
Don 51056/1234  
Don 51056/1234

Description of Charges	Quantity	Unit	Amount USD
Site Fees			
The Palms at Palmyra (Complimentary)			\$1,000.00
Decor			
Bistro Tables w/ Tablecloth	5	50.00	\$250.00
Lounge Seating	4	200.00	\$800.00
20 x 30 Tent			\$200.00
Lighting Package			
Uplights on Trees, Area Lighting, Moving Heads, Entrance Lighting			\$1,300.00
Music/Entertainment			
DJ	4	150	\$600.00
Food & Beverage			
Premium Bar (8:00pm - Midnight)	25	48.00	\$2,400.00
Hors d'oeuvres	25	24.00	\$1,200.00
WATER: 25 BOTTLES (500ML) (FREE/COOL) ICE: 25 BOTTLES (500ML) (FREE/COOL) SODA: 25 BOTTLES (500ML) (FREE/COOL) JUICE: 25 BOTTLES (500ML) (FREE/COOL) COFFEE: 25 BOTTLES (500ML) (FREE/COOL) TEA: 25 BOTTLES (500ML) (FREE/COOL) MILK: 25 BOTTLES (500ML) (FREE/COOL) YOGURT: 25 BOTTLES (500ML) (FREE/COOL) SMOOTHIES: 25 BOTTLES (500ML) (FREE/COOL) FRUIT: 25 BOTTLES (500ML) (FREE/COOL) VEGETABLES: 25 BOTTLES (500ML) (FREE/COOL) NUTS: 25 BOTTLES (500ML) (FREE/COOL) SEEDS: 25 BOTTLES (500ML) (FREE/COOL)			
Dessert Station	25	15.00	\$750.00
Miscellaneous			
Generator			
Total			\$8,820.00
Tax on Attraction			
Tax on Entertainment			\$29.00
Tax on F & B			\$1,587.75
Deposit Paid			\$0.00
Final Amount			\$10,506.75

656608 1070

Exchange Rate: USD = 25.125

17/11/2017

**DISPATCHED**  
14 NOV 2017  
TO P. Lane  
DEPARTMENT

**RECEIVED**  
14 NOV 2017

Rose Hall Developments Ltd  
Box 1, Rose Hall PO  
St. James, Jamaica  
Tel: (876) 953-2341 / (876) 953-3855  
Fax: (876) 953-2160



## **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 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.”*



## **Corruption Prevention Act**

Section 14 of the Corruption Prevention Act defines the general nature of corrupt conduct. It states as follows:

*“Acts of corruption.*

*14. (1) A public servant commits an act of corruption if he-*

*(a) solicits or accepts, whether directly or indirectly, any article or money or other benefit, being a gift, favour, promise or advantage for himself or another person for doing any act or omitting to do any act in the performance of his public functions;*

*(b) in the performance of his public functions does any act or omits to do any act for the purpose of obtaining any illicit benefit for himself or any other person;*

*(c) fraudulently uses or conceals any property derived from any such act or omission to act.*

*(2) A person commits an act of corruption if he offers or grants, directly or indirectly, to a public servant any article, money or other benefit being a gift, favour, promise or advantage to the public servant or another person, for doing any act or omitting to do any act in the performance of the public servant's public function.*

*(3) A person commits an act of corruption if he instigates, aids, abets or is an accessory after the fact or participates in whatsoever manner in the commission or attempted commission of or conspires to commit any act of corruption referred to in subsection (1) or (2).*

*(4) Any citizen or resident of Jamaica or any corporation, either aggregate or sole, any club, society or other body of one or more persons, who offers or grants, directly or indirectly, to a person performing a public function in a foreign state, any article or money or other benefit, being a gift, favour, promise or advantage in connection with any economic or commercial transaction for any act to be performed by or for the omitting to do any act by that person in the performance of that his public functions, commits a act of corruption.*



*(5) Where there is a significant increase in the assets of a public servant which cannot be reasonably explained having regard to his lawful earnings, the significant increase shall be deemed to be illicit enrichment that public servant shall be deemed to have committed an act of corruption.*

*(5) Where a public servant-*

*(a) owns assets disproportionate to his lawful earnings; and*

*(b) upon being requested by the Commission or any person duly authorized to investigate an allegation of corruption against him, to provide an explanation as to how he came by such assets, he-*

*(i) fails to do so; or*

*(ii) gives an explanation which is not considered to be satisfactory,*

*he shall be liable to be prosecution for the offence of illicit enrichment, and on conviction thereof, to the penalties specified in section 15 (1).*

*(5A) It shall be a defence to a person charged with an offence of illicit enrichment to show the court that he came by the assets by lawful means.*

*(6) Any public servant who improperly uses for his own benefit or that of a third party-*

*(a) any classified or confidential information that he obtains as a result of or in the course of the performance of his functions; or*

*(b) any property belonging to the Government or any statutory body or authority or any government company or any body providing public services which he has access as a result of or in the course of the performance of his functions,*

*commits an act of corruption.*



*(7) Any person who is or is acting as an intermediary or through a third person who seeks to obtain a decision from any Ministry or Department of the Government or any statutory body or authority or any government company or any body providing public services whereby he illicitly obtains for himself or for another person any benefit or gain (whether or not the act or omission to act from which the benefit or gain is derived is detrimental to the Government) commits an act of corruption.*

*(8) Any public servant who for his own benefit or for that of a third person, diverts any property belonging to the Government or any other person, which is in his custody for the due administration of his duties commits an act of corruption.*

*(9) Where a citizen of Jamaica commits in another State, an act of corruption specified in subsection (1), (2), (3), (4), (5), (6), (7) or (8), he shall be liable to be prosecuted and tried for such act as if he had committed the act in Jamaica.*

*(10) An agent commits an act of corruption if he-*

*(a) corruptly accepts or obtains, or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or for forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour to any person in relation to his principal's affairs or business; or*

*(b) knowingly uses with intent to deceive his principal, any receipt, account, or other document-*

*(i) in respect of which the principal is interested;*

*(ii) which contains any statement which is false or erroneous or defective in any material particular; and*

*(iii) which, to the knowledge of the agent, is intended to mislead the principal.*

*(11) A person commits an act of corruption if he-*



*(a) corruptly gives, or agrees to give or offers, any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or*

*(b) knowingly gives to any agent, any receipt, account, or other document-*

*(i) in respect of which the principal is interested;*

*(ii) which contains any statement which is false or erroneous or defective in a material particular; and*

*(iii) which, to the knowledge of that person, is intended to mislead the principal.*

*(12) For the purposes of subsection (10) and (11)-*

*"agent" includes any person employed by or acting for another;*

*"consideration" includes valuable consideration of any kind;*

*"principal" includes an employer.*

## **Larceny Act**

*"27. Every person who-*

*(1) being a director, public officer, or manager, of any body corporate or public company-*

*(a) as such, receives or possesses himself of any property<sup>147</sup> of such body corporate or public company and, with intent to defraud, omits to make,*

---

<sup>147</sup> Property is defined in the Larceny Act as including money.



*or cause to be made, a full and true entry thereof in the books and accounts of such body corporate or public company;*

***(b) makes, circulates, or publishes, or concurs in making, circulating, or publishing, any written statement or account which he knows to be false in any material particular-***

*(i) with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company; ...*

*...*

***shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.***

Additionally, the Larceny Act indicates that:

*“35. Every person who, by any false pretence-*

*(1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered, to himself or to any other person for the use or benefit or on account of himself or any other person;*

*...*



*shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.”*

### **Financial Administration and Audit Act**

*(1) The Minister shall from time to time designate in Accounting officers. writing public officers who shall be accounting officers of ,, the departments specified in such designation.*

*(2) An accounting officer shall be responsible for the financial administration of the department specified in a designation under subsection (1) and shall be accountable to the Minister for-*

*(a) the assessment and collection of, and accounting for, all moneys lawfully receivable by his department;*

*(b) ensuring that the purpose for which an appropriation is approved by Parliament is accomplished;*

*(c) making any payment required to be made in relation to such appropriation;*

*(d) the custody and proper use of all materials, equipment or other public property administered by him;*





*(e) the administration of any fund for which he has been assigned responsibility pursuant to section 14(3);*

*(f) the discharge of any other financial responsibility assigned to him under this or any other enactment.*

*(3) The written and recommendations of the Financial Secretary shall be obtained before an accounting officer-*

*(a) takes any step to implement a change that is likely to have adverse budgetary implications for the financial year that is then current and for the medium term; or*

*(b) submits to the Cabinet a proposal for any such change.*

*(4) An accounting officer shall, upon being requested to do so by any committee of Parliament, attend before that committee to be examined respecting the exercise of that person's functions under this Act.”*

### **Public Bodies Management and Accountability Act**

*“17(1) Every director and officer of a public body shall, in the exercise of his powers and the performance of his duties-*



a) *Act honestly and in good faith in the best interests of the public body;* and

b) *exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances...*”

Section 25 outlines the penalty associated with a breach of the duty of care:

*“If the Court is satisfied, on an Application by the Attorney-General, that any person has contravened any of the provisions of-*

*... (k) Section 17 (fiduciary duties);* the Court may exercise any of the powers referred to in sub-section (2).

25(2) *The Court may-*

(b) *Order the person concerned to pay to the crown such pecuniary penalty not exceeding one million dollars...*

25(3) *in exercising its powers under this section the Court shall have regard to-*

b) *The nature and extent of the default;...*”

## **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 –*

*(d) in a voluntary declaration;*

*(e) 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; ...*

*(f) 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”.*



## **Forgery Act**

Section 3 states that:

*3.-(1) For the purposes of this Act, “forgery” is the making of a false document in order that it may be used as genuine, and, in the case of the seals and dies mentioned in this Act, the counterfeiting of a seal or die; and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided.*

*(2) A document is false within the meaning of this Act if the whole or any material part thereof purports to be made by, or on behalf or on account of a person who did not make it nor authorize its making; or if, though made by, or on behalf or on account of, the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein; and in particular a document is false-*

*(a) if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein, or*

*(b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person; or*



*(c) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorized it:*

*Provided that a document may be a false document notwithstanding that it is not false in such manner as is in this subsection set out.*

*(3) For the purposes of this Act-*

*(a) it is immaterial in what language a document is expressed or in what place within or without Her Majesty's dominions it is expressed to take effect;*

*(b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;*

*(g) the crossing on any cheque, draft on a banker, post office money order, postal order, coupon, or other document the crossing of which is authorized or recognized by law, shall be a material part of such cheque, draft, order, coupon, or document.*

Section 5 of the Act states that:

*“5. –(1) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, punishable with imprisonment with hard labour for life-*



*any document whatsoever having thereupon or affixed thereto the stamp or impression of the Board Seal of Jamaica, the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, any of Her Majesty's Seals appointed by the twenty-fourth article of the Union between England and Scotland to be kept, used, and continued in Scotland, the Great Seal of Ireland, or the Privy Seal of Ireland.*

*(2) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment with hard labour for any term not exceeding fourteen years-*

*(a) any register or record of births, baptisms, namings, dedications, marriages, deaths, burials, or cremations, which now is, or hereafter may be, by law authorized or required to be kept in this Island, relating to any birth, baptism, naming, dedication, marriage, death, burial, or cremation, or any part of any such register, or any certified copy of any such register, or of any part thereof;*

*(b) any copy of any register of births, baptisms, marriages, burials, or cremations, directed or required by law to be transmitted to any registrar or other officer;*

*(c) any wrapper or label provided by or under the authority of the Government.*



*(3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment with hard labour for any term not exceeding seven years-*

*(a) any official document whatsoever of or belonging to any Court of Justice, or made or issued by any Judge, Resident Magistrate, Justice, Officer, or clerk of any such Court*

*(b) any register or book kept under the provisions of any law in or under the authority of any Court of Justice;*

*(c) any certificate, office copy, or certified copy of any such document, register, or book or of any part thereof;*

*(d) any document which any person authorized to administer an oath is authorized or required by law to make or issue;*

*(e) any document made or issued by any public officer or law officer of the Crown, or any document upon which, by the law or usage at the time in force, any Court of Justice or any officer might act;*

*(f) any document or copy of a document used or intended to be used in evidence in any Court of Justice, or any document which is made evidence by law;*

*(g) any certificate required by any law for the celebration of marriage;*

*(h) any licence for the celebration of marriage which may be given by law;*

*(i) any certificate, declaration or order, under any*





*law relating to vaccination or to the registration of births or deaths;*

*(j) any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I of the Merchant Shipping Act, 1894 (United Kingdom), or any entry or endorsement required by such Part of such Act to be made in or on any of those documents:*

*(k) any permit, certificate, or similar document, made or granted by or under the authority of the Commissioner of Customs and Excise or the Accountant-General for the purpose of or in connection with Customs, Excise, or Internal Revenue."*