

# **Addendum to the Special Report of Investigation into Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to 'Persons of Questionable Character'- Firearm Licensing Authority (FLA)**

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- 1.1 The Director of Investigation (DI), having reviewed the “Special Report of Investigation, Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to ‘Persons of Questionable Character’ Ministry of National Security, Firearm Licensing Authority (FLA)”, which was issued by his predecessor, would like to make the additions outlined below.

## **History and Background of the Investigation**

- 2.1 On August 9, 2017, the Office of the Contractor General initiated an investigation into allegations concerning acts of impropriety and/or irregularity in the issuance of firearm user licences by the Firearm Licensing Authority (FLA) to persons of “questionable character” for the period between 2012 and 2018.
- 2.2 The referenced investigation was completed in January 2020 and referred to the Director of Corruption Prosecution in March 2020. The Director of Corruption Prosecution made a ruling in the relation to the matter on November 3, 2021 and the Investigation Report was tabled in Parliament on March 8, 2022.
- 2.3 Mr. Peter Bunting, Shadow Minister of National Security published a Press Release and a copy of a letter dated May 3, 2023, which he addressed to Mr. Mark Golding, Leader of the Opposition. In his correspondence, Mr. Bunting expressed his refusal to sign the Integrity Commission's Leadership Commitment Code of Conduct, on the basis that the referenced Special Report omitted his representations regarding his reliance on recommendations made by the Firearm Review Board, in his approval of two firearm user licence applications which were granted to persons of 'questionable character'.

- 2.4 Mr. Bunting also made representations regarding the role of the Chairman of the Integrity Commission, in his capacity as the then Chairman of the Firearm Review Board.

### **The Additions to the Relevant Section of the Report**

- 3.1 In relation to Mr. Bunting's statement that:

**"The report listed several serious irregularities at the Firearm Licensing Authority (FLA), which occurred after the former Minister of National Security's term of office. However, the report mentioned two appeals that happened during my term, which were reviewed and recommended by the Firearm Review Board, a distinguished panel of a former judge of the Court of Appeal, a former judge of the Supreme Court, and a leading Queen's Counsel."**<sup>1</sup>

- 3.2 Specific reference is made to the subheading entitled "*The Issue and/or Grant of Firearm User Licenses by Mr. Peter Bunting, MP, to Persons of 'Questionable Character'*" on page 183 of the 245-page Investigation Report.

- 3.3 In the referenced section, the Integrity Commission highlighted two (2) firearm user license applications (Person PB1/Person X50 and Person PB2/Person X51) made by persons of allegedly questionable character, which were approved by Mr. Peter Bunting, in his then capacity as Minister of National Security. The relevant section of the Report reads as follows:

*"Based upon a review of the firearm user licence applications that were approved by Mr. Peter Bunting, MP, during the period 2012 to 2016, the DI noted the following persons who had criminal antecedents:*

- v) *Person PB1/Person X50*

*By way of a NIB report dated January 10, 2011, it was revealed that the applicant was arrested and charged in the US for the offences of trafficking cocaine, four (4) counts of larceny and grand theft in the*

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<sup>1</sup> Letter dated May 3, 2023 addressed to Mr. Mark Golding, Leader of the Opposition by Mr. Peter Bunting, Shadow Minister of National Security.

third degree. His firearm user licence was revoked on September 4, 2012 by Gilbert Scott, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey on the basis that Person PB1/Person X50 misrepresented himself to the FLA and could no longer be considered fit and proper to be issued with a firearm. The applicant's criminal record was expunged after the date of the NIB report. By way of letter dated October 28, 2014, it was indicated that Mr. Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence to Person PB1/Person X50. Given that the basis upon which his firearm user licence was revoked was now void, the FLA Board withdrew the revocation.

w) Person PB2/Person X51

By way of a NIB report dated April 12, 2010, it was revealed that the applicant molested a little girl who is related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant.

A CIB report dated December 3, 2010, revealed that the applicant was arrested and charged for the offence of indecent assault. His application was denied on January 24, 2012 by Mr. Errol Strong, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Khaleel Azan on the basis that the applicant was interviewed and found unfit to be armed and was subsequently approved on April 11, 2014 for firearm user licences for a .38 revolver and 12 gauge shotgun by Mrs. Justice (Ret'd.) Marva McIntosh, Gilbert Scott and Mrs. Rosalie McDonald-Barker. By way of letter dated July 25, 2013, it was indicated that Mr. Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence for a .38 revolver and 12-gauge shotgun and denied a firearm user licence for a 9mm pistol to Person PB1/Person X50. <sup>2</sup>

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<sup>2</sup> Special Report of Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to 'Persons of Questionable Character'" dated January 2020; pgs. 183-184

3.4 In relation to the rationale or justification provided by Mr. Bunting for the approval of the aforementioned applications, the relevant section of the Report reads as follows:

*“As it regards the basis upon which he appealed the decisions of the FLA concerning the foregoing firearm user licence applications, Mr. Peter Bunting, MP, indicated, inter alia, as follows:*

*“I conducted appeals in respect of the firearm user applications of both [Person PB1/Person X50] and [Person PB2/Person X51][sic]. I did not conduct a hearing in respect of those appeals as I did not consider it necessary, since the basic and essential facts were not in dispute. **My review of these matters were based on the submissions of the Applicants, the reports of the responsible officers and all the material in the official documents submitted to me by officials of the Ministry.**”<sup>3</sup> (DI Emphasis)*

3.5 The DI inserts here, the full response extracted from Mr. Bunting's statement, dated December 6, 2018 regarding the nature and extent of his deliberations in relation to the referenced applications and the basis of his approval:

*“3.2 In the case of [Person PB1/Person X50] the FLA's adverse decision was on the grounds that [Person PB1/Person X50] made misrepresentations to the FLA and so he could no longer be considered fit and proper to be a licensed firearms holder. On 30<sup>th</sup> October 2012, the Firearm Review Board comprised of a retired Judge of the Court of Appeal, a retired Judge of the Supreme Court, and a leading Queen's Counsel, met and reviewed the FLA's decision. In its findings and recommendations the Review Board decided that it was unable to agree with the FLA's decision because the file had no evidence of the nature of the misrepresentation allegedly perpetrated by [Person PB1/Person X50], and the file disclosed no result of the criminal charges allegedly preferred against [Person PB1/Person X50] in the United States of America. The Review Board also recommended to the FLA that before a final determination of [Person PB1/Person X50] application [Person PB1/Person X50] should be afforded an opportunity of*

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<sup>3</sup> Special Report of Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to 'Persons of Questionable Character'" dated January 2020; pgs. 184-185

a hearing before the FLA. The file includes an Order for Expungement of the record by a Florida Court in respect of [Person PB1/Person X50] which stated, among other things, that the petitioner has never been previously adjudged guilty of a criminal offence or comparable ordinance violation and the petitioner was not adjudicated guilty of charges stemming from the arrest of criminal activity to which the petition relates. After consideration of the matter, starting with the advice provided on 6<sup>th</sup> June 2014 from the Director, Protective Security Division for reinstatement of [Person PB1/Person X50] licence and that his application for a second handgun be processed in the usual manner without prejudice based on the findings of the Board. The Permanent Secretary's advised [sic] on 3<sup>rd</sup> July 2014 that a current background check by NIB be obtained before considering the matter further. This was obtained and disclosed that [Person PB1/Person X50] had not come to their attention since his arrest in the United States of America in 2003. On 11<sup>th</sup> September 2014 the Permanent Secretary recommended to me that [Person PB1/Person X50] application be approved and after reviewing the referenced file I agreed with that recommendation on that date."

3.3 As I stated above, there was no oral hearing conducted by me so there are no minutes or notes other than appear on the referenced application file.

3.4 In the case of [Person PB2/Person X51] he had applied for two employee's user permits (for a .38 revolver and for a shotgun) and a personal user licence (for a 9mm pistol). The FLA had decided in February 2012 that [Person PB2/Person X51] was not fit to carry a firearm and ruled against all three of his applications. In April 2012, the Review Board reviewed the decision and set out its findings and recommendation in a Memorandum. The Review Board comprised a distinguished panel of a former Judge of the Supreme Court and a leading Queen's Counsel. The matter was referred to me and I reviewed the file. There had been two reports to the Police against the Appellant of alleged criminal offences but these charges were thrown out of Court or not proceeded with and there was no evidence to support them. [Person PB2/Person X51] denial of the allegations appeared credible to me as it had to the distinguished Review Board which rejected the decision of the FLA in respect of his applications. However, the recommendation to me by the Director, Protective Security

*Division was on the basis that the personal licence should not be granted to him as he did not show a need to have a personal firearm. I accepted this recommendation and allowed his appeal in respect of the employee's firearm user permits only. There were reports provided by the official investigation indicated that [Person PB2/Person X51] was of good character and appropriate temperament which therefore supported [Person PB2/Person X51] appeal. The relevant documents are on the official file which I was given the opportunity to examine.* <sup>4</sup>

- 3.6 Further reference is made to Appendix 1 on page 201 of the referenced Report, which contains a table outlining the particulars of the applications submitted by individuals of alleged 'questionable character'. Items numbered 51 and 52 on the referenced table refer to the applications of Person PB1/Person X50 and Person PB2/Person X51 and Mr. Bunting's approval of same, in his capacity as the then Minister of National Security.
- 3.7 The DI reiterates here, the full response provided by Mr. Bunting in his statement dated December 6, 2018, regarding his reliance on recommendations made to him by the Special Review Board and the Director, Protective Security Division in the approval of the referenced applications.

### **The Particulars of the Application made by Person PB1/Person X50**

- 4.1 Upon an examination of the evidence gathered in relation to the application made by Person PB1/Person X50, the DI confirms that by way of letter dated November 1, 2012, addressed to the Permanent Secretary in the Ministry of National Security, the Firearm Review Board stated that it disagreed with the Firearm Licensing Authority's decision to revoke the firearm user licences granted to the applicant. The Board further recommended that before a final determination of the application was made, the applicant should be afforded the opportunity of a hearing before the Authority.

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<sup>4</sup> Statement of Mr. Peter Bunting, former Minister of National Security, dated December 6, 2018, pgs. 3-5

- 4.2 The DI also reviewed a Minute Sheet dated September 10, 2014, under the signature of Mr. Lincoln Allen, Director, Protective Security which contained a recommendation for the applicant's user licences to be reinstated. The document bears the word "Approved" which was written beside what appears to be Mr. Bunting's signature, dated September 11, 2014.
- 4.3 The DI confirms that in this instance, Mr. Bunting acted in accordance with the Firearm Review Board's recommendation for the applicant's user licences to be reinstated.

### **The Particulars of the Application made by Person PB2/Person X51**

- 5.1 Upon an examination of the evidence gathered in relation to the application made by Person PB2/Person X51 the DI confirms that by way of letter dated April 20, 2012, addressed to the Honourable Minister of National Security, the Firearm Review Board stated that the Firearm Licensing Authority's decision not to grant the applicant's licences could not be sustained and that the decision should be reversed.
- 5.2 The DI also reviewed a Minute Sheet dated July 15, 2013, under the signature of Mr. Lincoln Allen, Director, Protective Security which contained a recommendation for one of the two user licence applications made by the applicant to be granted. The document bears the words "*Support the application for a Firearm Employee User's Certificates only*" which was written above what appears to be Mr. Bunting's signature, dated July 17, 2013.
- 5.3 The DI confirms that in this instance Mr. Bunting acted more conservatively than the recommendation of the Board, in his grant of only one of the two user licences for which the application was made.

## The Chairman of the Integrity Commission's Recusal

6.1 As it relates to Mr. Bunting's representation that:

**" Further, the Chairman of the Integrity Commission at the time the Report was issued was also serving as the Chairman of the Firearm Review Board. His service included a period covered by the investigation and subsequent Report of its findings. No adverse or other mentioned at all was made of the advice of the Review Board (which he chaired) in assisting Ministers in coming to a decision on Firearms appeals. "**<sup>5</sup>

6.2 The DI notes here that the Chairman of the Integrity Commission recused himself from the matter and had absolutely nothing to do with the report, notwithstanding the fact that he was not a member of the Firearm Review Board that made the recommendations to Mr. Bunting in relation to the relevant applications.

6.3 The DI sees no reason at this time to disturb the remainder of the report of the former Interim Director of Investigation.

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<sup>5</sup> Letter dated May 3, 2023 addressed to Mr. Marl Golding, Leader of the Opposition by Mr. Peter Bunting, Shadow Minister of National Security.



## Supplemental Conclusion

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7.1 Based on the foregoing, the DI concludes that Mr. Bunting acted in accordance with the recommendations of the Board or more conservatively, in respect of the referenced applications.



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Kevon A. Stephenson, J.P.  
Director of Investigation

May 12, 2023.