



Special Report of Investigation

**Concerning Allegations of Impropriety and Irregularity in
the Installation of a Car Charging Facility at the St. Ann
Municipal Corporation**

September 2021



This Publication until tabled in Parliament shall be confidential.

Sections 55 (4) and (5) of the Integrity Commission Act states:

"(4) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(5) For the purposes of the Defamation Act, any report made by the Commission under this Act and any fair and accurate comment thereon shall be deemed to be privileged."

Section 56 of the Integrity Commission Act states:

"Subject to section 42(3)(b), every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act (hereinafter called a concerned person) shall regard and deal with as secret and confidential, all information, statutory declarations, government contracts, prescribed licences and all other matters relating to any matter before the Commission, except that no disclosure made by the Commission or other concerned person in the proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed by this subsection.

(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate any such information, declaration, letter and other document or thing referred to in subsection (1) disclosed to him in the execution of any of the provisions of this Act to any person —

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purpose of this Act,

commits an offence and shall be liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

Integrity Commission
1st Floor, PIOJ Building
16 Oxford Road
P.O. BOX 540
Kingston 5
Telephone: 876-929-6460/876-929-8560/876-929-6466
Fax: 876-929-7335



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Summary of Investigation

- 1.1 This investigation concerns allegations of impropriety and irregularities in the installation of a car charging facility, also referred to as a charging port at the St. Ann Municipal Corporation.
- 1.2 The investigation was initiated by the Director of Investigation (DI) pursuant to Sections 6(1)(a), 33(1)(a) and 47 of the Integrity Commission Act.
- 1.3 The investigation sought to ascertain, *inter alia*:
 - 1.3.1 The veracity of the allegation that a charging port was constructed at the St. Ann Municipal Corporation for use by the then Mayor, Mr. Michael Belnavis;
 - 1.3.2 The process which was utilised by the Municipal Corporation to construct and/or install the referenced port;
 - 1.3.3 The authority upon which the charging port was constructed and/or installed at the Municipal Corporation; and
 - 1.3.4 Whether the installation of the referenced facility gave rise to improprieties, inclusive of an act of corruption, and irregularities on the part of any officer(s) of the St. Ann Municipal Corporation or any other person.



1.4 The Findings of the Investigation are premised primarily upon an analysis of the statements and other documents which were provided by the individuals considered pertinent to the investigation.

1.5 **Summary of Key Findings**

1.5.1 A motor vehicle charging facility was installed in the Mayor's parking bay at the St. Ann Municipal Corporation based upon a request which was made by way of a Memorandum dated March 22, 2019, to Mr. Rovel Morris, Chief Executive Officer (CEO), St. Ann Municipal Corporation by Mr. Michael Belnavis, former Mayor, St. Ann's Bay.

1.5.2 The referenced Memorandum, which was directed to Mr. Rovel Morris by the former Mayor, indicated that the charging port was for use by *"the Mayor's Vehicle and the Ocho Rios Clamping Vehicle"*.

1.5.3 An investigation was undertaken by the St. Ann Municipal Corporation to determine the feasibility of the referenced installation and the most suitable company that could be engaged to undertake the installation.

1.5.4 An estimate in the amount of \$80,000.00 was prepared by the St. Ann Municipal Corporation for the installation of the referenced port.



- 1.5.5 The charging port was installed by R.O. Walters and Associates during the week of November 12, 2019 to November 15, 2019, at a cost of \$78,226.20.
- 1.5.6 The charging port was connected to the Jamaica Public Service Company Limited (JPS) meter associated with the St. Ann Municipal Corporation and therefore consumed energy sourced by the Corporation from the JPS.
- 1.5.7 Representations in respect of the charges which were incurred by the St. Ann Municipal Corporation for electricity usage was provided to the Director of Investigation for the period August 2019 to May 30, 2020. The charges reflected a decrease in the billed amounts for the months of November 2019 to February 2020 and an increase in April and May 2020, when compared to a two months period prior to the installation of the port.
- 1.5.8 The referenced port was removed from the St. Ann Municipal Corporation during the weekend of May 30, 2020, at no cost to the St. Ann Municipal Corporation.
- 1.5.9 The amount of \$78,226.21 was reimbursed by Mr. Michael Belnavis to the St. Ann Municipal Corporation by cheque dated June 25, 2020.
- 1.5.10 Section 16 of the Financial Administration and Accountability Act (FAA Act), outlines that an Accounting Officer is responsible for, *inter alia*, “the custody and proper use of all materials, equipment or other public property administered by him”.



1.5.11 Section 17 of the Public Bodies Management and Accountability Act (PBMA) outlines that Directors and Officers of a public body shall, *inter alia*, “exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances” in the exercise of his powers and the performance of his duties.

1.5.12 Having regard to the provisions of Section 24(1) of the Local Governance Act, the Chief Executive Officer is the accounting officer of the Local Authority. Mr. Rovel Morris was at all material times the Chief Executive Officer and Accounting Officer at the St. Ann Municipal Corporation.



Chapter 1 – Background

2.1 This chapter outlines the background information concerning the investigation.

Initiation of Investigation

2.1.1 On June 2, 2020, the DI initiated an Investigation into, inter alia, allegations concerning the installation of a car charging facility at the St. Ann Municipal Corporation.

2.1.2 The impetus for the DI's decision to investigate the referenced matter emanated from the receipt of certain allegations, by way of correspondence which was dated May 22, 2020 and communicated to the Acting Director of Information & Complaints, and subsequently referred to the attention of the DI, pursuant to Section 38(1)(c) of the Integrity Commission Act.

2.1.3 In the instant regard, the following allegations were proffered:

2.1.3.1 The Mayor of St. Ann built an electrical charging port at the Municipal Corporation for his personal “new porsche”. The Complainant posed the following questions:

“Was it built by his own money or Parish Council Funds?

Who pays the additional Electricity Bill incurred as a result of using the Council electricity?”



2.1.3.2 The complainant also provided photographs of a motor vehicle registration plate and that of a 'charging port' which was attached to a motor vehicle.

2.1.4 The aforementioned allegations raised several concerns for the DI, particularly, in light of the requirements of the Public Bodies Management and Accountability Act, and the Financial Administration and Audit Act (FAA Act) and the Integrity Commission Act.

2.1.5 Section 6(1)(a) and 33(1)(a) of the Integrity Commission Act states, *inter alia*, that the Integrity Commission is mandated to "investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of this Act."

2.1.6 Further, and having regard to Section 47 of the Integrity Commission Act, the DI determined that an investigation was warranted.

Jurisdiction

2.1.7 The investigation commenced pursuant to Sections 33(1) of the Integrity Commission, which stipulates 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."

2.1.8 In addition, Section 2 of the Integrity Commission Act provides the following interpretation of a public body:

"Public body means –

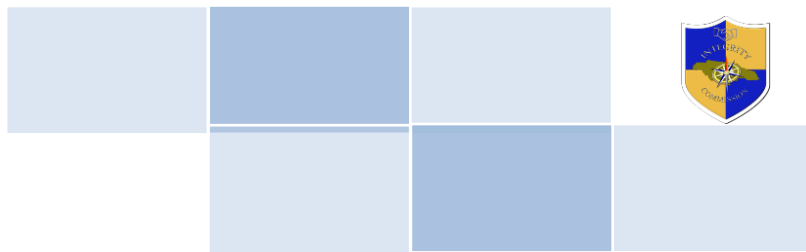
- (a) ...;*
- (b) a Municipality or Municipal Corporation;*
- (c) ...;*
- (d) ...;*
- (e) ..."*

2.1.9 Having regard to the foregoing provisions of the ICA, the DI possesses the jurisdiction to investigate the referenced matter.

The Investigation

2.1.10 During the investigation, the DI:

- a) Initiated and executed an unannounced visit to the St. Ann Municipal Corporation, on June 3, 2020;
- b) Dispatched requisitions to Mr. Rovel Morris, Chief Executive Officer, of the St. Ann Municipal Corporation;
- c) Convened judicial hearings on June 26, 2020, at which time Mr. Michael Belnavis, then Mayor, St. Ann's Bay and Mr. Rovel Morris



appeared before the Director of Investigation and were examined under oath; and

- d) Collected Witness Statements from individuals who were considered germane to the investigation.

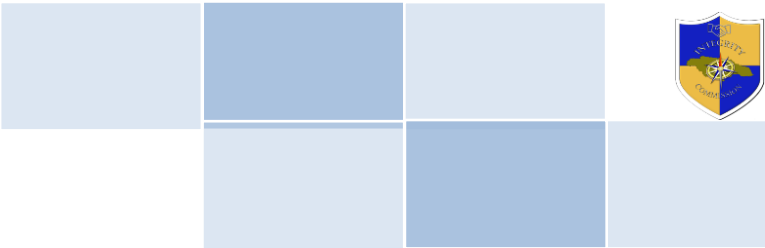
2.1.11 A detailed review and cross-referencing of the statements and supporting documentation were also conducted in order to inform the DI's findings and conclusions.

2.1.12 In addition, a comprehensive review of certain applicable sections of the Integrity Commission Act, the Financial Administration and Audit Act and the Public Bodies Management & Accountability Act was undertaken in order to assess the evidential materials ascertained by the DI and to determine the nature of the recommendations and conclusions, which are herein made.

Individuals Pertinent to the Investigation

2.1.13 The following persons were considered pertinent to the investigation:

- a) Mr. Rovel Morris, Chief Executive Officer, St. Ann Municipal Corporation;
- b) Mr. Everton Ricketts, Chief Engineering Officer, St. Ann Municipal Corporation;
- c) Mr. Stanford Walters, Director, R.O. Walters and Associates;
- d) Mrs. Marsha Henry-Martin, Permanent Secretary, Ministry of Local Government and Community Development; and



e) Mr. Michael Belnavis, former Mayor, St. Ann's Bay.



Chapter 2 – Terms of Reference

3.1 This chapter sets out the scope of the investigation and the issues that were explored.

3.1.2 The primary objectives of the DI were to ascertain the following:

- 3.1.2.1 The veracity of the allegation that a car charging port was constructed at the St. Ann Municipal Corporation, for use by the then Mayor, Mr. Michael Belnavis;
- 3.1.2.2 The process which was utilised by the Municipal Corporation to construct and/or install the referenced port;
- 3.1.2.3 The authority upon which the charging port was constructed and/or installed at the Municipal Corporation;
- 3.1.2.4 The source of funds utilized for the installation and operation of the car charging port on the premises of the St. Ann Municipal Corporation; and
- 3.1.2.5 The propriety and regularity of the process utilised to install the referenced car charging facility.



Chapter 3 – Law, Evidence and Discussion of Findings

4.0 This chapter sets out the relevant legislation and discussion of the findings in respect of the investigation.

4.1 **The Installation of a Car Charging Facility on the Premises of the St. Ann Municipal Corporation**

4.1.2 A motor vehicle charging port was installed on the premises of the St. Ann Municipal Corporation at some time in November 2019, based upon the request of Mr. Michael Belnavis, former Mayor, St. Ann's Bay and on the authorisation of Mr. Rovel Morris, Chief Executive Officer, St. Ann Municipal Corporation.

4.1.3 Mr. Morris, in his Statement, dated May 14, 2021, advised the DI that:

"A Memorandum was received from the Mayor on Friday March 22, 2019 for the installation of 220v charging port in the Car port of the Corporation's Office for the Mayor's (Michael Belnavis') vehicle and the Ocho Rios Clamping Vehicle. The memorandum was referred by me to the Chief Engineering Officer on Monday March 25, 2019.

...

... a memorandum with estimate attached from the Chief Engineering Officer Everton Ricketts requesting that ...same be approved for ratification was submitted to my office and approved in Principle by me with written instructions to be ratified by the Actg. Chief Financial Officer (Ingrid



Palmer) at the next sitting of Finance Committee which would have been November 21, 2019.”¹

4.1.4 Mr. Morris also indicated, in the referenced Statement, that the facility was installed “*at some time in either November or December 2019*”² and that no other person granted approval for the installation of the car charging facility on the premises of the St. Ann Municipal Corporation³.

4.1.5 In support of his Statement, Mr. Morris provided a copy of a Memo dated March 22, 2019, which was sent to the “CEO” by the “Mayor” and which bore the subject “Installation of 220v Charging Port. A copy of the referenced Memo is attached hereto as Appendix 1.

4.1.6 Mr. Everton Ricketts, Chief Engineering Officer, St. Ann Municipal Corporation, by way of his Statement which was dated May 13, 2021, corroborated the aforementioned assertions made by Mr. Morris as it relates to the request for the installation of the referenced port by the then Mayor, Mr. Michael Belnavis, and further indicated that an investigation was carried out to determine the feasibility of the installation and the “*...most suitable company to be engaged*” to execute the installation.⁴

¹ Statement provided to the Director of Investigation by Mr. Rovel Morris, dated May 14, 2021, paragraphs 1 and 2.

² Ibid, paragraph 6.

³ Ibid, paragraph 3.

⁴ Statement provided to the Director of Investigation by Mr. Everton Ricketts, Chief Engineering Officer, dated May 13, 2021, paragraphs 1, 2 and 3.



4.1.7 Mr. Stanford Walters, Director, R.O. Walters & Associates advised the Director of Investigation that his entity was contacted and asked to provide an estimate to install a car charging facility at the St. Ann Municipal Corporation. He further indicated that Mr. Michael Belanvis was the representative from the St. Ann Municipal Corporation with whom R.O. Walters & Associates made contact in relation to the referenced matter.⁵ Mr. Walters also advised that the works were executed during the week of November 12- 15, 2019⁶.

4.1.8 Mr. Michael Belnavis, during the course of a judicial hearing convened by the Director of Investigation on June 26, 2020, confirmed that a Memo dated March 22, 2019 was sent by him to the CEO requesting that the *“Council install a 2020 [220V] charging port ... by the Mayor’s Parking area to be used to charge a hybrid vehicle that was just acquired.”* He further indicated that the referenced port could also be utilized to charge the *“Ocho Rios clamping vehicle ... which the Municipal Corporation proposed to get.”*⁷

4.1.9 The above-mentioned Memo, dated March 22, 2019, which was directed to Mr. Rovel Morris, CEO, St. Ann Municipal Corporation by Mr. Michael Belnavis made the following request:

“I hereby request that the Council installs a 220v Charging Port by the Mayor’s Parking area to be used to charge the hybrid Vehicles as follows:

⁵ Statement provided to the Director of Investigation by Mr. Stanford Walters, Director, R. O. Walters and Associates, dated May 14, 2021. Paragraphs 1 and 2

⁶ Ibid paragraph 4

⁷ Transcript of Judicial Hearing dated June 26, 2020, involving Mr. Michael Belnavis. Pages 16-17.



- *Ocho Rios Clamping Vehicle*
- *Mayor's Vehicle"*

4.1.10 It is instructive to note that Mr. Belnavis during the course of the referenced judicial hearing advised the DI that the reference which was made to a Hybrid vehicle related to a Porsche Cayenne Hybrid which is owned by him.

4.1.11 He further clarified that at the time that the request was made for the installation of the charging port, a proposal for the clamping vehicle to be acquired had not yet been brought to the Municipal Corporation⁸.

4.1.12 By way of a Statement which was provided by Mr. Michael Belnavis and dated July 14, 2021, Mr. Belnavis indicated that the extent of his knowledge of the "*Car Charging Port/Facility (40 amperage 110/220 Volts) that was installed on the St. Ann Municipal Corporation premises, is that it was installed to facilitate the charging of electronic Motor Vehicles for the Municipal Corporation, Councillors and Employees, the idea was to promote a green clean environment as an example for the Parish to be set by the Council.*"⁹

4.1.13 In the referenced Statement, Mr. Belnavis also furnished a copy of a Memo dated March 22, 2021, addressed to the CEO regarding the Installation of the 220V Charging Port. It is instructive to note, that the content of the Memo is similar to that reflected in Appendix 1, attached, hereto.

⁸ Ibid pages 28-29.

⁹ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.



4.2 **Particulars of the Charging Facility Installed at the St. Ann Municipal Corporation**

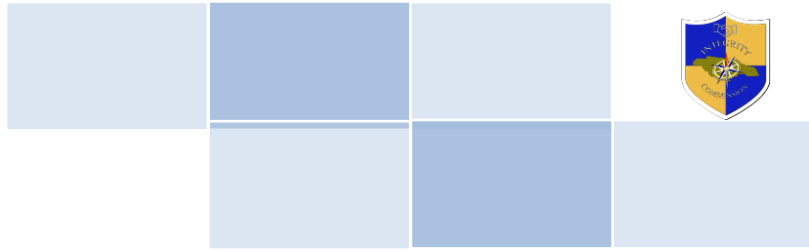
4.2.1 An Engineer Estimate in the amount of \$80,000.00 was prepared by Matthew Christie, Works Overseer, St. Ann Municipal Corporation. The Estimate outlined the cost for material and labour for the installation of the car charging port. It was, however, observed that there was no indication on the Estimate of the specific rates, description of items and labour required. The referenced Estimate bore the signature of the Works Overseer. The DI notes that the section of the Estimate which requires the signature of the Chief Engineering Officer was left blank.

4.2.2 Mr. Rovel Morris also provided a copy of the Invoices, which totaled \$78,226.20, that were prepared in respect of the installation of the referenced port. A copy of the referenced Invoices is attached hereto at Appendix 2.

4.2.3 Mr. Michael Belnavis, by way of his statement dated July 14, 2021, advised the Director of Investigation that “The complete description of the Car Charging facility that was installed is an outlet with specification of 40 amperage 110/220 Volts, exactly as those installed through the Councils Office which is used for General office use.”¹⁰

4.2.4 Mr. Belnavis further stated that he was not “cognizant of the nature of the work perform by the contractor, as [he is] not an electrician or an

¹⁰ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.



expert in electrical installation. Also, [he] was neither involved in the ordering, purchasing of parts nor labour of the 40 amperage 110/220 Volts outlet and installation."¹¹

¹¹ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.



4.3 **Total Cost of Ownership of the Car Charging Port**

4.3.1 In an effort to ascertain the total “cost of ownership” for the subject car charging port, the Director of Investigation by way of Notice which was dated April 7, 2021, required that Mr. Rovel Morris provide all costs associated with the ownership of the port inclusive of the purchase cost, installation cost, irregular/ one-off costs, recurring costs, and the cost of decommissioning and disposal.

4.3.2 Having regard to the foregoing, Mr. Rovel Morris, in his referenced Statement advised the Director of Investigation that the only cost associated with the port and accrued by the Municipal Corporation was the installation cost in the amount of \$78,226.21. He further indicated that he was unaware of the cost for the actual charging facility, as well as the cost for the removal of the port as “no bills relating to ...[the] removal was honoured by the Corporation”¹².

4.3.3 Mr. Morris also confirmed that the charging port was removed from the premises of the Corporation, as a result of certain media reports, on the weekend of “May 30 or 31, 2020... from the level of the former Mayor ie Michael Belnavis”¹³.

4.3.4 Having regard to the Director of Investigation's attempt to ascertain the Total Cost of Ownership of the port, Mr. Michael Belnavis advised the Director, by way of his statement dated July 14, 2021 that he was “

¹² Statement provided to the Director of Investigation by Mr. Rovel Morris, dated May 14, 2021, paragraphs 16 and 17.

¹³ Ibid paragraphs 12, 13, 14 and 15.



... not privy to the various itemized cost associated with the installation of the referred facility".¹⁴

4.3.5 Mr. Belnavis also advised the Director of Investigation that he was unaware of the person(s) or entity(ies) who removed the car charging port/ facility but that he observed that there was a metal plate covering the outlet.¹⁵

4.3.6 Mr. Belnavis further stated that he was aware that the 2019 Porsche Cayenne, owned and operated by him, was infrequently being charged by the Car Charging Port/Facility. He also stated that the motor vehicle was plugged in "...infrequently over the period of two months (approximate total 8 hours)" and that no contributions were made by him to JPS electricity bills for and on behalf of the St. Ann Municipal Corporation.¹⁶

4.3.7 In addition, the DI by his referenced Notice directed to Mr. Morris sought to ascertain whether the subject port was connected to and/or utilizing electricity generated from the St. Ann Municipal Corporation's electricity source. In this regard, Mr. Morris indicated that the "electricity of the St. Ann Municipal Corporation was utilized. There was no individual metre for said Charging port".¹⁷

4.3.8 The DI also sought to obtain the actual electricity bills that were generated for the St. Ann Municipal Corporation and to examine the

¹⁴ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.

¹⁵ Ibid.

¹⁶ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.

¹⁷ Statement provided to the Director of Investigation by Mr. Rovel Morris, dated May 14, 2021, paragraph 18.



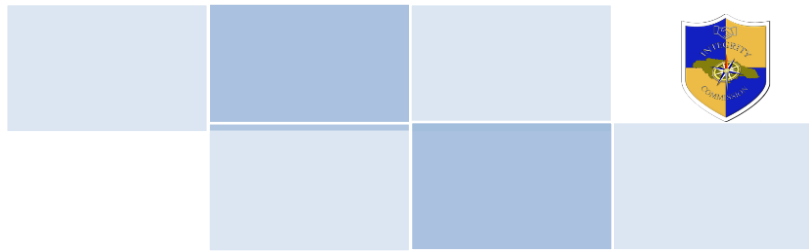
electricity usage for the period of two (2) consecutive months prior to the installation of the referenced car charging facility and two (2) consecutive months after the installation of the facility.

4.3.9 In furtherance of the DI's probe, representations of the JPS charges for the period August 2019 – May 30, 2020 were provided by Mr. Morris. The Table, represented below, illustrates the JPS electricity charges for the mentioned period:

Table1

| ST. ANN MUNICIPAL CORPORATION | | |
|---|-----------------------|----------------------------------|
| Jamaica Public Service Electricity Charge for Admin. September 2019- May 2020 | | |
| PERIOD | CURRENT CHARGE | TOTAL PAID |
| 30.8.2019 – 29.9.2019 | \$245,166.52 | No Payment reflecting on records |
| 29.9.2019 – 31.10.2019 | \$255,841.16 | No Payment reflecting on records |
| 31.10.2019 – 30.11.2019 | \$253,043.49 | No Payment reflecting on records |
| 30.11.2019 – 30.12.2019 | \$224,215.80 | \$172,811.33 |
| 30.12. 2019 – 30.1.2020 | \$184,077.00 | \$158,006.00 |
| 30.1.2020 - 28.2.2020 | \$229,659.13 | \$197,199.87 |
| 28.2.2020 – 30.3.2020 | \$218,597.09 | \$187,636.98 |
| 30.3.2020 – 29.4.2020 | \$257,427.73 | \$223,851.43 |
| 29.4.2020 – 30.5.2020 | \$317,319.07 | \$276,051.66 |
| Total | \$2,185,346.99 | \$1,215,557.27 |

4.3.10 It is instructive to note that notwithstanding the current charges provided, given the numerous factors that may influence final electricity charges, there would be some degree of difficulty in determining, with certainty, whether any increases in both usage and



charges are directly related to the referenced charging port. This is further exacerbated by the fact that the port was removed from the premises of the St. Ann Municipal Corporation and certain facts and specifications relating to the energy consumption of the device could not be ascertained.



4.4 **Payments Made to R.O. Walters and Associates by the St. Ann Municipal Corporation**

4.4.1 Having regard to the Invoices prepared for services and works undertaken by R.O. Walters and Associates, in relation to the referenced port, in the amount of \$78,226.20, it was observed that a St. Ann Municipal Corporation Payment Voucher was prepared in the amount of \$78,226.21, indicating payment to R.O. Walters and Associates.¹⁸

4.4.2 It is instructive to note that the referenced Payment Voucher bore the certification and endorsement of the Programme Manager, who certified that the goods / services were satisfactorily provided, and that the rates/prices were fair and reasonable and that the relevant financial instructions were followed. Mr. Rovel Morris also advised, by way of his response to a Requisition of the DI, that the referenced amount was made payable from the St. Ann Municipal Corporation's "General Fund"¹⁹.

4.4.3 Mr. Rovel Morris also provided the names and titles of the persons who provided approval for payments made by the St. Ann Municipal Corporation, namely²⁰:

¹⁸ The Payment Voucher was dated November 12, 2019 and indicated that the amount was payable to R.O. Walters and Associates per Invoice Nos. 1052862 –1052861, contained in Statement provided by Mr. Rovel Morris, CEO, St. Ann Municipal Corporation, dated May 14, 2021 and attached as Exhibit RM 8

¹⁹ Response dated June 22, 2020, which was received from Mr. Rovel Morris, Response No. 24.

²⁰ Statement provided to the Director of Investigation by Mr. Rovel Morris, dated May 14, 2021, paragraph 10.



- Deputy Mayor- Sydney Stewart (Now Mayor);
- Chief Executive Officer- Rovel Morris;
- Chief Engineering Officer- Everton Ricketts;
- Chief Financial Officer – Ingrid Palmer;
- Clerk of Roads and Works – Sammantha Black;
- Accounting Officer- Corrette Depluzer;
- Budget and Revenue Officer – Kady-Ann Clarke;
- Accounting Clerk – Kimoy Fearon; and
- Works Overseer- Matthew Christie.

4.4.4 Mr. Stanford Walters, Director, R.O. Walters in his Statement to the DI provided a document which indicated his receipt of payment from the St. Ann Municipal Corporation in the amount of \$78,226.21²¹.

²¹Receipt dated November 20, 2019 prepared by R. O. Walters and Associates contained in Statement provided to the Director of Investigation by Mr. Stanford Walters, Director, R. O. Walters and Associates, dated May 14, 2021 and marked as exhibit SW4.



4.5 Reimbursement to the St. Ann Municipal Corporation by Michael Belnavis

4.5.1 Mr. Rovel Morris, CEO, St. Ann Municipal Corporation, in his response of June 22, 2020, to a Requisition of the Director of Investigation, provided a copy of a cheque that was issued by Digi Order Limited and made payable to the St. Ann Municipal Corporation on June 25, 2020 in the amount of \$78,226.21. Importantly, the memo line, often utilized to state particulars of a cheque, bore the inscription “car charger reimbursement”²².

4.5.2 During the course of a judicial hearing which was convened on June 26, 2020, and during which Mr. Michael Belnavis appeared before the DI, a copy of the referenced cheque was presented to Mr. Belnavis.

4.5.3 Mr. Belnavis confirmed that the cheque bore his signature and was paid on his own volition. Mr. Belnavis also provided, *inter alia*, the following rationale for the drafting of the cheque:

“...we decided to pay for the car charger because of the – there were a lot of media events around it and it just seemed simpler to jus pay it and – because it was being used politically as a political stick ...” ²³

4.5.4 Mr. Michael Belnavis, by way of his Statement dated July 14, 2021, advised the DI that he was not involved in “...ordering, purchasing of

²² Cheque dated June 25, 2020 bearing Cheque number 002135 included in Response dated June 22, 2020, which was received from Mr. Rovel Morris and attached as Appendix 3

²³ Transcript of judicial hearing dated June 26, 2020, involving Mr. Michael Belnavis. Pages 47-48.



*the parts and labour of the plug and installation, however [he] made a payment of \$78,226.21 which was told to [him] by the Council"*²⁴. In this regard, a copy of a cheque, in the amount of \$78,226.21, made payable to the St. Ann Municipal Corporation by Digi Order Limited, was provided by Mr. Belnavis. It is instructive to note that the mentioned cheque is similar to that which is appended at Appendix 3.

4.5.5 In addition, to substantiate his association with Digi Order Limited, Mr. Michael Belnavis provided a copy of a letter dated May 1, 2003 which was addressed to him by one Allison Fergus, on behalf of "DIGIORDER JA. Limited" and which advised that Mr. Belnavis was appointed as a consultant for "DIGIORDER JA. LTD."²⁵

²⁴ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.

²⁵ Statement of Mr. Michael Belnavis provided to the Director of Investigation and dated July 14, 2021.-MB1



4.6 The Propriety of the Authorization Granted for the Installation of the Car Charging Port

4.6.1 The DI sought to ascertain the requisite authorization that was required for the installation of the referenced device on the premises of the St. Ann Municipal Corporation.

4.6.2 In this regard, Mrs. Marsha Henry-Martin, Permanent Secretary, Ministry of Local Government and Community Development, by way of her Statement, which was dated April 16, 2021, advised the DI that “No approval was granted by [her] for the installation of the facility”²⁶ and that she was unaware of the authorisation that would be required for the installation of a car charging facility on the premises of the St. Ann Municipal Corporation.²⁷

4.6.3 In support of her abovementioned Statement, Mrs. Henry-Martin furnished the DI with a copy of a letter which was dated May 27, 2020, that was sent by Mr. Rovel Morris to Mrs. Henry-Martin, regarding a request for permission to install an electric meter for a charging port. The referenced letter indicated that the request was being made on behalf of “Councillor Michael Belnavis, Mayor of St. Ann's Bay” and that the permission was being sought to install an electrical meter, registered in the name of Michael Belnavis, which would monitor the usage of electricity when charging his vehicle. The letter went further to

²⁶ Statement provided to the Director of Investigation by Mrs. Marsha Henry-Martin, dated April 16, 2021. Paragraph 2.

²⁷ Ibid, paragraph 3.



state that the cost associated with the installation would be borne by Mr. Belnavis.²⁸

4.6.4 In relation to the aforementioned letter, Mrs. Marsha Henry-Martin responded by letter dated June 16, 2020 and advised that the request could not be supported. Mrs. Henry- Martin went further to state that *"...consistent with the Government of Jamaica Guidelines and Financial Instructions all costs incurred without approval are to be immediately recovered"*.²⁹

4.6.5 Additionally, and in relation to the policy, procedure, regulations and/or laws that were consulted and which guided the corporation in the installation of the referenced port, Mr. Rovel Morris, in his response dated June 22, 2020 advised the DI of, *inter alia*, the following:

"There was no consultation on same and this can be attributed to the fact that the request approved was not tabled for ratification which was seemingly an oversight."

4.6.6 It is instructive to note that Section 16 (2) of the Financial Administration and Audit Act states, states, *inter alia*, as follows:

²⁸ Letter dated May 27, 2020, from Mr. Rovel Morris, Chief Executive Officer, St. Ann Municipal Corporation, to Mrs. Marsha Henry- Martin, Permanent Secretary, Ministry of Local Government and Community Development, exhibited to Statement dated April 16, 2021.

²⁹ Letter dated June 16, 2020, from Mrs. Marsha Henry- Martin, Permanent Secretary, Ministry of Local Government and Community Development to Mr. Rovel Morris, Chief Executive Officer, St. Ann Municipal Corporation, contained in Statement dated April 16, 2021.



“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) ...

(b) ensuring that the purpose for which an appropriation is approved by Parliament is accomplished ;

(c) ...

(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.”

4.6.7 By virtue of Section 24 (1) of the Local Governance Act, the Chief Executive Officer is the accounting officer of the Local Authority.

4.6.8 In relation to Section 16 (2) of the FAA Act and specifically, sub-section (d) it is important to note that, Section 3 of the Interpretation Act, defines “property” as including: money, goods, things in action, land and every description of property, whether real or personal.



4.6.9 The Public Bodies Management and Accountability Act (PBMA) imposes a duty of care on Directors and Officers of Public Bodies and mandates that:

“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...”

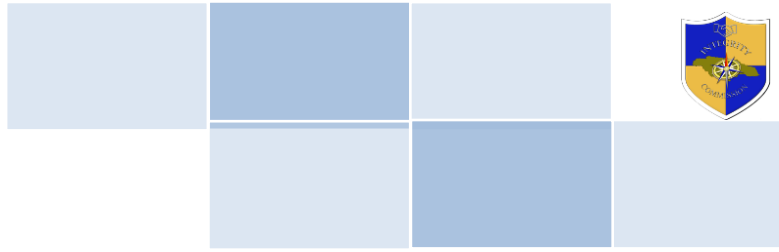
4.6.10 Further, Section 25 of the PBMA outlines the penalty associated with a breach of the duty of care as follows:

“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;..."



Chapter 4 – Conclusion

5.0 This chapter outlines the conclusions reached by the Director of Investigation based upon the findings of this investigation.

5.1 Upon a review of the Statements and other documentary evidence, the Director of Investigation has arrived at the following conclusions:

5.1.1 The car charging facility installed on the premises of the St. Ann Municipal Corporation was affixed at the request of Mr. Michael Belnavis, former Mayor, St. Ann's Bay and on the authorisation of Mr. Rovel Morris Chief Executive Officer, St. Ann Municipal Corporation.

5.1.2 Further to the forgoing, the DI concludes that the request by Mr. Michael Belnevis was wholly inappropriate and amounts to an abuse of his office.

5.1.3 Notwithstanding the uncertainty presented in the Statement of Mr. Rovel Morris and the representations made by Mr. Michael Belnavis during the course of the judicial hearing convened on June 26, 2020, the DI accepts the testimony of Mr. Stanford Walters that the referenced charging facility was installed by the entity, R.O. Walters and Associates during the week of November 12-15, 2019.



- 5.1.4 The DI concludes that the Estimate which was prepared by the St. Ann Municipal Corporation for the installation of the referenced facility was inadequate, and failed to establish the specific quantity, rate and description of the services and works that were to be commissioned. This had the effect of impairing the DI's ability to ascertain, with any degree of certainty, the scope of the works that were to be performed. This resulted in the DI having to rely solely on the Invoice prepared by the engaged contractor to determine the specific nature of the works commissioned.
- 5.1.5 The DI concludes that the source of funds utilised for the installation of the referenced port was that of the St. Ann Municipal Corporation and that the device was powered by energy sourced by the Corporation from the JPS.
- 5.1.6 The DI also concludes that the sum of \$78,226.21 was disbursed by the St. Ann Municipal Corporation to the entity R.O. Walters and Associates in satisfaction of services performed in relation to the installation of the referenced car charging facility.
- 5.1.7 The DI concludes, based upon the evidence, that the subject car charging facility was installed for the personal use of Mr. Michael Belnavis.
- 5.1.8 The DI concludes that the Memorandum, dated March 22, 2019, directed to Mr. Rovel Morris by Mr. Michael Belnavis, requesting that the referenced charging port be installed for use by both the



Mayor's Vehicle and the Ocho Rios Clamping vehicle, was misleading. The DI's conclusion is premised upon the observation that, as at the date on which the Memorandum was issued, consideration for the said clamping vehicle had not yet been made by Corporation.

5.1.9 While the DI has seen evidence to indicate that the sum of \$78,226.21 was reimbursed to the St. Ann Municipal Corporation by way of a cheque made payable by "Digi Order Limited" and signed by Mr. Michael Belnavis, the conclusion must be made that the said reimbursement does not disavow the irregularity of the payment by the Corporation in the first instance.

5.1.10 There is sufficient evidence to conclude that Mr. Rovel Morris, Chief Executive Officer, St. Ann Municipal Corporation, and the Accounting Officer for the Corporation, by his authorization of the installation and subsequent payment for the referenced facility, for the personal use of Mr. Michael Belnavis, was in breach of Section 16 of the Financial Administration and Audit Act and Section 17 of the Public Bodies Management and Accountability Act.



Chapter 5 – Recommendations

6.1 This chapter outlines the recommendations and corruption prevention initiatives identified by the Director of Investigation based upon the findings and conclusions of this investigation.

Recommendation to the Financial Secretary

6.1.1 It is recommended that a copy of this report be referred to the Financial Secretary, in relation to the DI's findings and conclusions in respect of the apparent breach of Section 16 of the Financial Administration and Accountability Act (FAA Act), on the part of Mr. Rovel Morris, who authorized the installation of the referenced facility for the personal use of Mr. Michael Belnavis.

The Financial Secretary is being requested to determine a reasonable sum to be recovered from Mr. Rovel Morris in relation to the electricity consumed for the charging of Mr. Michael Belnavis' personal vehicle while the charging port facility was connected to the electricity supply of the St. Ann Municipal Corporation. By Mr. Michael Belnavis' own admission, the facility was used by him to charge his personal vehicle over the period and he made no contribution towards the payment of the electricity cost incurred. Whilst the DI is not able, in the circumstances, to determine the actual cost incurred to the St. Ann Municipal Corporation for the charging of Mr. Michael Belnavis' personal vehicle, it cannot be



ignored that the Government, on behalf of taxpayers of Jamaica, has suffered loss and therefore must do its best to recover same.

Recommendation to the Attorney General

6.1.2 The DI recommends that a copy of this report be referred to the Attorney General, in relation to the DI's findings and conclusions in respect of the apparent breach of Section 17 of the Public Bodies Management and Accountability Act), on the part of Mr. Rovel Morris, who authorized the installation of the referenced facility for the personal use of Mr. Michael Belnavis for the necessary sanctions to be applied.

Recommendation to the Permanent Secretary, Ministry of Local Government and Community Development

6.1.3 The DI recommends that a copy of this report be referred to the Permanent Secretary in the Ministry of Local Government and Community Development for disciplinary proceedings to ensue. The proceedings should be in relation to the DI's findings and conclusions in respect of the apparent breaches aforementioned and more particularly, having regard to the conduct of Mr. Rovel Morris, who authorized the installation of the charging facility for Mr. Michael Belnavis' personal use.



Anti-Corruption Recommendations and Initiatives

6.1.4 Having regard to the apparent breach of Section 16 of the Financial Administration and Accountability Act (FAA Act), the substance of which is detailed at paragraph 4.6.6 of this Report, the Director of Investigation recommends that the Accounting Officer of the St. Ann Municipal Corporation, as ascribed by Section 24(1) of the Local Governance Act, ensure scrupulous compliance with the FAA Act and other attendant legislation, policies and guidelines which govern the disbursement of public funds entrusted to the entity. In particular, the St. Ann Municipal Corporation and its Accounting Officer must ensure the proper use of all materials, equipment and other public property, including finances that have been entrusted.

6.1.5 The objects of the Local Governance Act have been extended to include the objectives and responsibilities for, amongst other things, good governance, which requires, *inter alia*, the management of public resources in a manner which is accountable, transparent, engenders public confidence and is in keeping with the rule of law. In this regard, it is recommended that the Accounting Officer of the St. Ann Municipal Corporation develop and enforce policies and mechanism to dissuade the use of public funds for private and personal benefit and to ensure proper stewardship of public funds.

6.1.6 Having regard to the duty of care which is imposed by Section 17

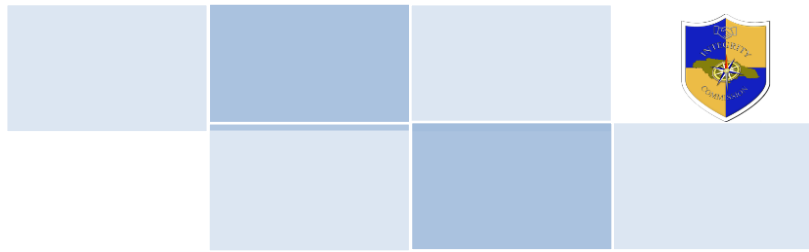


of the Public Bodies Management and Accountability Act, the Director of Investigation recommends that the Accounting Officer of the St. Ann Municipal Corporation desist, with immediate effect, from authorizing and/or causing the authorization of the expenditure of public funds for personal use. The DI considers such authorization to be inconsistent with the aforementioned provisions of law.

Though it is acknowledged that the funds relating to the installation of the car charging facility were recovered, albeit on account of the former Mayor's discretion, the total cost of ownership of the referenced device remains unascertained, primarily the cost of consumption of electricity, which remains a significant concerns for the Commission.

6.1.7 It is recommended that, in circumstances where it is discovered that a breach has occurred in the acquisition of goods, works and services, and specifically where public funds have been inappropriately disbursed, appropriate action be taken, immediately, to recover the funds.

6.1.8 The DI recommends that political representatives and other holders of public office desist from making requests of accounting and/or accountable officers, which require them to deploy public resources for their personal use. The DI's recommendation in this regard is premised upon former Mayor, Mr. Michael Belnavis' request by way of Memorandum to Mr. Rovel Morris, Chief



Executive Officer, St. Ann Municipal Corporation for the installation of a charging facility for his personal use.

A handwritten signature in blue ink, appearing to read "K. Stephenson".

Kevon A. Stephenson, J.P
Director of Investigation

September 9, 2021



Appendix 1

MEMO

To: C.E.O.

From: Mayor

Date: March 22, 2019

Re: Installation of 220v Charging Port.

In relation to the above caption.

I hereby request that the Council installs a 220v Charging Port by the Mayor's Parking area to be used to charge the hybrid vehicles as follows:

- Ocho Rios Clamping Vehicle
- Mayor's Vehicle

CEO L. D. T. H.

Referred
Please treat as urgent

25/3/19



Appendix 2

"A" COPY **C.O.D.** **A No 1052861**

INVOICE

November 11, 2019

Messrs **R.O. Walters & Associates - St Ann's Bay**

by **Charging Port at Mayor's Parking Area**

Please supply the following—the **Chief Executive Officer**

To **St Ann Municipal Corporation**

| Class | No. | | Rate or Price | \$ | c |
|-------|-----|---|---------------|-------|----|
| | | 2000-04-71259900 | | | |
| Only | 120 | Electrical: Cond - m25 | 29.98 | 3519 | 60 |
| Only | 13 | Electrical Coupling 1" | 11.72 | 152 | 86 |
| Only | 3 | Electrical Box Race 4x4x1/2 | 300.00 | 900 | 00 |
| Only | 120 | Electrical: End - P25 mm | 38.85 | 466 | 20 |
| Only | 30 | Electrical 25mm Galv Pipe | 25.00 | 750 | 00 |
| | | Strap | | | |
| Only | 1 | Electrical Box - F1 M4 M 3-4 Gang | 2,250.38 | 2,250 | 38 |
| Only | 1 | Electrical 45A MP 3-4 | 2,705.38 | 2,705 | 38 |
| Only | 1 | Electrical 40 AMP Double Pole Breaker Plug In | 2,443.85 | 2,443 | 85 |
| | | G.C.T. | | 1845 | 96 |
| | | H Line | | 13033 | 62 |
| | | 033.62 | | | |
| | | Reg # 2151 dtd 7/11/19 | | | |

Certified for (Signature) **[Signature]** (Office) **Chief Executive Officer**

(Signature) **[Signature]** (Office) **The St. Ann Municipal Corporation**

CHIEF ENGINEERING OFFICER

The supplier will place all the amounts against the items and return this invoice priced along with the goods to the Works Dept.

The Municipal Corporation

St. Ann

J.P.S (1992) LTD



Appendix 2

"A" COPY A No 1052862

INVOICE

November 11, 2019

Messrs. R.O. Klatters & Associates - St Ann's Bay

by

Please supply the following—the 20

To St Ann Municipal Corporation Chief Executive Officer

| Class | No. | | Rate or Price | \$ | c |
|-------|-----|-----------------------------------|---------------|--------|----|
| | | 3000-04-71259900 | | | |
| Only | 1 | Electrical Black Tape | 197.87 | 197 | 87 |
| Only | 330 | Electrical 10mm single wire | 87.00 | 28,710 | 00 |
| Only | 1 | Electrical Rod Galv 5-6' | 1085.80 | 1085 | 80 |
| Only | 1 | Electrical Ground Rod Clamp | 265.50 | 265 | 50 |
| Only | 100 | Electrical : SCR - WIAL 1x16 | 2.43 | 243 | 00 |
| Ft | 20 | Electrical 3/4" Conduit | 20.20 | 406 | 00 |
| Only | 1 | Electrical End Arc 3/4" | 42.90 | 42 | 90 |
| Only | 1 | Electrical Coupling 3/4 | 8.22 | 8 | 22 |
| | | Labour | 25,000.00 | 25,000 | 00 |
| | | Lf Line | | 9,233 | 29 |
| | | Charging Port at Mayor's | | 65192 | 58 |
| | | Parking area | | | |
| | | 7/11/19 | | | |
| | | Reg # 2152 and 2154 | | | |
| | | (Signature) | | | |
| | | (Office) | | | |
| | | Chief Engineering Officer | | | |
| | | The St. Ann Municipal Corporation | | | |
| | | St. Ann | | | |

5192.58 Reg # 2152 and 2154

Certified for

(Signature)

Chief Engineering Officer

The St. Ann Municipal Corporation

St. Ann

JPS (1992) LTD



Appendix 3

Digi Order Limited 002135

DATE 25.6.20
D D M M Y Y Y Y

PAY TO THE ORDER OF St. Ann Municipal Corporation JMD \$ 78,226.21
Seventy eight thousand, two hundred & twenty six and 21/100

Scotiabank
THE BANK OF NOVA SCOTIA JAMAICA LIMITED
BROWN'S TOWN BRANCH

Memo Car charges reimbursement

0002135 20115002 0300378