



INTEGRITY COMMISSION
Special Report of Investigation

Conducted into Allegations of Fraudulent Soil and Material Laboratory Test Result
Reports with respect to the Award of Certain Government Contracts

National Works Agency
Jamaica Social Investment Fund

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PREFACE

The Government of Jamaica enacted the Integrity Commission Act (ICA) 2017 on February 22, 2018. The Act partially repealed the Contractor General Act (1983) and established the Integrity Commission (IC).

Consequently, Sections 1 and 5 of the Integrity Commission Act (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 to do any act, thing or investigation
which was pending before the appointed day.”*



EXECUTIVE SUMMARY

On January 10, 2014, the Office of the Contractor General (OCG), pursuant to the provisions which are contained in Sections 15(1) and 16 of the then applicable Contractor General Act, initiated an Investigation into allegations concerning fraudulent soil and material laboratory test result reports which were presented in relation to the award of certain Government of Jamaica (GOJ) contracts.

Section 15 (1) of the then Act provided that:

“...a Contractor-General may, if he considers it necessary or desirable, conduct an investigation into any or all of the following matters-

- (a) the registration of contractors;*
- (b) tender procedures relating to contracts awarded by public bodies;*
- (c) the award of any government contract;*
- (d) the implementation of the terms of any government contract;*
- (e) the circumstances of the grant, issue, use, suspension or revocation of any prescribed license;*
- (f) the practice and procedures relating to the grant, issue, suspension or revocation of prescribed licenses.”*



Section 16 of the then Contractor General Act expressly provided that “*An investigation pursuant to section 15 may be undertaken by a Contractor-General on his own initiative or as a result of representations made to him, if in his opinion such investigation is warranted.*”

The OCG’s decision to commence a formal Investigation into the subject matter followed upon the Office’s receipt of a letter of complaint on January 10, 2014. The letter which was addressed to the Contractor General by Jets Laboratories Limited was dated January 8, 2014 and made allegations as it regards “*...recent fraudulent Soils & Materials Laboratory Test Reports that have surfaced and are in circulation.*” Of note, the referenced letter was addressed and sent to the attention of Mrs. Scarlett Gillings, then Managing Director, Jamaica Social Investment Fund, (JSIF) and stated as follows:

“In mid- 2013, we were asked to verify certain data results submitted to the National Works Agency by a Contractor/ Developer. Upon examination and investigation, these were found to be fraudulent and fictitious and that our company had performed no such service for the alleged client/ customer.

Due to increased vigilance and special monitoring procedures, we have within the past ten (10) days again discovered that on one of your projects ‘JSIF Road Rehabilitation- Richmond Gap, St. Thomas’ fraudulent Laboratory Test Reports have been prepared and submitted to your organization.

The Jentech Group has reported the above activities to the police and has taken the appropriate action against those in our organization who have been identified as contributing to these fraudulent actions. We however, bring this information to your



attention as we have no such client as listed on the Laboratory Test Report, we performed no such tests as reported and the signatures certifying and approving the results are not originals and were never authorized. The Quality Assurance Certificate is forged as it is sealed with a rubber stamp whilst our approval system since September 2013 is by use of an embossed seal in order to prevent unauthorized copying.

Accordingly, not only is public health and safety being jeopardized but in addition, we are certain that these fraudulent reports have been used in order to receive approvals for work done and to collect payments illegally from your organization. In other words, fraud is being committed against both JSIF and the State.

In our opinion, this should also be considered a police matter on the part of JSIF and the appropriate report made. We consider the matter to be so serious that we are copying it to the Commissioner of Police, the Office of the Contractor General, the Auditor General, the Incorporated Masterbuilders Association of Jamaica, the Jamaica Institute of Engineers, the Professional Engineers Registration Board, the Bureau of Standards Jamaica and the National Works Agency.”¹(DI Emphasis)

The aforementioned allegations and inferences, amongst others, raised several grave concerns for the Commission, especially in light of the references to acts of fraud which was alleged to

¹ Letter dated January 8, 2014, which was sent by Jets Laboratories Limited to the attention of Mrs. Scarlett Gillings, then Managing Director, JSIF, and copied to the Contractor General et.al.



have been committed against the GOJ as it regards the performance of government contracts and the implications on the principles which are enshrined in Section 4 (1) of the then Contractor General Act.

Section 4 (1) of the then Act required, *inter alia*, that GOJ contracts should be awarded “...*impartially and on merit*” and that the circumstances of award should “...*not involve impropriety or irregularity*”.

The Investigation primarily sought to determine, *inter alia*, (a) whether there is any *prima facie* evidence of fraud as it regards the presentation of certain soil and material laboratory test result reports in relation to the award of certain GOJ contracts, (b) the process which was utilized in the generation, circulation and production of certain fraudulent soil and material laboratory test result reports, in relation to the award of certain GOJ contracts and (c) the extent to which any fraudulent soil and material laboratory test result reports were utilized in the implementation of certain GOJ contracts.

The foregoing objectives formed the basis of the Terms of Reference for the Investigation and were primarily developed in accordance with the provisions which are contained in Section 4 (1) and Section 15 (1) (a) to (d) of the then Contractor General Act.

The Commission was also guided by the expressed provisions which are contained in Section 21 of the then Contractor General Act. Section 21 specifically mandated that a Contractor General shall consider whether he has found, in the course of his Investigation, or upon the conclusion thereof, evidence of a breach of duty, misconduct or criminal offence on the part of an officer or member of a Public Body and, if so, to refer same to the competent authority to take such disciplinary or other proceedings as may be appropriate against that officer or member.



At the commencement of its Investigation on January 10, 2014, the OCG, by way of a letter of even date, wrote to Mr. Gordon Hutchinson, Director, Jets Laboratories Limited to inform of the decision to launch an Investigation into the circumstances surrounding the allegations concerning fraudulent and fictitious soil and material laboratory test result reports which were presented in relation to the award of certain Government of Jamaica (GOJ) contracts.

The Findings of the Investigation into the circumstances surrounding this matter are premised primarily upon an analysis of the statements and the documentary evidence which were provided by the Respondents, who were requisitioned and/or summoned by the OCG, during the course of the Investigation.

Summary of Key Findings

1. The Government contracts for which the Laboratory Reports which form the subject of this Investigation Report are as follows:

Project Name	Contractor	Contract Value	Public Body
Sandy Gully (Drumblair) Damage Gully Invert Restoration Works	Rogers Land Development	\$195,021,817.63*	National Works Agency
Crane Road Parrottee- St. Elizabeth	Rogers Land Development	\$46,827,567.11*	National Works Agency



Project Name	Contractor	Contract Value	Public Body
Caribbean Development Bank funded Drainage Network Rehabilitation Project. Sandy Gully-Grant's Pen Ford – Mega Mart Grants Pen Road- Cruiser Gully – Washington Close and Wiggan Loop SG-07 St. Andrew	Y.P. Seaton Associates	\$79,567,364.00	National Works Agency
Richmond Gap to Richmond Vale Road Rehabilitation, St. Thomas	Chin's Equipment Rental & Construction Ltd.	\$23,779,000.00	Jamaica Social Development Fund
Black River Sea Wall Protection Works at Scotts Cove –Luana , St. Elizabeth	Dwight's Construction Limited	\$31,591,990.38	National Works Agency

*Based on amount stated in Bills of Quantities.

Chin's Equipment Rentals and Construction Ltd.

2. Records obtained from the Companies Office of Jamaica reveal that Chin's Equipment Rentals and Construction Ltd. was incorporated on November 26, 2007, and listed as its Directors:
- (a) Fay Chin;
 - (b) Anthol Chin;
 - (c) Andrew Chin; and
 - (d) Fitzroy Chin.



3. Chin's Equipment Rentals and Construction Co. Ltd was contracted by the Jamaica Social Investment Fund (JSIF) to execute works in relation to the 'Richmond Gap, St. Thomas Project'. Soil and Material Laboratory Test Reports were generated to fulfill testing obligations which formed part of the terms and conditions of the contract.
4. Chin's Equipment Rentals and Construction Co. Ltd. engaged Construction Materials Testing Laboratories to conduct the Soil and Material Tests and generate Soil and Material Laboratory Test Reports in order to fulfill its testing obligations which formed part of the terms and conditions of the contract.
5. The then OCG reviewed the Laboratory Report in relation to the JSIF- Richmond Gap to Richmond Vale, St. Thomas Road Rehabilitation, which was purported by the Chin's Equipment Rental and Construction Limited, as having been prepared by Jets Laboratories Ltd.
6. As it relates to the Laboratory Reports which were prepared in relation to the JSIF- Richmond Gap to Richmond Vale, St. Thomas Road Rehabilitation, Mrs. Fay Chin disclosed, *inter alia*, the following significant details:
 - (i) That she had "*never dealt with Jets Laboratories*" and that Chin's Equipment Rentals and Construction Co. Ltd. "*employed Mr. Dwight McKoy [of Construction Materials Testing Laboratories] to do our tests*".
 - (ii) That Mr. Dwight McKoy conducted tests and supplied a Report on the letterhead of Jets Laboratories Ltd.



- (iii) That there was no formal agreement or terms of engagement prepared in relation to the engagement of Mr. Dwight McKoy and/or Construction Materials Testing Laboratories.
 - (iv) That the referenced Laboratory Reports were submitted to Mrs. Fay Chin on December 24, 2013, by Mr. Dwight McKoy by way of email.
 - (v) That Mr. Dwight McKoy advised Mrs. Fay Chin that he worked in conjunction with Jets Laboratories Ltd.
 - (vi) A cheque in the amount of \$15,000.00, dated December 20, 2010 made payable to 'Dwight McKoy' was submitted by Mrs. Fay Chin and was stated to have been paid in relation to tests done by Mr. Dwight McKoy on behalf of Chin's Equipment Rentals and Construction Co. Ltd.
7. Jets Laboratories Ltd. identified the report concerning Chin's Equipment Rental and Construction Limited, which was submitted to JSIF to be fraudulent on the following bases:
- (i) Chin's Equipment Rental and Construction Limited is not a client of Jets Laboratories Ltd. Further, the report number indicated on the report was not assigned to the company.
 - (ii) The quality assurance stamp identified on the Laboratory reports and which bears the signature of Mr. Roger Haisley "*...was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.*"
 - (iii) The quality assurance stamp was taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the stamp after this date would be fraudulent.



- (iv) Though the signatures certifying the reports resemble that of Kayanna Bromfield and Gordon Hutchinson, the Reports were not signed by either person.
- (v) The Jets Laboratories Ltd. letterhead on which the Reports were printed was distorted based on comparisons made with other documents regarded as authentic.
- (vi) Mr. Craig Campbell, the technician noted on the Reports as having conducted the tests, represented, *inter alia*, that they had did not conduct the test and did not know the company Chin's Equipment Rental and Construction Ltd.

YP Seaton and Associates Co. Ltd.

- 8. Records obtained from the Companies Office of Jamaica reveal that YP Seaton and Associates Co. Ltd. was incorporated on February 13, 1969, and listed as its Directors:
 - (a) York Seaton;
 - (b) Newlyn Seaton; and
 - (c) Calvert Mundle.
- 9. YP Seaton and Associates Co. Ltd. was contracted by the National Works Agency (NWA) to execute works in relation to the “*Grants Pen- Cruiser Gully Wiggan Loop Caribbean Development Bank- Tropical Storm Nicole Drainage Rehabilitation Works (Sandy Gully) St. Andrew*” Project’. Soil and Material Laboratory Test Reports were generated to fulfill testing obligations which formed part of the terms and conditions of the contract.
- 10. YP Seaton and Associates Co. Ltd. entered into a sub-contract with Matthew Wright on November 22, 2012 for the construction of reinforced concrete walls, inverts & appurtenances located in the areas of Grants Pen Ford- Mega Mart & Cruiser Gully Wiggan Loop Barbican & Upper Norway Terrace.



The value of the sub-contract was in the amount of \$105,292,480.00.

11. In relation to the “*Grants Pen- Cruiser Gully Wiggan Loop Caribbean Development Bank- Tropical Storm Nicole Drainage Rehabilitation Works (Sandy Gully) St. Andrew*” Sub-project, the NWA declared that the “...*test results on material and workmanship were reviewed in accordance with the agreed Quality Assurance Plan and found to be acceptable*”.

The Director of Quality Assurance, NWA, however, declared an inability “...*to verify conformance as results submitted were not authentic*”.

12. A total of thirty (30) Laboratory Reports which were prepared in relation to (a) Cruiser Gully , Fredrick Ave (Top Gully) Damage Gully Invert Restoration Works and (b) Wiggan Loop Damage Gully Invert Restoration Works, purported by Y.P. Seaton and Associates Ltd., as having been prepared by Jets Laboratories Ltd., were reviewed by the then OCG.

13. As it relates to the Laboratory Reports which were prepared in relation to the contracts which were awarded to YP Seaton and Associates and which are the subject of this Investigation, Mr. Michael Levy made, *inter alia*, the following representations which are of significant import:

- (i) That instructions were given to Mr. Matthew Wright, who had been subcontracted by YP Seaton and Associates Ltd., to conduct the Laboratory tests which were required pursuant to the terms of the contract. Mr. Matthew Wright was also stated to be the Liaison Officer for the project.



- (ii) Mr. Michael Levy was unable to state how the laboratory tests were paid for; he further expressed that “... *the way the work was officiated or executed was via the liaison officer and it is my understanding that he was to provide those test results as part of his work.*”
- (iii) By way of the subcontract which was entered into between YP Seaton and Associates Ltd. and Mr. Matthew Wright, Mr. Matthew Wright, agreed to “...*supply, deliver in the manner stipulated and guarantee the labour and material to be provided under this Contract, Specifications, Schedules and Bills of Quantities ... for the sum of \$105,292,480.00.*”

14. Mr. Matthew Wright confirmed the contractual agreement which was entered into with YP Seaton and Associates Ltd., he, however, advised the OCG of the following circumstances which ensued in relation to the solicitation of work for the conduct of the tests:

“This man that a tell you name Conroy, him came on in a Jentech shirt and him say him begging the work.”

15. With the exception of the first name “Conroy”, Mr. Matthew Wright was unable to provide any other contact particulars of the individual with whom he made arrangements for the conduct of the laboratory tests. The following statements which were made by Mr. Matthew Wright during the course of the Investigation are of importance:

“...me call my supreme, that is YP, Michael who represent YP, that is the man that me liaise with from YP company, and tell him ‘bout this man. Him say alright. Me tell him say me see the



man and him say him work a Jentech, and the man take the sample and go do it and him deliver the result to YP's office...(DI Emphasis)

16. The Taking Over Certificate which was prepared by the NWA in relation to the “Grants Pen- Cruiser Gully Wiggan Loop Caribbean Development Bank- Tropical Storm Nicole Drainage Rehabilitation Works (Sandy Gully) St. Andrew” Sub-project, certified that “...*The works for Drainage Rehabilitation on the Sandy Gully Grants Pen- Cruiser Gully Wiggan Loop as described in the Contract, with the exception of the works as listed on the Schedule of Outstanding Works are complete and are hereby Taken-Over in accordance with the Conditions of Contract as of July 31, 2013.*”

Notwithstanding the aforementioned certification, Mrs. Orlene Nembhard- Rowe, the Director of Quality Assurance, NWA, noted an inability to “... *verify conformance as results submitted were not authentic*”.

17. The Laboratory Reports generated for and on behalf of YP Seaton and Associates Ltd., and which were submitted to the NWA were identified as fraudulent by Jets Laboratories Ltd. on the following bases:

- (i) In relation to the Concrete Specimen tests “... *no Specimens were received by Jets Laboratories for ...YP Seaton on the dates indicated on the Reports.*”
- (ii) The quality assurance stamp which was identified on the laboratory reports and which bears the signature of Mr. Roger Haisley “...*was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.*”



- (iii) The quality assurance stamp was taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the stamp after this date would be fraudulent.
- (iv) Though the signatures certifying the reports resemble that of Kayanna Bromfield and Gordon Hutchinson... the Reports were not signed by either person.
- (v) The Jets Laboratories Ltd. letterhead on which the Reports were printed was distorted based upon comparisons made with other documents regarded as authentic.
- (vi) Though Y.P. Seaton and Associates Ltd. is a client of Jets Laboratories Ltd. no samples for concrete compressive strength tests were received by Jets Laboratories Ltd. from Y.P. Seaton and Associates Ltd.
- (vii) Mr. Craig Campbell, the technician noted on the Reports as having conducted tests, at “*Wiggan Loop*” in relation to the contract which was awarded to Y.P. Seaton and Associates Ltd. represented, *inter alia*, that he did not conduct the tests and that he did not know where “*Wiggan Loop Gully*” is located.
- (viii) Mr. Neil Thompson, the Technician noted on the Reports as having conducted tests at “*Cruiser Gully*”, represented that he did not conduct the test.

Rogers Land Development Ltd.

18. Records obtained from the Companies Office of Jamaica reveal that Rogers Land Development Ltd. was incorporated on May 30, 2003, and listed as its Directors:

- (a) Mr. Richard Rogers; and
- (b) Mr. Maurice Rogers;

19. A total of twenty-two (22) Laboratory Reports, which were prepared in relation to (a) JDIP – St. Elizabeth – Crane Road Parotee; (b) Sandy Gully (Drumblair) Damage Gully



Invert Restoration works, and (c) Halls Delight – St. Andrew and purported by Rogers Land Development, as having been prepared by Jets Laboratories Ltd., were reviewed by the then OCG.

20. The following representations were made by Mr. Richard Rogers in relation to the Laboratory Reports which were prepared in respect of the contracts awarded to Rogers Land Development and which are the subject of this Investigation:

- (i) That “...An agent at JET had approached him ...this agent of JETS offered to get [the tests] done quickly and it is through that agent that everybody dealt with, so that nobody had to call JETS directly themselves.”

Further that “...he satisfied himself ... by looking at one of the results and seeing that Mr Hutchinson who he knows very well and whose signature he knows, because they play golf and so on together and thing, that once Hutchinson's signature was on it which he understood to be the person in charge of the testing at JETS he accepted that it was a genuine thing...”

- (ii) That the purported agent with whom the agreement was entered into was Ricardo Burton of Next Generation Consultants and Associates. Mr. Rogers advised the OCG that Mr. Burton promised to “...provide testing results in a timely manner... The test results varied from asphaltic concrete and compaction sim analysis. All the various standard test results used in the construction trade, industry.”

21. The Laboratory Reports generated for and on behalf of Roger Land Development, and which were submitted to the NWA were identified as fraudulent by Jets Laboratories Ltd. based on the following:



- (i) The test report numbered “R/653/00218” noted on the report was “...assigned to a different client.”
- (ii) “The Technician, Mr. Kirk Betton, who was stated on the Spread rate Report was not assigned to any field work at the time and was actually conducting in-house Laboratory works.”
- (iii) The “... report number 00218 was not generated in 2012.”
- (iv) the instrument indicated on the report as being used, Troxler 3450 is not assigned to Mr. Clinton Murray. I am aware that Mr. Murray is assigned to Troxler 3430. Troxler 3450 is assigned to the Jets Hope Road location, and is not assigned to Mr. Clinton Murray.”
- (v) Rogers Land Development is not a client of Jets Laboratories Ltd. “The Database was set up by me in January 2011 and so all reports bearing that name would not be authentic.”
- (vi) In relation to the Concrete test Specimen Report generated for Rogers Land Development and which relates to the JDIP St. Elizabeth Crane Road – Parottee project, “... not only is Rogers Land Development not a client listed in the Client List Database of Jets, but no Specimen sample was collected on the date reflected January 26, 2011, for the company.”
- (vii) The quality assurance stamp which was identified on the laboratory reports and which bears the signature of Mr. Roger Haisley “...was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.”
- (viii) Though the signatures certifying the reports resemble that of Kayanna Bromfield and Gordon Hutchinson... the Reports were not signed by either person.
- (ix) The Jets Laboratories Ltd. letterhead on which the Reports were printed was distorted based on comparisons made with other documents regarded as authentic.



- (x) Mr. Kirk Betton and Mr. Craig Campbell, the technicians noted on the Reports as having conducted the tests, represented, *inter alia*, that they had never undertaken any works for the company, Rogers Land Development.
- (xi) Mr. Neil Thompson, the Technician noted on the Reports as having conducted tests at “Sandy Gully (Drumblair)” represented that he did not conduct any test for Rogers Land Development in 2013.

Dwight’s Construction Ltd.

22. Records obtained from the Companies Office of Jamaica reveal that Dwight’s Construction Ltd. was incorporated on June 21, 1991, and listed as its Directors:

- (a) Dwight Robinson
- (b) Benton Woodbine

Ceased Directors:

- (a) Gilzine Fearon; and
- (b) Vincent Taylor

23. Dwight’s Construction Ltd. was contracted by the National Works Agency (NWA) to execute works in relation to the Black River Sea Wall Rehabilitation Works in the parish of St. Elizabeth. Soil and Material Laboratory Test Reports were generated to fulfill testing obligations which formed part of the terms and conditions of the contract.

24. Dwight’s Construction Ltd. entered into a sub-contract agreement with Cenitech Engineering Solutions to “...carry out works and all necessary testing on the [Black River Sea Wall Protection] *project*”.



25. The Laboratory Reports which were prepared in respect of the Black River Sea Wall-Rehabilitation Works and purported by Dwight's Construction Ltd/ and/or Cenitech Engineering Solutions Ltd., as having been prepared by Jets Laboratories Ltd., were reviewed by the then OCG.
26. Cenitech Engineering Solutions Ltd. was engaged as a Sub-contractor on the contract which was awarded to Dwight's Construction Ltd.
27. Cenitech Engineering Solutions Ltd. engaged "Kavol [sic] Mantle" in June 2013 "...to carry out testing of materials on site". By way of letter dated May 8, 2014 from Mr. George Knight, CEO , Cenitech Engineering Solutions, and which was addressed to Dwight's Construction Ltd. "*Jets Laboratories Ltd. was engaged ... through their representative, Kavol [sic] Mantle* " and that Mantle "*...was responsible for [Jets Laboratories] lab operations*".
28. Payment to Mr. Mantle, by Cenitech Engineering Solutions Ltd. was withheld on the basis that Mr. Mantle was not forthcoming with invoices for the services rendered.
29. Jets Laboratories Ltd. identified the Laboratory Reports relating to the contract which was awarded to Dwight's Construction Ltd. to be fraudulent on the following bases:
- (i) "*Dwight's Construction Limited had not requested nor used our services, not for the project referenced or any other project.*"
 - (ii) "***No concrete specimens have been tested, no material evaluation done and no densities were performed.***"



- (iii) Though the signature certifying the reports resemble that of Kayanna Bromfield she did not sign the report.

Next Generation Consultants and Associates

30. Mr. Ricardo Burton, Director, Next Generation Consultants and Associates, confirmed that he provided consultancy services to Mr. Richard Rogers of Rogers Land Development and that he did work for Rogers Land Development in respect of the “*Sandy Gully Drumblair... Restoration Works*”. Mr. Burton could not recall whether he provided any services to Rogers Land Development as it relates to the “*Crane Road to Parrotee*” project.
31. Mr. Ricardo Burton advised the OCG that he had recommended the services of Jets Laboratories Ltd., to Mr. Richard Rogers and that he had made contact with Cavol Mantle and made the following assertions:

“We would have advised him, myself and somebody else, would have advised him that we were, indeed, ready to do testing because I know him to be the Supervisor there and then he would send somebody or go do it himself; he wasn’t there all the time to see what was done.” (DI Emphasis)

32. Laboratory Reports were received by Mr. Ricardo Burton on behalf of Rogers Land Development from Mr. Cavol Mantle, who Mr. Burton purported to be an agent of Jets Laboratories Ltd.

Construction Material Testing Laboratories/ Messers. Cavol Mantle and Dwight McKoy

33. Mr. Cavol Mantle was employed to Jets Laboratories Ltd., in the year 2004, and was terminated in January 2014.



34. During the period that Mr. Mantle was employed to Jets Laboratories Ltd., he served as a Laboratory Technician and performed functions which included the “...testing of aggregates, soil, asphalt, [and] concrete”.
35. Mr. Cavol Mantle denied having conducted laboratory tests for or on behalf of Rogers Land Development. In relation to the tests for Y.P Seaton and Associates Ltd., Mr. Mantle stated that “*The only one I really remember doing personally was the Palisadoes Road. We have done a lot of work for them, I don't remember all the projects.*”
36. Mr. Mantle advised the OCG that he did not conduct any tests for Chin’s Equipment Rental and Construction “*recently*” and that he could not remember whether he had done the tests “*personally*”.
37. Mr. Cavol Mantle’s employment at Jets Laboratories Ltd. was terminated subsequent to an internal investigation which was conducted by Jets Laboratories Ltd.
38. Jets Laboratories Ltd.’s internal investigation revealed that “*...the reports were prepared on this computer [which was used by the technicians and which was being monitored by the Management of Jets Laboratories Ltd.] and that “Mr. Mantle was logged in at the time the reports were prepared. We were able to verify this as Mr. Mantle would have been required to input his identification number into the system in order to log onto the lab computer.”*”
39. The company Construction Material Testing Laboratories, is and/or was registered in the names of “*NATALIE JAN-MARIE ROWE, DWIGHT OLANDO MCKOY AND CAVOL HARLAN MANTLE*”.



The business was certified for “*testing, consultation and research services*” and held as its principal place of business “*49, Gretna Green Avenue, Half-Way-Tree P.O., St. Andrew*”.

40. Mr. Dwight McKoy, Director, Construction Material Testing Laboratories advised the OCG of the following “arrangement” which was purported to have existed between “JENTECH” and Construction Material Testing Laboratories:

“Well, it was always through JENTECH, the arrangement was we do the actual physical work and JENTECH does the verification, that was the arrangement because we are not engineers, we are technicians so we are able to do the physical tests, we are certified to do the physical tests but the actual reporting had to come from an engineering company, i.e., JETS.”

Mr. Dwight McKoy later changed his testimony to state that the arrangement, in relation to the generation of the Laboratory Reports, was between Construction Material Testing Laboratories and Mr. Cavol Mantle.

41. There is no formal and/or written Agreement which consummated or outlined the terms of engagement between Jets Laboratories Ltd., and Construction Material Testing Laboratories, for neither the conduct of tests nor the generation of Laboratory Reports.
42. The operations of Construction Material Testing Laboratories, were such that Mr. Cavol Mantle had the responsibility to prepare the Laboratory Reports.



43. In respect of the purported tests which were conducted for, and on behalf of Chin's Equipment Rental and Construction Ltd., the test data was submitted to Mr. Cavol Mantle, for the generation of the Reports.
44. Mr. Dwight McKoy admitted during the course of a Judicial Hearing convened by the then OCG that Construction Material Testing Laboratories is not a client of Jets Laboratories Ltd.
45. Mr. Dwight McKoy admitted during the course of a Judicial Hearing convened by the then OCG, that the Technician, Mr. Craig Campbell, who was listed on the Laboratory Reports prepared for Chin's Equipment Rentals and Construction Ltd., as having conducted the tests was fabricated. In point of fact, on numerous occasions during the proceeding, Mr. McKoy indicated that he did not know Mr. Craig Campbell.
46. Mr. McKoy further admitted that "*... even if I physically do the test... [Mr. Cavol Mantle] wouldn't be able to put my name on a report and I don't work for JENTECH.*"
47. Mr. Dwight McKoy referred to the arrangement which resulted in the production of Laboratory Reports in the name of Jets Laboratories Ltd. even though Construction Material Testing Laboratories' services were retained for same in the following manner:

"It's an informal arrangement; it's not the formal arrangement that you walk up to the front door of JENTECH, pay your money and get your stuff done..."

"I wouldn't talk to anybody else at JETS about this arrangement because this arrangement is not an arrangement that you make public."

He further stated that:



“Illegal is a strong word. It might not be something that you would say yes, this is how I do it. There are things you do and you keep quiet. There are things that you put on the table and there are things that you put underneath”.



TERMS OF REFERENCE

Objectives

The objectives of the Investigation into allegations concerning fraudulent soil and material laboratory test result reports which were presented in relation to the award of certain Government of Jamaica (GOJ) contracts, are to determine, *inter alia*, the following:

1. Whether there is, *prima facie*, evidence of fraud committed against the GOJ as it regards the presentation of certain soil and material laboratory test result reports in relation to the implementation of certain GOJ contracts.
2. The process which was utilized in the generation, circulation and production of any fraudulent soil and material laboratory test result reports, in relation to the performance of certain GOJ contracts.
3. The extent to which any fraudulent soil and material laboratory test result reports were utilized in the implementation of certain GOJ contracts.
4. The name(s) and title(s) of the person(s) and/or entity(ies) responsible for the production, utterance and/or circulation of any fraudulent soil and material laboratory test result reports, in relation to the execution of certain GOJ contracts.
5. Full particulars of the government contract(s) for which any fraudulent soil and material laboratory test result reports were utilized.
6. Whether there is, *prima facie*, evidence to suggest that there was irregularity and/or impropriety on the part of any Public Officer(s) and/or Official(s) which led to or facilitated the production, utterance and/or circulation of any fictitious soil and material laboratory test result reports, in relation to the award of certain GOJ contracts.
7. Whether the production, utterance and/or circulation of any fraudulent soil and material laboratory test result reports, in relation to the implementation of certain GOJ contracts



amounts to a breach of the Corruption Prevention Act, the Forgery Act and/or any other applicable piece of legislation.



JURISDICTION

Detailed below is the legal basis upon which the then Contractor General enquired into allegations concerning fraudulent soil and material laboratory test result reports which were presented in relation to the implementation of certain Government of Jamaica (GOJ) contracts.

Section 2 of the then Act provides as follows:

"government contract" includes any licence, permit or other concession or authority issued by a public body or agreement entered into by a public body for the carrying out of building or other works or for the supply of any goods or services;

"public body" means -

- (a) a Ministry, department or agency of government;
- (b) a statutory body or authority;
- (c) any company registered under the Companies Act, being a company in which the Government or an agency of Government, whether by the holding of shares or by other financial input, is in a position to influence the policy of the company.

Based upon the definition of a Public Body, noted above, it is held that both the JSIF and the NWA are, in fact, Public Bodies as defined by the Act.

Consequently, the decision to undertake an Investigation into this matter is predicated upon the gravity of the allegations concerning fraudulent soil and material laboratory test result reports which were utilized in the implementation of certain government contracts, as well as the allegations of fraud against Jets Laboratories Ltd., the National Works Agency (NWA) and the



Jamaica Social Investment Fund (JSIF), in respect of the implementation of certain government contracts.



METHODOLOGY

The following methodology was utilised in the conduct of the Investigation into the subject matter:

Judicial Hearings

Judicial Hearings pursuant to Section 18 (2) of the then applicable Contractor General Act were convened by the then Contractor General, Mr. Dirk Harrison during the period March 31, 2014 through to August 13, 2014. Section 18 (2) of the referenced Act provides that:

“...a Contractor-General may summon before him and examine on oath –

(a) any person who has made representations to him;

or

(b) any officer, member or employee of a public body or any other person who, in the opinion of the Contractor-General, is able to furnish information relating to the investigation,

and such examination shall be deemed to be a judicial proceeding within the meaning of section 4 of the Perjury Act.”

The following persons were summoned to appear before the Contractor General:

1. Mr. Richard Rogers, Director, Rogers Land Development;
2. Mr. Michael Levy, Operations Manager, Y.P. Seaton and Associates Co. Ltd;
3. Mr. Cavol Mantle, former Laboratory Technician, Jets Laboratories Ltd. and Director, Construction Materials Testing Laboratories;



4. Mr. Dwight Robinson, Director, Dwight's Construction Ltd.;
5. Mrs. Fay Chin, Director, Chin's Equipment Rentals and Construction Co. Ltd.;
6. Mr. Benton Woodbine, Director, Dwight's Construction Ltd.;
7. Ms. Kayanna Bromfield, Laboratory/ Quality Assurance Administrator, Jets Laboratories Ltd.;
8. Mr. Dwight McKoy, Director, Construction Materials Testing Laboratories;
9. Mr. Matthew Wright, Sub-contractor, Y.P. Seaton and Associates Co. Ltd.; and
10. Mr. Ricardo Burton, former Employee Jets Laboratories Ltd. and Director, Next Generation Consultants and Associates.

Witness Statements

Witness Statements were collected by the OCG from the following persons:

1. Ms. Kayanna Bromfield, Laboratory/ Quality Assurance Administrator Jets Laboratories Ltd.;
2. Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd.;
3. Mr. Roger Haisley, Quality Assurance Officer, Jets Laboratories Ltd.;
4. Mr. Neil Thompson, Lab Technician, Jets Laboratories Ltd.;
5. Mr. Kirk Betton, Senior Lab/ Field Technician, Jets Laboratories Ltd.;
6. Mr. Craig Campbell, Lab/ Field Technician, Jets Laboratories Ltd.;
7. Ms. Gloria Kassie, Office Manager, Jets Laboratories Ltd.;
8. Mr. Oral Stewart, Security Officer, Jets Laboratories Ltd.;
9. Mr. Davion Hinds, Senior Quality Assurance Officer, NWA;
10. Mr. Dwight May, Clerk of Works, National Works Agency;
11. Mr. Dennever Thomas, Senior Laboratory Technician, Jets Laboratories Ltd.;
12. Ms. Yvette Bonner, Administrative Assistant, Quality Assurance Dept., NWA;
13. Mr. Varden Downer, Director, Regional Implementation and Special Projects, NWA;



14. Mr. Sherwin Dennis, Construction Manager, Special Projects, NWA; and
15. Mrs. Orlene Nembhard-Rowe, Director, Quality Assurance Dept., NWA.

A comprehensive review of the statements and transcripts which were generated in addition to certain other relevant information which were deemed to be pertinent was undertaken in the completion of this report.



DISCUSSION OF FINDINGS

The Presentation of ‘Fraudulent’ Soil and Material Laboratory Test Result Reports

In keeping with the scope of its Investigation, the Director of Investigation sought to ascertain the details concerning the allegations regarding the generation, utterance and circulation of fraudulent soil and material laboratory test result reports in respect of the implementation of certain GOJ contracts. The Director of Investigation highlights, hereunder, the substance of a September 10, 2013 Report, which was prepared by Ms. Kayanna Bromfield, Laboratory Quality Assurance Administrator, Jets Laboratories Ltd. A copy of the referenced Report was provided to the OCG on January 14, 2014, and records the discrepancies observed in respect of laboratory reports which were generated for the construction entity, Rogers Land Development. The Report bore the caption **“Report on Discrepancies Noted for Rogers Land Development Limited Reports Forwarded to JETS Laboratories from National Works Agency’s Quality Assurance Department.”**

“On Wednesday morning August 21, 2013, Mrs. Orlene Nembhard–Rowe of the Quality Assurance Department at National Works Agency (NWA) called JETS Laboratories Limited and requested to speak with Kayanna Bromfield, Laboratory Administrator. Mrs. Rowe indicated that she presently had one of our reports for Aggregate Spread Rate Test done for Rogers Land Development and she was wondering if any Spray Rate Test was also done and might have inadvertently not been forwarded by the client to NWA. I told her that the client’s name was not familiar but asked her in what year was the report produced, she then informed me that of the June 14, 2012 report date. I opened our



report folder stored on the computer network and proceeded to search however when I was unable to locate the electronic copy of the report I requested that she fax a copy of the report to our office...The faxed copy of the report was received from NWA at 12:03 pm, August 21, 2013.

Having received a copy of the report ...I began cross checking the references on the report with those logged in all the relevant databases. I did an automated search of the report number log book to see if any record existed for report number R/653/00218. No entry was found. I then searched Jentech Group client listing database to see which client was assigned the number 653. All new clients of the company are assigned a unique number which is retained throughout the business life of that company. **Rogers Land Development is not recorded as a client in the database and the number 653 is assigned to Caribe Hospitality.** All test data sheets are filed alphabetically for each year in folders, no data sheet was located. An automated search of the entire network drive was done and **no report for Rogers Land Development was found.** All our technicians are required to record field and laboratory activities on time sheets however **no field time sheets corresponds to the date and the type of test conducted.** The technician indicated on the report as having conducted the test, Kirk Betton, **his time sheet indicates he was working in the laboratory on June 12, 2012, the date the Aggregate Spread Rate, a field test was carried out. Duplicate copies are made of all reports issued from JETS, copies which are filed in two**



separate departments, both departments were searched and no hard copy of the report was found.

*I initially called Rogers Land Development's office on August 21, 2013 and requested to speak with Mr. Richard Rogers to whom the report was directed. I requested a copy of the report including the cover letter and faxed page one of the report to him for reference. On August 22, 2013 I called Mr. Roger's office to find out if any progress had been made with locating the report. **Mr. Rogers informed me that he is now operating with a skeleton staff and the persons in charge of testing are no longer employed to his company therefore he is having difficulty locating the report. He stated that he would get back to me after he has confirmed which subcontractor he hired for the JDIP Crane Road to Parottee project.***

Mrs. Nembhard-Rowe called for an update and I informed her that having conducted our investigation we have realized that the report is not authentic despite our signatures being affixed...

Since Mr. Rogers had not contacted me, both Mr. Hutchinson and I called him on separate occasion on September 2, 2013. Mr. Rogers was unavailable however I left messages requesting that he return my call.

On the afternoon of September 3, 2013 Mrs. Nembhard-Rowe called me to ask if we had done any density and concrete tests for



Rogers Land Development for the JDIP Crane Road- Parottee project. Since we had conducted an exhaustive search previously I immediately told her no. She informed me that she had some reports in her possession that she will fax to me. **The faxed reports were received at 3:47 pm on the same day. Again no cover letter was present and the report number for the Nuclear Compaction Test (R/653/00009) when cross referenced does not match any entry.** Although the signatures of Kayanna Bromfield, Gordon Hutchinson and Roger Haisley were present on the report, the date of January 14, 2011 is four months in advance of when Mr. Roger Haisley was initially employed to our company. The Troxler 3450 instrument indicated as being used to conduct the test remains in Kingston and is not used by our technician Mr. Clinton Murray who is based in Montego Bay. The instrument assigned to Mr. Clinton Murray is the Troxler 3430. **A single concrete report as forwarded by NWA does not have any corresponding samples being received as logged in the concrete receival book for Rogers Land on January 26, 2011. The concrete report also has Mr. Roger Haisley's signature dated February 21, 2011 however Mr. Haisley did not start working with until May of 2011.** A letter dated September 4, 2013 was forwarded to the NWA indicating our intent on forwarding the matter to the police."²(DI Emphasis)

² Report prepared by Ms. Kayanna Bromfield, Laboratory / Q.A Administrator, Jets Laboratories Ltd. and dated September 10, 2013.



Of note, attached to the Report was a copy of the laboratory reports which were sent by Mrs. Orlene Nembhard-Rowe by facsimile and for which verification was sought by the NWA. Full particulars of the laboratory test reports are detailed below:



Laboratory Reports Concerning Rogers Land Development for Verification

Table 1.

NO.	Entity	Report Number	Report Date	Project	Technician	Date of Test	Name of person to whom Report was submitted	Observations as per Report
1	Rogers Land Development	R/653/00218	June 14, 2012	Aggregate Spread Rate JDIP-St. Elizabeth	Kirk Betton	June 12, 2012	Mr. Richard Rogers	<p>-The report consisted of 8 pages.</p> <p>-The Client Authorization was verbal.</p> <p>-Samples were taken by JETS.</p> <p>-The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.</p> <p>-The stamp and signature of the Quality Assurance</p>



NO.	Entity	Report Number	Report Date	Project	Technician	Date of Test	Name of person to whom Report was submitted	Observations as per Report
								Officer, 'Roger Haisley', was printed on the report and dated June 14, 2012.
2.	Rogers Land Development	R/653/00009	Not seen	JDIP – St. Elizabeth – Crane Road Parottee	Clinton Murray	January, 14, 2011	Mr. Richard Rogers	<p>-The Report consisted of four pages.</p> <p>-The instrument used was Troxler 3450 Serial No. 812.</p> <p>- The type of test being undertaken was a Nuclear Compaction test.</p> <p>- the level of compaction noted was Formation.</p> <p>-The stamp and signature of the</p>



NO.	Entity	Report Number	Report Date	Project	Technician	Date of Test	Name of person to whom Report was submitted	Observations as per Report
								Quality Assurance Officer, 'Roger Haisley, was printed on the report and dated January 17, 2011. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
3.	Rogers Land Development	R/653/00021	Not seen	JDIP – St. Elizabeth – Crane Road Parottee	Clinton Murray	January 26, 2011	Mr. Richard Rogers	-The Report consisted of four pages. -The instrument used was Troxler 3450 Serial No. 812. - The type of test



NO.	Entity	Report Number	Report Date	Project	Technician	Date of Test	Name of person to whom Report was submitted	Observations as per Report
								<p>being undertaken was a Nuclear Compaction test.</p> <p>-The level of compaction noted was Base Course.</p> <p>-The stamp and signature of the Quality Assurance officer, Roger Haisley, was printed on the report and dated January 27, 2011.</p> <p>-The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.</p>



NO.	Entity	Report Number	Report Date	Project	Technician	Date of Test	Name of person to whom Report was submitted	Observations as per Report
4.	Rogers Land Development	Not Seen	Uncertain	JDIP – St. Elizabeth, Crane Road - Parottee	N. Thompson	January 31, 2011 and February 21, 2011	Not stated	<p>--The Report consisted of one page.</p> <p>- The type of test being undertaken was a concrete test.</p> <p>-The stamp and signature of the Quality Assurance officer Roger Haisley, was printed on the report</p> <p>-The signature of Kayanna Bromfield certified the Report.</p>



The OCG was also provided with a copy of a letter dated September 2, 2013 which was sent to the attention of Mrs. Orlene Nembhard-Rowe by Jets Laboratories Ltd. relating to the discrepancies noted for the Aggregate Spread Rate Test Report ‘R/653/00218, which was generated for Rogers Land Development. The letter advised the NWA that the report, though appearing to be issued by Jets Laboratories Ltd., was **not authentic** and further substantiating this conclusion by highlighting certain findings and observations. The letter was signed by Ms. Kayanna Bromfield, Laboratory / Q.A Administrator, Jets Laboratories Ltd. and Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd.

Further, and by way of a letter which was dated September 4, 2013, the NWA was advised by Jets Laboratories Ltd. that the referenced matter would be referred to the police for investigation. A copy of the Jamaica Constabulary Force Customer Reference Form (CR. 10) confirms that the matter was in fact reported to the “Fraud Squad” on September 20, 2013. The NWA acknowledged receipt of the letters and advisory by way of an email dated September 18, 2013, which was sent by Mr. Davion Hinds, Senior Quality Assurance Officer, NWA, to Ms. Bromfield.

Having regard to the foregoing, laboratory test reports, and the aforementioned request which was made by the NWA, Ms. Kayanna Bromfield informed the then OCG by way of a Witness Statement provided by her to the OCG and which was dated January 14, 2014 of the following:

“I received a telephone call from Mrs. Nembhard-Rowe of the Quality Assurance Department of the National Works Agency (NWA) who had asked whether I had done a Spray Rate Test for the company, Rogers Land Development, because she had in her possession the Spread rate test. I am aware that both tests are



normally conducted together. I have received similar verification calls in the past from the NWA.

I informed her that the client was not familiar to me. I then requested client number which was reflected on the report and the report number. I had asked that the information/ report be sent to me by way of fax. The fax was received on August 21, 2013.

I reviewed the Report utilizing certain unique reference numbers such as the client number, report number against those which are contained on the Jentech Client Listing Database and Jets Report number Database. I was unable to find the numbers as stated on the Reports. The client number which was forwarded to me by Mrs. Nembhard, was not equivalent to Rogers Land Development. I note that Rogers Land Development was not found in the Databases. The referenced number had in fact matched that of Caribe Hospitality. Caribe Hospitality is a customer of the Jentech Group.

My initial response was to search the database as well as the physical files extensively as I was of the belief that I may have made a mistake. I enquired of Mr. Kirk Betton, Senior Technician, to confirm whether he had in fact conducted the tests as he was indicated on the report to having done so.

Mr. Betton informed me that he did not recall conducting the tests. I am aware that each time a Technician goes out they are required



to complete a Time Sheet Record, I am aware that no Time Sheet Records were produced indicating that Mr. Betton was conducting any tests in St. Elizabeth, for Rogers Land Development. In fact, I am aware that for the period which was stated no Field Time Sheet records were produced for Mr. Betton, as he was assigned to Laboratories tasks.

I am also aware that Mr. Roger Haisley was employed as Quality Assurance Officer in May 2011, and certain records had shown the Quality Assurance stamp and the signature of Roger Haisley months prior to his employment.

I am also aware that the instrument which was assigned to Mr. Clinton Murray was a Troxler 3430 and that which was recorded on the Reports was a Troxler 3450.³ (DI Emphasis)

It is important to highlight that the account provided by Ms. Kayanna Bromfield in the aforementioned Witness Statement reiterates the accounts which were provided in the Report of September 10, 2013.

³ Witness Statement collected from Ms. Kayanna Bromfield, Laboratory/ Quality Assurance Administrator. January 14, 2014.



Additional Reports Concerning Rogers Land Development sent by the NWA to Jets Laboratories Ltd. for Verification

During the course of the OCG's Investigation, Ms. Kayanna Bromfield provided the OCG with a copy of the following laboratory test reports which were in question and for which verification was sought by the NWA. Full particulars of the laboratory test reports are detailed below:



Table 2.

No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
1.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration Works	Concrete Compressive Strength Report /Concrete Test Specimen	N. Thompson			Date placed: April 9, 2013, Date Specimen received: April 11, 2013 and Date reported: May 7, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated May 7, 2013. -The signature of Kayanna Bromfield certified the Report.
2.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration Works	Concrete Compressive Strength Report	N. Thompson	None seen		Date placed: April 11, 2013, Date Specimen received: April 15, 2013 and Date reported: April 18, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated April 18, 2013. -The signature of Kayanna Bromfield



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							certified the Report.
3.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Concrete Compressive Strength Report	N. Thompson	None seen		<p>Date placed: April 12, 2013, Date Specimen received: April 15, 2013 and Date reported: April 19, 2013.</p> <p>-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 19, 2013.</p> <p>-The signature of Kayanna Bromfield certified the Report.</p>
4.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration Works	Concrete Compressive Strength Report	N. Thompson	None seen		<p>Date placed: April 13, 2013, Date Specimen received: April 15, 2013 and Date reported: April 22, 2013.</p> <p>-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 22, 2013.</p>



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							-The signature of Kayanna Bromfield certified the Report.
5.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Concrete Compressive Strength Report	N. Thompson	Not seen		Date placed: April 16, 2013, Date Specimen received: April 19, 2013 and Date reported: April 23, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated April 23, 2013. -The signature of Kayanna Bromfield certified the Report.
6.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Nuclear Compaction/ In situ Density test Report	Craig Campbell	R/653/00143	April 8, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 9, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
7.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Nuclear Compaction/ In situ Density test Report	Craig Campbell	R/653/00146	April 10, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 11, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
8.	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Nuclear Compaction/ In situ Density test Report	Craig Campbell	R/653/00148	April 11, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 12, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
9	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Nuclear Compaction/ In situ Density test Report	Craig Campbell	R/653/00150	April 12, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 15, 2013. -The signatures of



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							Kayanna Bromfield and Gordon Hutchinson certified the Report.
10	Rogers Land Development	Sandy Gully (Drumblair)- Damage Gully Invert Restoration works	Nuclear Compaction/ In situ Density test Report	Craig Campbell	R/653/00157	April 15, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 16, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.

Having regard to the abovementioned Laboratory Reports concerning Rogers Land Development, Ms. Kayanna Bromfield advised the OCG by way of a Witness Statement dated January 14, 2014, that the test reports relating to Rogers Land Development were fraudulent.

Further, the OCG was provided with a copy of an email dated December 3, 2013, that was sent by Mr. Davion Hinds to Ms. Kayanna Bromfield. The email bore the subject “*Verification of Test Results- Halls Delight, St. Andrew*” and stated as follows:



“... ”

Could you verify if your company conducted tests on the Project “**Halls Delight**” in the parish of St. Andrew. The Client is Rogers Land Development.

<i>Type of Test</i>	<i>Element</i>	<i>Date Placed</i>	<i>Date Tested</i>	<i>Age (Days)</i>
<i>Concrete Compression Test</i>	<i>Kerb & Channel</i>	<i>06.09.2011</i>	<i>13.09.2011</i>	<i>7</i>
			<i>04.10.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>V-Drain</i>	<i>02.11.2011</i>	<i>09.11.2011</i>	<i>7</i>
			<i>30.11.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Foundation</i>	<i>11.03.2011</i>	<i>18.03.2011</i>	<i>7</i>
			<i>08.04.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Tier #1</i>	<i>18.03.2011</i>	<i>25.03.2011</i>	<i>7</i>
			<i>15.04.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Tier #2</i>	<i>22.03.2011</i>	<i>29.03.2011</i>	<i>7</i>
			<i>19.04.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Tier #3</i>	<i>24.03.2011</i>	<i>31.03.2011</i>	<i>7</i>
			<i>21.04.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Tier #4</i>	<i>25.03.2011</i>	<i>01.04.2011</i>	<i>7</i>
			<i>22.04.2011</i>	<i>28</i>
<i>Concrete Compression Test</i>	<i>Wall #3 Tier #5</i>	<i>26.03.2011</i>	<i>02.04.2011</i>	<i>7</i>
			<i>23.04.2011</i>	<i>28</i>

The reference numbers are:

- *Densities for Formation:* -R/653/00117



- *Densities for Sub-base:* -R/653/00122
- *Densities for Base :* -R/653/00126
- *Densities for Asphalt Concrete:* -R/653/00128
- *DSD Application:* - R/653/00127⁴

In respect of the foregoing request, Ms. Bromfield advised Mr. Hinds by way of an email which was dated December 5, 2013 that “...**None of the reports referenced were conducted by JETS Laboratories Ltd. Rogers Land Development is not a client of ours.**”⁵ (DI Emphasis)

The OCG is also privy to an email which was dated December 3, 2013, and sent by Mrs. Orlene Nembhard-Rowe to Ms. Kayanna Bromfield bearing the subject “*RE: verification of Test results*”. The email stated as follows:

“*Could you verify if your company conducted tests on the project “Ghetto –Arlington” in the parish of St. Elizabeth. **The client is Rogers Land Development.***”

The reference numbers are:

- *Densities for formation* -R/653/00022
- *Subbase* -R/653/00028
- *Comprehensive strength (Head wall) -no reference #; date tested 14/2/11*
- *Marshall properties* -R/653/00053
- *DSD application* -R/653/00050⁶

(DI Emphasis)

⁴ Email dated December 3, 2013, which was sent to Ms. Kayanna Bromfield by Mr. Davion Hinds.

⁵ Email dated December 5, 2013, which was sent to Mr. Davion Hinds by Ms. Kayanna Bromfield.

⁶ Email dated December 3, 2013 sent by Mrs. Orlene Nembhard-Rowe to Ms. Kayanna Bromfield.



In this regard, Ms. Bromfield advised the NWA, by way of an email, of even date, that “...**None of the reports referenced were issued by Jets Laboratories ...**” (DI Emphasis)



Laboratory Reports Concerning YP Seaton & Associates Ltd. sent by the NWA to Jets Laboratories Ltd. for Verification

Table No.3

No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
1.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 13, 2013, Date Specimen received: April 15, 2013 and Date reported: not legible. The stamp and signature of the Quality Assurance officer was printed on the report and dated April 22, 2013. -The signature of Kayanna Bromfield certified the Report.
2.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 14, 2013, Date Specimen received: April 15, 2013 and Date reported: April 22, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated April 22, 2013. -The signature of Kayanna Bromfield



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							certified the Report.
3.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 17, 2013, Date Specimen received: April 19, 2013 and Date reported: April 24, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated April 24, 2013. -The signature of Kayanna Bromfield certified the Report.
4.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 18, 2013, Date Specimen received: April 19, 2013 and Date reported: April 25, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated April 25, 2013. -The signature of Kayanna Bromfield certified the Report.
5.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 18, 2013, Date Specimen received: April 19, 2013 and Date reported: April



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
		Gully) – Damage Gully Invert Restoration Works					25, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated April 25, 2013. -The signature of Kayanna Bromfield certified the Report.
6.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 19, 2013, Date Specimen received: April 22, 2013 and Date reported: April 26, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated April 26, 2013. -The signature of Kayanna Bromfield certified the Report.
7.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 22, 2013, Date Specimen received: April 24, 2013 and Date reported: April 29, 2013. The stamp and signature of the Quality Assurance officer was printed on



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
		Works					the report and dated April 29, 2013. -The signature of Kayanna Bromfield certified the Report.
8.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 22, 2013, Date Specimen received: April 24, 2013 and Date reported: April 29, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated April 29, 2013. -The signature of Kayanna Bromfield certified the Report.
9.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 25, 2013, Date Specimen received: April 29, 2013 and Date reported: May 2, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated May 2, 2013. -The signature of Kayanna Bromfield



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							certified the Report.
10.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 25, 2013, Date Specimen received: April 29, 2013 and Date reported: May 2, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated May 2, 2013. -The signature of Kayanna Bromfield certified the Report.
11.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 27, 2013, Date Specimen received: April 29, 2013 and Date reported: May 6, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated May 6, 2013. -The signature of Kayanna Bromfield certified the Report.
12.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 30, 2013, Date Specimen received: May 2, 2013



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
		Ave. (Top Gully) – Damage Gully Invert Restoration Works					and Date reported: May 6, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated May 6, 2013. -The signature of Kayanna Bromfield certified the Report.
13.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, Fredrick Ave. (Top Gully) – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not seen		Date placed: April 30, 2013, Date Specimen received: May 2, 2013 and Date reported: May 7, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated May 7, 2013. -The signature of Kayanna Bromfield certified the Report.
14.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction	Craig Campbell	Y/377/00151	April 12, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 15, 2013. -The signatures of Kayanna Bromfield and



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							Gordon Hutchinson certified the Report.
15.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction	Craig Campbell	Y/377/00160	April 16, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 17, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
16.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00162	April 17, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 18, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
17.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00163	April 17, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 18, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
18.	Y.P. Seaton &	Cruiser	Nuclear	Craig	Y/377/00171	April 22,	-The stamp and signature



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
	Associates Ltd.	Gully, – Damage Gully Invert Restoration Works	Compaction Test	Campbell		2013	of the Quality Assurance officer was printed on the report and dated April 23, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
19.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00172	April 22, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 23, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
20.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00176	April 24, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 25, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
21.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert	Nuclear Compaction Test	Craig Campbell	Y/377/00177	April 24, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
		Restoration Works					April 25, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
22.	Y.P. Seaton & Associates Ltd.	Cruiser Gully, – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00183	April 26, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated April 29, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
23.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not stated	Not stated	Date placed: January 26, 2013, Date Specimen received: January 29, 2013 and Date reported: February, 4, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated February 4, 2013. -The signature of Kayanna Bromfield certified the Report.
24.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage	Concrete Test Specimen	N. Thompson	Not stated		Date placed: January 27, 2013, Date Specimen received: January 29,



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
		Gully Invert Restoration Works					2013 and Date reported: February, 4, 2013. The stamp and signature of the Quality Assurance officer was printed on the report and dated February 4, 2013. -The signature of Kayanna Bromfield certified the Report.
25.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not stated		Date placed: January 31, 2013, Date Specimen received: February 4, 2013 and Date reported: February, 7, 2013. -The stamp and signature of the Quality Assurance officer was printed on the report and dated February 7, 2013. -The signature of Kayanna Bromfield certified the Report.
26.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not stated		Date placed: January 31, 2013, Date Specimen received: February 4, 2013 and Date reported: February, 7, 2013. The stamp and signature of the Quality Assurance



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
							officer was printed on the report and dated February 7, 2013. -The signature of Kayanna Bromfield certified the Report.
27.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Concrete Test Specimen	N. Thompson	Not stated		Date placed: February 2, 2013, Date Specimen received: February, 4 2013 and Date reported: February, 11, 2013. - The stamp and signature of the Quality Assurance officer was printed on the report and dated February 11, 2013. -The signature of Kayanna Bromfield certified the Report.
28.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00015	January 25, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated January 28, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
29.	Y.P. Seaton & Associates	Wiggan Loop –	Nuclear Compaction	Craig Campbell	Y/377/00017	January 30, 2013	-The stamp and signature of the Quality Assurance



No.	Entity	Project Description	Laboratory Test/ Report	Technician Specified	Report No.	Date of Test	Other Particulars
	Ltd.	Damage Gully Invert Restoration Works	Test				officer was printed on the report and dated January 31, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.
30.	Y.P. Seaton & Associates Ltd.	Wiggan Loop – Damage Gully Invert Restoration Works	Nuclear Compaction Test	Craig Campbell	Y/377/00021	February 7, 2013	-The stamp and signature of the Quality Assurance officer was printed on the report and dated February 8, 2013. -The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.

Having regard to the above mentioned laboratory test reports concerning the entity Y.P. Seaton & Associates Ltd. and the request which was made by Mr. Davion Hinds of the NWA, Ms. Kayanna Bromfield advised Mr. Hinds by way of an email which was dated September 26, 2013 of the following:

“The attached records have been reviewed and have been identified as fraudulent reports, not issued from JETS Laboratories Limited. As previously mentioned, the matter has been forwarded to the police and we await their findings ...”⁷

(DI Emphasis)

⁷ Email dated September 26, 2013 which was sent to Mr. Davion Hinds by Ms. Kayanna Bromfield.



Further, Ms. Kayanna Bromfield advised the OCG by way of a Witness Statement dated January 14, 2014, that the laboratory test reports concerning Y.P. Seaton & Associates were fraudulent.

Laboratory Reports Concerning Chin's Equipment Rental and Construction Ltd.

On January 13, 2014, Ms. Kayanna Bromfield provided the OCG with a copy of certain laboratory test reports which concerns Chin's Equipment Rental and Construction Ltd. Details of the subject Reports are represented hereunder:

Table 4.

No.	Entity	Project Description	Laboratory Test /Report	Technician Specified	Report Number	Date of Test	Other Particulars
1.	Chin's Equipment Rental and Construction Ltd.	JSIF Road Rehabilitation Richmond Gap St. Thomas	Nuclear Compaction Test	Craig Campbell	C/521/00845	December 10, 2013	<p>- The instrument used was stated to have been a Troxler 3440.</p> <p>-The stamp and signature of the Quality Assurance officer was printed on the report and dated December 10, 2013.</p> <p>-The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.</p>



Laboratory Reports Concerning Dwight's Construction Limited

During the course of its Investigation, the Commission was made aware of an email which was addressed to Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd. and sent by Mr. Davion Hinds, Senior Quality Assurance Officer, National Works Agency. The email bore the subject line “Re: *Verification of Test Results: Black River Sea Wall- Rehabilitation Works*”. The substance of the email is represented hereunder:

*“Could you verify if your company have [sic] conducted tests on the **Black River Sea Wall- Rehabilitation Works Project** in the parish of St. Elizabeth. The client is Dwight's Construction Limited.*

<u>Type of Test</u>	<u>Element</u>	<u>Date Placed</u>	<u>Date Tested</u>	<u>Age (Days)</u>
<i>Concrete Compressive Test</i>	<i>Belt #1</i>	<i>01.07.2013</i>	<i>08.07.2013</i>	<i>7</i>
			<i>29.07.2013</i>	<i>28</i>
<i>Concrete Compressive Test</i>	<i>Belt #2</i>	<i>04.07.2013</i>	<i>11.07.2013</i>	<i>7</i>
			<i>01.08.2013</i>	<i>28</i>
<i>Concrete Compressive Test</i>	<i>Foundation</i>	<i>24.06.2013</i>	<i>01.07.2013</i>	<i>7</i>
			<i>22.07.2013</i>	<i>28</i>
<i>Concrete Compressive Test</i>	<i>Foundation</i>	<i>21.06.2013</i>	<i>28.06.2013</i>	<i>7</i>
			<i>19.07.2013</i>	<i>28</i>

Other Reports for verification:

- *Sieve Analysis for Crushed Limestone (Engineering Fill) :-
D/548/00780 Date of Report: July 2, 2013*



- *Densities for Backfill (Crushed Limestones- Engineering Fill)
First Lift:- Date Tested: 08/07/2013 D/548/00786 (Unit No. /
Chainage: 0+010, 0+030, 0+050)*
- *Densities for Backfill (Crushed Limestone- Engineering Fill)
Second Lift:- Date Tested: 09/07/2013 D/548/00787 (Unit No.
/Chainage: 0+005, 0+025, 0+045)*
- *Densities for Backfill (Crushed Limestone – Engineering Fill)
Third Lift:- Date Tested: 10/07/2013 D/548/00788 (Unit No.
/Chainage: 0+015, 0+035, 0+055) ”⁸*

In response to the above email and request, Ms. Kayanna Bromfield stated as follows:

“ ...

*I have reviewed all our relevant databases and conclude that Dwight’s Construction Limited had not requested nor used our services, not for the project referenced or any other project. **No concrete specimens have been tested, no material evaluation done and no densities were performed.** ”⁹ (DI Emphasis)*

⁸ Email dated February 14, 2014 from Mr. Davion Hinds to Ms. Kayanna Bromfield.

⁹ Email dated February 18, 2014 from Ms. Kayanna Bromfield to Mr. Davion Hinds.



Authenticity of the Laboratory Reports

The Laboratory Test Reports presented above and which concerns the entities Rogers Land Development, Y.P. Seaton and Associates Ltd., Chin's Equipment Rental and Construction Ltd. and Dwight's Construction Ltd. have been determined by Jets Laboratories Ltd. to be fraudulent. In point of fact, Ms. Kayanna Bromfield made the following statements and outlined the specific indicators which were utilized by her to determine that the referenced Reports were fraudulent:

Rogers Land Development

1. Ms. Kayanna Bromfield identified **all** the reports concerning Roger Land Development to be fraudulent.
2. The test report numbered "R/653/00218" was identified as fraudulent "*...based upon the client number '653', which I know based on my review of the database to be assigned to a different client. The Technician, Mr. Kirk Betton, who was stated on the Spread rate Report was not assigned to any field work at the time and was actually conducting in-house Laboratory works. I am aware that the report number 00218 was not generated in 2012.*"
3. The Test report numbered "R/653/00009" was identified as fraudulent "*...based upon the fact that the technician, Mr. Clinton Murray does not normally indicate density and moisture counts, I would normally have to insist that these counts be recorded. The Test report however, has recorded both density and moisture counts.*"
4. In relation to the reports generated for Rogers Land Development "*...I also observed that the instrument indicated on the report as being used, Troxler 3450 is not assigned to Mr. Clinton Murray. I am aware that Mr. Murray is assigned to*



Troxler 3430. Troxler 3450 is assigned to the Jets Hope Road location, and is not assigned to Mr. Clinton Murray.”

5. Rogers Land Development is not a client of Jets Laboratories Ltd. *“The Database was set up by me in January 2011 and so all reports bearing that name would not be authentic.”*
6. In relation to the Concrete test Specimen Report generated for Rogers Land Development and which relates to the JDIP St. Elizabeth Crane Road – Parottee project, *“... not only is Rogers Land Development not a client listed in the Client List Database of Jets, but no Specimen sample was collected on the date reflected January 26, 2011, for the company.”*
7. The quality assurance stamp which was identified on the laboratory reports and which bears the signature of Mr. Roger Haisley *“...was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.”*
8. The quality assurance stamp was taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the stamp after this date would be fraudulent.
9. Though *“...the signatures certifying the reports resemble that of myself and Mr. Hutchinson... I did not sign the noted documents and as far as I am aware neither did Mr. Hutchinson.”*
10. The letterhead which was utilized for the generation of reports concerning Rogers Land Development are fraudulent as they appear to be distorted based on comparisons made with other documents regarded as authentic.
11. In relation to the Concrete Specimen Test, no specimens were received by Jets Laboratories Ltd. for Rogers Land Development on the dates which are indicated on the Reports.



Y.P. Seaton and Associates Ltd.

1. Ms. Kayanna Bromfield identified all the reports concerning Y.P. Seaton & Associates Ltd., and which have been represented herein, to be fraudulent.
2. Ms. Bromfield indicated that based upon her checks of the relevant database and in “ ... *relation to the Concrete Specimen tests ...no Specimens were received by Jets Laboratories for ...YP Seaton on the dates indicated on the Reports.*”
3. The quality assurance stamp which was identified on the laboratory reports and which bears the signature of Mr. Roger Haisley “...*was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.*”
4. The quality assurance stamp was taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the stamp after this date would be fraudulent.
5. Though “...*the signatures certifying the reports resemble that of myself and Mr. Hutchinson... I did not sign the noted documents and, as far as I am aware neither did Mr. Hutchinson.*”
6. The letterhead which was utilized for the generation of reports concerning YP Seaton and Associates are fraudulent as they appear to be distorted based on comparisons made with other documents regarded as authentic.

Chin's Equipment Rental and Construction Limited.

1. Ms. Kayanna Bromfield identified all the reports concerning Chin's Equipment Rental and Construction Limited, and which are represented herein, to be fraudulent.



2. Chin's Equipment Rental and Construction Limited is not a client of Jets Laboratories Ltd. Also, the report number which was indicated on the report was not assigned to the company.
3. The quality assurance stamp which was identified on the Laboratory reports and which bears the signature of Mr. Roger Haisley "*...was fraudulent based upon the fact Mr. Haisley only became employed at Jets Laboratories in May 2011, and as such documents which would have been stamped and signed by Mr. Roger Haisley prior to this date would be fraudulent.*"
4. The quality assurance stamp was taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the stamp after this date would be fraudulent.
5. Though "*...the signatures certifying the reports resemble that of myself and Mr. Hutchinson... I did not sign the noted documents and, as far as I am aware neither did Mr. Hutchinson.*"
7. The letterhead which was utilized for the generation of reports concerning Chin's Equipment Rental and Construction Ltd. are fraudulent as they appear to be distorted based on comparisons made with other documents regarded as authentic.

In addition to the statements provided and representations made by Ms. Bromfield, Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd., as well as Director of Jentech Consultants and Geotech Exploration Services Ltd., provided the OCG with his account in relation to the presentation of laboratory reports by the referenced entities. Mr. Hutchinson, by way of a statement which was provided to the OCG on January 15, 2014, stated the following:

"I have knowledge of the recent incidents involving fictitious Reports which were presented to the National Works Agency (NWA), and more recently the Jamaica Social Investment Fund



(JSIF). The Report include field testing Reports on Aggregates Spread Rate Tests for the companies Rogers Land Development, YP Seaton and Associates, and Chin's Equipment, Rental and Construction Limited... it is possible that other companies may be involved but I am not certain.

I became aware of these fictitious reports when my Laboratory Administrator, Ms. Kayanna Bromfield, reported to me that the NWA had indicated that they had received Reports and when she investigated, it was discovered that those reports were not based on tests which were carried out by Jets Laboratories.”¹⁰

Mr. Hutchinson identified the Reports generated for Rogers Land Development, Y.P. Seaton and Associates Ltd. and Chin's Equipment Rental and Construction Ltd. and which were marked by the OCG as Exhibits C, E, F and I and further represented above as fraudulent. Mr. Hutchinson advised the OCG by way of his statement dated January 15, 2014 that the reports were fraudulent given the following indicators¹¹:

1. The distortion of the Jets Laboratories Ltd. letterhead;
2. The fact that Rogers Land Development was not a client of Jets Laboratories Ltd.;
3. The report numbers used on the reports for Chin's Equipment Rental and Construction Ltd. and Rogers Land Development were not contained in the Jets Laboratories Database;
4. The Reports are photocopies and not originals.

¹⁰ Witness Statement provided by Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. paragraphs 4 and 5.

¹¹ Witness Statement provided by Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. paragraphs 17, 18, 19 and 20.



5. The fact that Chins Equipment Rental and Construction Ltd. was not a client of Jets Laboratories Ltd.;
6. Though Y.P. Seaton and Associates Ltd. is a client of Jets Laboratories Ltd. no samples for concrete compressive strength test were received by Jets Laboratories Ltd. from Y.P. Seaton and Associates Ltd.

Further, Mr. Hutchinson advised the OCG that:

“Whereas my signature appears on the Reports, I did not sign the Reports I also note that the reports are photocopies and not Original, and so it is possible that my signature could have been placed there without my knowledge.”¹²

¹² Witness Statement provided by Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. Paragraph 18.



Particulars of the Associated Government Contracts

Given the seriousness of the allegations and the implications which arise, the Commission has undertaken to represent, hereunder, particulars of the government contracts for which the subject laboratory test Reports were prepared:

Table 5

Project	Implementing Agency/ Public Body	Contractor	Contract Value \$
Sandy Gully (Drumblair) Damage Gully Invert Restoration Works	National Works Agency	Rogers Land Development	\$195,021,817.63*
Crane Road Parrottee- St. Elizabeth	National Works Agency	Rogers Land Development	\$46,827,567.11*
Caribbean Development Bank funded Drainage Network Rehabilitation Project. Sandy Gully- Grant's Pen Ford- Mega Mart- Grants Pen Road Cruiser Gully –Washington Close and Wiggan Loop SG-07 St. Andrew	National Works Agency	Y.P. Seaton Associates	\$79,567,364.00
Richmond Gap to Richmond Vale Road Rehabilitation, St. Thomas	Jamaica Social Investment Fund	Chin's Equipment Rental & Construction Ltd.	\$23,779,000.00
Black River Sea Wall Protection Works at Scott's Cove – Luana, St. Elizabeth	National Works Agency	Dwight's Construction Limited	\$31,591,990.38

*Based on amount stated in Bills of Quantities.



Particulars of the Contracting Entities

The Commission has also undertaken to detail particulars of the contracting entities which have been implicated in the presentation of the referenced laboratory reports. The particulars which were obtained from the Company’s Office of Jamaica are represented below:

Table 6

Company Name	Date of Incorporation	Directors	Shareholders
Chin’s Equipment Rentals and Construction	November 26, 2007	<ul style="list-style-type: none"> - Fay Chin - Athol Chin - Andrew Chin - Fitzroy Chin 	<ul style="list-style-type: none"> - Fay Chin - Athol Chin - Andrew Chin - Fitzroy Chin
Y.P. Seaton & Associates Co. Ltd.	February 13, 1969	<ul style="list-style-type: none"> - York Seaton - Newlyn Seaton - Calvert Mundle 	<ul style="list-style-type: none"> - Lascelles Seaton - York Seaton - Newlyn Seaton
Rogers Land Development	May 30, 2003	<ul style="list-style-type: none"> - Richard Rogers - Maurice Rogers 	<ul style="list-style-type: none"> - Donovan Farqharon - Richard Rogers - Maurice Rogers
Dwight’s Construction Limited	June 21, 1991	<ul style="list-style-type: none"> - Dwight Robinson - Benton Woodbine <p>Ceased Directors</p> <ul style="list-style-type: none"> - Vincent Taylor - Gilzine Fearon 	<ul style="list-style-type: none"> - Dwight Robinson - Benton Woodbine



Representations Made by the Contracting Entities Regarding the Alleged Fraudulent Test Reports

Chin's Equipment Rentals and Construction Co. Ltd

During a Judicial Hearing which was held on May 5, 2014, Mrs. Fay Chin, Director, Chin's Equipment Rentals and Construction Co. Ltd., responded to questions which were asked by the OCG, pursuant to Section 18 of the then Contractor General Act. During the proceedings Mrs. Fay Chin informed the OCG that Chin's Equipment Rentals and Construction Co. Ltd. was contracted by the Jamaica Social Investment Fund (JSIF) to execute works relevant to the 'Richmond Gap, St. Thomas Project'. The following statements, *inter alia*, were made:

“Q: Now madam, are you aware of the Richmond Gap, St Thomas project as it relates to Chin's Equipment Rentals and Construction Company Ltd?”

A: Yes, I am.

Q: A project which has been undertaken, not so much the start up, but on or around the 10th December, 2013.

A: Yes.

Q: Can you say whether or not that project as it relates to Chin's Equipment Rentals and Construction Co. Ltd. is completed?

A: Yes, it is completed.

Q: And in respect of that Richmond Gap, St Thomas project, was Chin's Equipment



Rentals and Construction – were they the main contractors or they were subcontractors?

A: The main contractors.

Q: Were there any subcontractors on that project?

A: No.

Q: In respect of the said Richmond Gap, St Thomas project, it was a JSIF road rehabilitation project?

A: Yes, it was.

Q: And in that regard can you way [sic] with whom the contract was signed? With whom did Chin's Equipment Rentals sign a contract as the main contractors?

A: With JSIF.”¹³

Mrs. Fay Chin further advised the OCG that the referenced project required that certain laboratory test be conducted in fulfillment of the terms and conditions of the contract and that the entity Chin's Equipment Rentals and Construction Co. Ltd. was a client of Jet's Laboratories Ltd. The following sworn statements were made by Mrs. Chin:

“Q: ...Now ma'am, to your personal knowledge was it a project which required sampling to be taken as part of the works?

¹³ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before the Contractor General. Pages 3-4.



A: *Yes.*

Q: *Also it required nuclear compaction tests to be done?*

A: *Yes.*

Q: *Now in respect of the said Richmond Gap St Thomas project, JETS Laboratories Limited – are you a client of JETS Laboratories Limited, Chin’s Equipment Rentals?*

...

A: **As far as I know we are a client of JETS Laboratories.**

Q: **Are you in possession of documentation that would – documentary proof of that?**

A: **Yes, I am.**

Q: *I am going to ask that you provide us with documentary proof that you are a client of JETS Laboratories Limited.*

Now Mrs Chin, in relation to a January 2014 account of JETS Laboratories, and I will read a part of a statement made and you could just respond to it if it is within your knowledge and



purview; if not, you could so indicate. The statement reads:

In relation to the company, Chin's Equipment Rentals and Construction Company Limited, my search of the database has indicated that the company is not a client of JETS Laboratories, and the report number used in the documentation is not assigned to the company.

Can you comment on that statement?

...

A: **No. We employed Mr Dwight McKoy, who is a materials technician, to do our tests, and he has a registered lab; he told me that he works in conjunction with JETS. He has been the person that has been doing my tests and the reports.**

Q: *Do you have contact details of Dwight McKoy in terms of a telephone number, business address?*

A: **His company is CMT Labs.**

Q: *You have documentation, letterhead? I would ask you to provide that for us, of this particular project – Dwight McKoy in relation to this project. **So Mr McKoy was asked and did in fact take samples and produced a report?***



A: **Yes, on the letterhead of JETS.**

Q: *What were the circumstances under which Mr McKoy was engaged by you?*

...

Now do you have any documentation in respect of the engagement of Mr McKoy? What are the terms of the engagement, you spoke verbally, in writing? How was he engaged?

A: **He would be called by the project manager and that is always done verbally.....**

Q: *Who is the project the project manager?*

A: *... so whatever project we are working on, sometimes I call him. **It is never done in writing, just on the telephone.***¹⁴

During the course of the investigation, the OCG was provided with a letter which was dated January 31, 2014, that was sent by Mrs. Fay Chin and addressed to Mr. Marcus Grey, Project Manager, JSIF and which bore the caption “*Re: Richmond Gap to Richmond Vale Road, St. Thomas*”. The referenced letter stated as follows:

¹⁴ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before the Contractor General. Pages 4-7.



“We are now pleased to enclose original compaction report prepared by Jets Laboratories Ltd. for captioned road.

The enclosed document is therefore sent to you in fulfilment of the relevant contract condition for your records.”¹⁵

Mrs. Fay Chin provided the following responses to the OCG during a judicial hearing which was held on May 5, 2014, in respect of her letter of January 31, 2014 that was sent to JSIF, and which had enclosed laboratory Reports of Tests that were purportedly conducted by Jets Laboratories Ltd.:

*“CHAIRMAN: Now the letter and the items attached to it, the January 21, 2014 [sic] letter, the items attached to it, **where did you get these items, what purports to be laboratory tests report?***

*A: The report? **It was sent to me by Mr McKoy.***

Q: how was it sent to you?

*A: I think this – I am not sure, but **I think it was sent by e-mail.***

*Q: I am going to ask you for a copy of that e-mail. **In respect of Mr McKoy, how was he paid, what method, cash, cheque?***

*A: **By cash, by cheque.***

¹⁵ Letter dated January 31, 2014. From Fay Chin, Chin’s Equipment Rentals and Construction Co. Ltd. to Mr. Marcus Grey, JSIF.



Q: I am going to ask you to indicate for the particular Richmond Gap project how he was paid.

A: I am not sure.

Q: I am going to ask you to indicate for me the method of payment, how was he paid in relation to this project.

A: I am not sure if he was paid.”¹⁶

Under cover of letter which was dated May 6, 2014, Mrs. Fay Chin provided the OCG with, *inter alia*, a copy of an email which she identified as that which was sent to her by Mr. Dwight McKoy with the enclosed Richmond Gap Project laboratory reports. The referenced email, which was dated December 24, 2013, was sent by the email address “*therealmckoy_2000@yahoo.com*” to the email address “escott@gdmassociates.com”. Mrs. Fay Chin further indicated by way of her letter of May 6, 2014 that the subject laboratory test reports were enclosed in the email of December 24, 2013, which was sent by Mr. McKoy. A copy of the email which was provided to the OCG stated as follows:

“Please see compaction test report for Richmond Gap project as requested.”

The documents which Mrs. Fay Chin purports to have been attached to the referenced email, upon close inspection by the Commission, are identical to the Laboratory Test Reports which were identified by Jets Laboratories Ltd. to be fraudulent. The Laboratory Test Report consisted of 3 pages and detailed the following:

¹⁶ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before the Contractor General. Page 8.



Table 7

No.	Entity	Project Description	Laboratory Test /Report	Technician Specified	Report Number	Date of Test	Other Particulars
1.	Chin's Equipment Rental and Construction Ltd.	JSIF Road Rehabilitation Richmond Gap St. Thomas	Nuclear Compaction Test	Craig Campbell	C/521/00845	December 10, 2013	<p>- The instrument used was stated to have been a Troxler 3440.</p> <p>-The stamp and signature of the Quality Assurance officer was printed on the report and dated December 10, 2013.</p> <p>-The signatures of Kayanna Bromfield and Gordon Hutchinson certified the Report.</p>

Mrs. Fay Chin, during the stated judicial hearing, advised the OCG of her reasons for utilising the services of Mr. McKoy, as well as the manner in which the tests were conducted by Mr. McKoy. The following representations were made by Mrs. Chin:

“Q...: Mrs Chin, can you say what was the purpose of requiring the services of Mr McKoy for this particular project?”



A: Mr McKoy was a materials technician and we have been using him for some time now to do the test results.

[Q] So he would conduct the tests on the project?

A: He would come out to do the tests; he would take the samples in, get the reports, take it back to me. It's a service he provides and we pay him for that. He would come out and do the tests.

[Q]: What I am not understanding, the tests are normally done by a laboratory; is it correct to say Mr McKoy has a laboratory?

A: He has a lab.

[Q]: So you use him as the liaison, the person between the lab and yourself?

A: No, no. Mr McKoy physically comes out and takes the samples; he works in conjunction with JETS but he has a registered lab – or I should say that he indicates that he works in conjunction with JETS.

[Q]: In what manner did he communicate that to you?

A: Verbally.

...

[Q]: ...you have had a business relationship with JETS, not you personally but Chin's Equipment Rentals and Construction Company.

A: No, I have not directly but through Mr McKoy.



Q: *So all your connection was always through Mr McKoy?*

A: **I have never dealt with JETS Laboratories; Mr McKoy is the person that I know.**

...

[Q]: *In relation to your business relationship with Dwight McKoy, you have indicated that you normally used his services for most, if not all of your contracts that require tests to be done and test reports generated, for example, nuclear compaction. Would you be able to give us estimates about fees charged by Mr McKoy for this work to be done?*

A: **I would not be able to break down exactly what section and how much it is for that section, but under normal circumstances we would have invoices for like \$100,000, \$120,000 for his services.**

Q: *And that would be for what?*

A: **For compaction.**

Q: *For all the tests he is required to perform?*

A: *It depends. At times he would come to do the tests and maybe some areas are not properly compacted and he would guide us to do the compaction and whatever, and he would come back two or three times.*

Q: *Does Mr McKoy provide you with any invoices?*



A: *Not every time.*

Q: *How is he paid?*

A: *He is normally paid by cash or cheque.*

Q: *But in terms of him providing you with invoices...*

A: *Sometimes, not all the time.*

Q: *Would you be able to look at the records and provide us with any invoice presented by Mr McKoy for this particular project?*

A: *As I said, I am not sure if I paid him for this one yet.*¹⁷ (DI Emphasis)

It is important to note that, as it relates to payments which were made by Chin's Equipment Rentals and Construction Co. Ltd. to Mr. Dwight Mckoy, Mrs. Fay Chin was only able to furnish a copy of a cheque which was paid to the order of 'Dwight McKoy', in the sum of \$15,000.00. The cheque bore the number 6757400 and was dated December 20, 2010. Under cover of letter dated May 12, 2014 Mrs. Chin advised the OCG that the cheque which was submitted served as evidence of payment which was made to Mr. McKoy for "*testing done*".

The OCG, during the hearing, questioned whether Mrs. Fay Chin's considered it peculiar that Mr. Dwight McKoy had to seek the resources of another laboratory to produce reports for tests which were conducted by him. The questions posed, in this regard, and the answers supplied by Mrs. Chin are stated below:

¹⁷ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before then Contractor General. Pages 8-11.



“Q: Do you find it a little unusual then for Mr McKoy – you say he owns a lab – to be going to another lab to provide reports to you?

...

A: Well, when I actually started working with Mr McKoy he told me that he had this lab, he operated this lab, it is a registered lab but he was limited to do certain things: he was not able to write certificates for certain aspects of the work. He can come out and do the work but he would have to get it certified by another lab, and that was when he told me he worked in conjunction with JETS. So I did not find it strange that he is working along with another lab to generate these reports.

Q: He told you that he has a licensed registered lab

A: Yes.

Q: Based on what?

A: According to the documents he provided me with.

Q: You mean on the document with the report?

A: No, the copy of the registration, the Registrar Office of Jamaica.

...

Q: The discussions you had with Mr McKoy, did you personally have them in respect of the limitations of his laboratory functions? Did you personally have



them, or is it somebody else at Chin's who spoke in terms of the limitations?

A: *I am the person he actually spoke to about the limitations of his lab but that he worked along with JETS Laboratories. **I was satisfied because as an accountant I looked at it in the sense that even though an accountant might not be a chartered account – and my accountant right now is not a chartered accountant but she works with a chartered account and what she does, she sends the things to the chartered account to key and to go through the numbers and sign off on it.** So I thought it was like that, and that it was okay for him to work in association with another lab since his lab was limited in some way.*

Q: *In respect of Dwight McKoy, ... have you indicated in writing, either way, the limitation of his laboratory facilities, is that documented anywhere?*

A: *No.*

Q: *Just word of mouth.*

A: *Yes.*

Q: *Do you know where to find Mr McKoy's office?*

A: *I have never been there but I would call and he would come out and do whatever; there was no need for me to go to the lab, you know. And I need to tell you too, working with Mr McKoy, we felt so*



pleased because he was someone that you can call any day, if it's a Sunday and you want him to have a little test done, if you need to compact a little more, he is coming. He is quite reliable with his work, and he would come out at any time to do his work.

.....

A: You know, sometimes you are pressed for time and I can tell you, he would work up to seven days a week if the job is there to be done, even if it's a holiday. If there is something pressing for you to do and you need to get a test done, you call him 'can you come, and he would come out and get the sample and carry the cubes for the concrete, he is coming because the earlier the cubes come, the faster we can get to work the following day.

Q: He would provide his own equipment?

A: Yes, he has all the testing equipment, he comes with the cube cylinders and all that.”¹⁸ (DI Emphasis)

Under cover of letter which was dated May 6, 2014, Mrs. Fay Chin provided the OCG with a copy of a Certificate of Registration which bore the number 4108/2009 and certified the business name “*CONSTRUCTION MATERIALS TESTING LABORATORIES C.M.T. LABS*” with the associated names being, “*NATALIE JAN-MARIE ROWE, DWIGHT OLANDO MCKOY AND CAVOL HARLAN MANTLE*”. The business was certified for “*testing, consultation and research*

¹⁸ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before the Contractor General. Pages 12, 16 and 17.



services” and held as its principal place of business “49, Gretna Green Avenue, Half-Way-Tree P.O., St. Andrew”. The referenced Registration expired on July 9, 2012.

The Commission’s checks with the Companies Office of Jamaica revealed that Construction Materials Testing Laboratories C.M.T. LABS was currently registered and that it commenced as a business on July 7, 2009. The Business held as its proprietors ‘Dwight Olando McKoy’, ‘Cavol Harlan Mantle’ and ‘Natalie Jan-Marie Rowe’. It is of significance to highlight that the email address therealmckoy_2000@yahoo.com was associated with the company and specifically Cavol Harlan Mantle. The mentioned email address was identified by Mrs. Fay Chin as the email address from which the Laboratory test reports relating to the Richmond Gap Project were sent to her.

The OCG, during the course of its judicial hearing conducted on dated May 5, 2014, questioned whether Mrs. Fay Chin was familiar with certain officers of Jets Laboratories Ltd., and specifically those persons who were noted on the subject Laboratory test reports as having conducted tests or having certified the report. The following statements were made:

“Q: ...Do you know a Mr Craig Campbell?”

A: No – Craig Campbell? No.

Q: ...I am going to show you a copy of what I showed you earlier. At page 2, what purports to be a JETS Laboratories Limited report, it is test taken by Craig Campbell and it says ‘reported to Fay Chin’

...



A: **I don't know Craig Campbell.**

...

Q: *Last question for you, ma'am, I am not sure if you can comment but I am duty bound to put it to you nevertheless – but before I put it to you, **are you aware of Mr Gordon Hutchinson, the person who is in charge of JETS Laboratories, are you familiar with that name?***

A: **Never heard of him.**

Q: **Are you familiar with a lady by the name of Kayanna Bromfield of JETS Laboratories?**

A: **No.**

Q: *You see the item which is marked 'D', page 2 of 7, bottom righthand corner – what appears to be two signatures. In relation to Miss Bromfield of JETS Laboratories Limited, she has stated in a statement to us that she did not sign the document certifying the reports.*

A: *I would not know of that.*



Q: I just have to put it to you nevertheless. In respect of Mr Gordon Hutchinson, who is the director of JETS Laboratories Limited, he has stated in a statement to us that:

We have no client by the name of Chin's Equipment Rentals and Construction Company Limited, and the report numbers used on the report are not contained in our database. Whereas my signature appears on the reports, I did not sign the reports. I also note that the reports are not originals but copies and so it is possible that my signature could have been copied

...

A: In respect to the document from JETS Laboratories, I have always been receiving original documents on the letterhead of JETS, sealed and signed. I had no reason to doubt that they were coming from JETS Laboratories, and I have no way of verifying who signed the documents. Mr McKoy told me he does lab work in conjunction with JETS Lab and there is no reason for me to doubt the signature. I



don't know these people; I have never met any of them.

Q: You are saying the documents were presented to you by JETS Laboratories and those were original documents and your means of proving that would be the letterheads.

A: The letterheads.

Q: And there is an embossed seal on the document?

A: Yes, and the signature, and these original documents would have been forwarded to whichever entity it was done for; so the originals were sent to JSIF and I would also keep a copy. So all the original documents would be forwarded to whatever entity the tests were for.

Q: You said the letterhead of JETS, it was received with a cover letter?

A: Yes.

Q: And you would have a copy of those cover letters?

A: Yes.



...

Now earlier I had pointed out to you in respect of the document which I have handed to you and which has been sealed, where the name Craig Campbell occurs.

A: *Yes.*

Q: *In respect of Mr Craig Campbell of JETS Laboratories Limited, he has give a statement and it reads: I was asked by the OCG to review the nuclear compaction test reports for the company, Chin's Equipment Rentals and Construction Company Limited, and for the project JSIF Road Rehabilitation which bears report No. 521/00845.*

I note that my name was stated on the report as having conducted the test but I have never seen the report before. I did not conduct the test. I do not know the company, Chin's Equipment Rentals and Construction Company.

A: ***Well, I don't know Craig Campbell and I did not know Craig Campbell works at JETS Lab. I have always used Mr***



McKoy at CMT Labs to do my tests; I don't know Mr Campbell.¹⁹(DI Emphasis)

Having regard to the foregoing, and under cover of letter which was dated May 6, 2014, Mrs. Fay Chin furnished the OCG with a copy of a letter which was written on the letterhead of Jets Laboratories Ltd. and which was dated December 22, 2010, which was sent to the attention of Mrs. Fay Chin and addressed to Chin's Equipment Rental and Construction Ltd. In point of fact, the referenced letter is not related to the Richmond Gap Project, but refers to "*Eltham Quarry, St. Ann*" and, on the face of it; appears to be the original letter, given the purported original signatures of Ms. Kayanna Bromfield, Laboratory/ Q.A. Administrator and Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. The letter advised as follows:

*"Please find attached our Laboratory Report of Results obtained from Miscellaneous Material Testing carried out on marl samples submitted to us on December 6, 2010."*²⁰

In respect of the aforementioned letter which was purported by Ms. Fay Chin as evidence of Chin's Equipment Rental and Construction Ltd. being a client of Jets Laboratories Ltd., the following response was asserted by Ms. Kayanna Bromfield.

"CHAIRMAN: I am going to show you a JETS Laboratories Ltd. letter signed purportedly by yourself and also Mr Gordon E Hutchinson which is addressed to Chin's

¹⁹ Transcript of Hearing held on May 5, 2014, during which Mrs. Fay Chin appeared before the Contractor General. Pages 11, 23, 24 and 25.

²⁰ Letter dated December 22, 2010, which was purportedly addressed by Jets Laboratories Ltd. to Chin's Equipment Rental and Construction Ltd.



Equipment, Rental and Construction Ltd., Osbourne Store, Clarendon, Jamaica WI. It is for the attention of Mrs Faye Chin. It is in respect of the subject is Eltham Quarry, St Ann. This document was provided to us by Mrs Faye Chin. I am just going to pass it to you.

(Document given to witness)

Mrs. Chin in the course of our Hearings here has supplied that to us as proof that she's a client of JETS Laboratories Ltd., can you comment on that document?

A: ***This is neither my signature nor Mr Hutchinson's signature.***

CHAIRMAN: *What is the date of that document?*

A: *2010.*

CHAIRMAN: *The actual, the full date.*

A: *December, 22, 2010.*

CHAIRMAN: *...*

CHAIRMAN: *Before we go to the report what's the basis of your assertion that it is not your signature? Are you just referring to the signature or a document of JETS?*



A: *Firstly, I don't know Chin's Equipment and Rental and to issue this report I would have produced it.*

CHAIRMAN: *Before we go any further, when say you [sic] don't know Chin's, based on you association with JETS Laboratories, tell me a little about that in terms of not knowing of Chin's. I just want to get it in the record, when say don't know of Chin's.*

A: ***I don't know of them submitting samples to us for me to issue a report with their name on it, direct it to them.***

CHAIRMAN: *And based on your hands on knowledge there [sic] are not a client?*

A: *Based on my knowledge, no they are not.*

...

CHAIRMAN: ...

A very unique question - unique is not the word, you should know your signature. What about that signature on the document I have shown to you in terms of, submitted by Mrs. Chin that you say is not yours?

A: *It looks wobbly. My signature, I would normally sign it very fast, this one looks like effort was placed in putting it together and I don't know - Mr*



*Hutchinson can speak to his own, his is even worse.
His is normally very smooth like he practiced for
many years and this just looks... ”²¹ (DI Emphasis)*

²¹ Transcript of Hearing which was held on June 24, 2014, during which Ms. Kayanna Bromfield appeared before the Contractor General. Pages 16-21.



Y.P Seaton and Associates Ltd.

During the course of a Judicial Hearing which was held on April 2, 2014, Mr. Michael Levy, Construction Manager, Y.P. Seaton and Associates Ltd., responded to questions which were asked by the OCG, pursuant to Section 18 of the then applicable Contractor General Act. During the referenced proceeding, Mr. Levy informed the OCG that he was aware of the restoration works which were undertaken at “Cruiser Gully” and “Wiggan Loop” and advised the OCG of the manner in which tests were undertaken for the stated projects. The following statements were made:

“Q: For the time that you have been construction manager are you aware of the Cruiser Gully - Damage Gully Invert Restoration Works?”

A: Yes.

Q: Also, are you familiar with the Wiggan Loop - Damage Gully Invert Restoration Works?”

A: Yes, that is one of my contracts

...

[OCG Officer]: Mr. Levy, in respect of this particular report and this particular project are you the person responsible for submitting samples to JETS Laboratories?”

A: No, I am not.

Q: Who is the principal person at Y.P. Seaton who is responsible for submitting samples to JETS?”



- A: *Well, the samples are submitted via the on-site supervisor or liaison officer.*
- Q: *Who is that person?*
- CHAIRMAN: *I think the question is: in relation to this project we would like to know who those persons were, in relation to that project.*
- [OCG Officer]: *Wiggan Loop.*
- CHAIRMAN: *Who were the on-site supervisors, we need to know who those persons were, so just add that to your list.*
- A: *Okay.*
- [OCG Officer]: *And also do those persons report to you or do you give those persons – do you delegate any responsibility to those persons in respect of reports that are submitted to JETS?*
- A: *Repeat the question.*
- Q: *You had mentioned that it is the on-site supervisors who submit these samples to JETS.*
- A: *That is correct.*
- Q: *I am asking you whether those persons report to you or whether you give these persons instructions in terms of samples to JETS?*
- A: *Well, yes, I give them instructions that when the samples are taken that they are to go ahead and carry them to the test lab.*



Q: Did you give them instructions in respect of Wiggan Loop - Damage Gully Invert Restoration Work, as indicated?

A: Yes, I gave them instructions. I told them that they need to get it tested. Now at this point in time – that point in time, the individual that I was dealing with, individual and liaison officer handled that matter. I did not know they were taking the test results to JETS as there are various other test labs in town.

Q: Okay, still not clear. Do you give your on-site supervisors instructions, is it your responsibility to give instructions to your on site supervisor?

A: Yes.

Q: And in respect of this project, did you give them instructions to have the samples tested at JETS Laboratories?

A: No, I did not tell them to take it to JETS.

*Q: **What instructions did you give them in terms of ascertaining these reports?***

A: I told them to take it to the – I just told them to take it – because, what happened is that we have liaison officers that I have to deal with in these various – in the particular job, and I told them we have to get



*these materials as well as the concrete tested. **Now I think they took it upon themselves to take it to JETS. I did not tell them to take it to JETS. I said take it to the test lab and get a test lab done whether it be Hill Betty, whether it be JETS. I have dealt with many other test labs. I did not give them specific directions and say go to JETS.***

Q: Can you give me the names of those persons whom you would have given instructions to have tests done in respect of this project?

*A: **The name of the gentleman is Matthew Wright.***

CHAIRMAN: Is he still working with the company?

*A: **He is not a direct employee. He is a liaison officer, that is someone we liaison with between ourselves and executing the works in the field, so I would rather say someone like a subcontractor.***²²

(DI Emphasis)

In relation to the test reports which were purportedly prepared by Jets Laboratories Ltd. concerning Y. P. Seaton and Associates, Mr. Levy advised the OCG of the following circumstances which led to Y.P Seaton's receipt of the document:

²² Transcript of Hearing held on April 2, 2014, during which Mr. Michael Levy appeared before the Contractor General. Pages 4, 8, 9 and 10.



“[OCG Officer]: *This particular report, was it presented to you by Matthew Wright?*

A: *Yes, it was dropped off at our office.*

Q: *Was it presented to you by Matthew Wright?*

A: *I didn't receive it from him but it was delivered to my office.*

Q: *Who delivered it to your office?*

A: *I don't know. I would like to offer another name, and this is what was told to me, a gentleman by the name of Marlon Allen. Marlon Allen I believe would have been this person who dropped off the report to our office.*

Q: *Who is Marlon?*

A: *I would like to confirm that. I was given that name and I would have to confirm that address and telephone number.*

Q: *Can you confirm in terms of what is his responsibility to the company, Y.P Seaton?*

A: *In this case from what I understand from my liaison officer that he got these test results through this*



gentleman, Marlon Allen, and they were dropped off to our office.

CHAIRMAN: What you mean, 'you got them through him'?

A: I don't know if he works for JETS, I am assuming, because when they came they looked legitimate to me – but I have been told that – because when people drop certain things off sometime they sign for it, but not all the time we have a signature for receipt.

...

[OCG Officer]: And you are saying that you are of the view that this Marlon Allen person works for JETS?

A: I am – yes, this is my understanding. This is my understanding, I cannot confirm, I did not see him there but it is my understanding.”²³

The OCG questioned Mr. Levy as it regards his experience in working with Jets Laboratories Ltd. and specifically the usual manner in which laboratory test reports are presented and delivered by the company. The following was stated:

²³ Transcript of Hearing held on April 2, 2014, during which Mr. Michael Levy appeared before the Contractor General. Pages 12 and 13.



“Q: So you have been the construction manager at Y.P Seaton for about three and half years you said?

A: Uh-huh.

Q: Is it your experience that when test reports are requested from JETS Laboratories specifically that it is submitted to you in a specific manner?

A: Yes.

Q: How is it normally submitted to you?

A: It is submitted to me in a package and usually with a cover letter.

Q: Can you recall whether this particular report was submitted to you or did you see a cover letter packaged in the same manner?

A: No, I did not. I just received an envelope with the test results without a cover letter.”²⁴

During the hearing, Mr. Levy advised the OCG that the Laboratory tests reports were paid for by the Liaison Officer who was employed and as such he was unaware of the modalities of payment. The following representations were made:

“[OCG Officer]: Mr Levy, can you recall how these tests were paid for?

A: No, I do not know because the way the work was officiated or executed was via the liaison officer and it is my understanding that he was to provide those test results as part of his work.

Q: That would be included in his expense or—?

²⁴ Ibid Pages 13 and 14



A: *Yes, it would have been included.*

Q: *And then he would basically bill you?*

A: *Well, he didn't bill me specifically, it is not billed as a line item, he was just billing as a subcontractor*

Q: *But the cost for the test would be included?*

A: *Yes, it would have been included.*"²⁵

In respect of the Damage Gully Invert Restoration works which were completed at Cruiser Gully, Mr. Michael Levy advised the OCG that the said works were subcontracted by Y.P. Seaton and Associates Ltd. to Mr. Matthew Wright. Of note, the aspect of the works which were conducted at Wiggan Loop was also subcontracted to Mr. Matthew Wright by Y.P. Seaton and Associates Ltd. A review of the laboratory Nuclear Compaction Tests reports which were indicated by Jets Laboratory Ltd. to be fraudulent, and which relates to works contracted to Y.P. Seaton and Associates Ltd. revealed that in all instances the reports were reported to "Michael Levy".

"Q: *Most importantly, I will ask you to take a note of the Nuclear Compaction Test Data number which is Y/377/00015.*

Now in relation to the displayed document, your understanding of, 'Reported to: Mr Michael Levy' what does that represent?

A: *This represents the yard...*

²⁵ Transcript of Hearing held on April 2, 2014, during which Mr. Michael Levy appeared before the Contractor General. Page 14.



Q: *I am sorry, I am referring specifically where it said, 'Reported to: Mr Michael Levy', what does 'reported to' – who did what? **Does it mean that JETS Laboratories Limited reported to Mr Michael Levy these things?** That is what I am trying to get.*

A: **I am going to say that maybe because of our past history they are using my name because of liaison back and forth on previous projects. You are trying to confirm that I gave the order to JETS?**

Q: *I am trying to understand what is 'reported to', if it means that JETS reported these finding in terms of a nuclear compaction test data to you, that is what I am trying to understand, what the document there refers to?*

A: *Yes.*

Q: *But that is something that you need also to make a note of to find out?*

A: **No, I mean because we dealt with JETS before and they are used to using my name, maybe that is something that they have always done as we continue business, they continue to use my name.**

Q: *Even though somebody else may...*

A: *May have requested or something – that is exactly what I am saying.*

Q: *So there is a point when you stopped having dealings with JETS?*



A: *Well – because what I also wanted to give you here is that we have done other jobs outside of these projects that you are reviewing and I have brought similar test results that we have dealt with them before, actually very exact results and there was no way I could have ascertained that these results that came from Grants Pen were erroneous or false.”²⁶*

In this regard, the following statements were also made during the judicial hearing which was held on April 2, 2014:

“Chairman: ... *You would agree with me, Mr Levy, that it is in fact not correct where the report says, ‘Reported to: Mr Michael Levy’ in terms of subcontractor who is it reported to?*

A: *I understand.*

Q: *What is your understanding and indication?*

A: *That this gentleman went and got – I understand the work was being – we had the contract to execute this work, he has a subcontract and went to JETS to get these test results and used my name, used the company's name. That is what appears to me.*

Q: *Now when one thinks about the subcontractor, even in these instances, you would have expected him to use his own name?*

²⁶ Transcript of Hearing held on April 2, 2014, during which Mr. Michael Levy appeared before the Contractor General. Pages 6-7.



A: *Yes. Well, it wouldn't – I would have expected him to probably use my name, our name, because we have the subcontract and there is no recourse, if you will, for NWA or subcontractor with NWA and/or our sub contractor, so I would say, yes, he would have to use my name.*

Q: *Do you think that is proper?*

A: *I agree, I don't think so.*²⁷

Under cover of letter which was dated April 16, 2014, Mr. Levy provided the OCG with, *inter alia*, copies of the laboratory test reports bearing the Jets Laboratories Ltd. logo which were submitted by Y.P. Seaton and Associates Company Ltd. to the National Works Agency (NWA). Of note, the reports which were provided to the OCG relates to the Gully Invert Restoration works which were undertaken at the Grants Pen Fording to Mega Mart and consists of reports on Concrete Test Specimens and Nuclear Compaction Tests. Mr. Levy by way of the referenced letter further advised the OCG that the laboratory tests results which were observed during the OCG's judicial hearing were "...not submitted by Y.P. Seaton and Associates ..."

Mr. Levy, by way of his referenced letter, furnished the OCG with a copy of the subcontract Agreement which was entered into between Y.P. Seaton and Associates Ltd. and Mr. Matthew Wright. The OCG, hereunder, highlights the following details of the mentioned subcontract which were deemed pertinent to the scope of this investigation:

²⁷ Transcript of Hearing held on April 2, 2014, during which Mr. Michael Levy appeared before the Contractor General. Page 42.



1. The contract was dated November 22, 2012 and bore the caption “*The construction of reinforce concrete walls, inverts & appurtenances Grants Pen Ford- Mega Mart & Cruiser Gully Wiggan Loop Barbican & Upper Norway Terrace.*”
2. The sub-contractor, Mr. Matthew Wright, agreed to “...supply, deliver in the manner stipulated and guarantee the labour and material to be provided under this Contract, Specifications, Schedules and Bills of Quantities ... for the sum of **\$105,292,480.00.**”
3. The sub-contractor agreed to commence the works on receipt of the Engineer’s order to commence and to complete and deliver the whole of the works comprised in the contract within Three (3) months from the date of signed acceptance.

Mr. Levy also provided the OCG with a copy of documents which alluded to payments which have been made to Mr. Matthew Wright. The following payments were noted:

Date of Payments	Payment Amount	Payee	Source Document	Other Information
31/05/2013	\$3,370,458.98	Matthew Wright	National Commercial Bank RTGS Payment Instruction Form	Payments were being made in respect of Certificate No. 2.
13/08/2013	\$48,362,628.08	Matthew Wright	Y.P. Seaton & Associates Co. Ltd. Subcontractor’s	



			Payment No. 3	
29/7/2013	\$7,000,000.00	Matthew Wright	National Commercial Bank RTGS Payment Instruction Form	Payment Advance on mobilization.



Representations made by Mr. Matthew Wright

Having regard to the representations which were made by Mr. Michael Levy, in respect of the engagement of Mr. Matthew Wright as a Liaison Officer and/or Sub-contractor, the OCG by way of a judicial hearing, sought responses to certain questions which were deemed relevant to its investigation. In this regard, Mr. Matthew Wright identified himself as a Liaison Officer for the project and advised that he was introduced to the contractor, Y.P. Seaton and Associates Co. Ltd. by Member of Parliament, Mr. Delroy Chuck, for the constituency in which the works were being executed. Mr. Wright further advised the OCG that his function in relation to the project was “...to really control the work in a sense by saying you do that, and you do that, and you do that; and see to it that it finish to specs”²⁸. In respect of the execution of works for the referenced project the following representations were made:

“Q: Now for this project were you the only – well, did you sign any contract with YP Seaton to do any work?”

A: Sure.

Q: You have a copy of that contract?”

A: No, me never bring it with me, you know.

...

Q: Now you know a Mr Marlon Allen?”

A: No.

*Q: **For the project there at Grants Pen Fording, you had to take samples, soil samples, material samples?***

²⁸ Transcript of Hearing held on July 3, 2014, during which Mr. Matthew Wright appeared before the Contractor General. Page 3.



A: Yes, and test it.

Q: Who test it? Who does the testing?

A: You have a man that me know by the name of Conroy.

Q: *Come from the area too?*

A: No. What really happen, when you have them running the gully, you see the Premix, the Island Wide – all of those men come and beg the work. When me get this work from YP, them say we have to get a soil test which was coming from Hill Betty or Jentech - Jentech, a de same thing. When me get the job now, you know you have to go in and clean first; you don't immediately start the construction, you go in and clean out – whole heap a truck with debris and so. When we about to start work, in the same period of time PreMix come; I think I used PreMix and Island Wide on this job.

This man that a tell you name Conroy, him came on in a Jentech shirt and him say him begging the work.

Q: *What other name you know him as?*



A: *Only Conroy me know him as. That is what me hear them call him, because a no somebody me know.*

Q: *And the Jentech shirt – – you remember what year this was? When you did the Grants Pen Road project, what year it was? If you can't remember I will find it for you. Let me just go on to something else and I will come back to that.*

A: *I really don't think it reach a year yet – or just over a year. Early last year we start it. Money no done pay for it yet.*

Q: *You don't get everything yet?*

A: *No; no, because me hear 'bout the incident that come about.*

Q: *About October 2012.*

A: *October 2012? Yes, a year ago, a year and little. If you don't even have the right date, document de deh same way.*

Q: *Now tell me about this fellow Conroy, when him come and you see him in the Jentech shirt, what exactly him say him can do?*

A: *No, me call my supreme, that is YP, Michael who represent YP, that is the man that me liaise with*



from YP company, and tell him 'bout this man. Him say alright. Me tell him say me see the man and him say him work a Jentech, and the man take the sample and go do it and him deliver the result to YP's office, because you can't get pay without a test result go up to Barbados to get pay. So by going on like that now, him normally come and do him little test and drop off the test down a YP office.

Q: I don't know the answer to this question but I ask it anyway: Him no come in no vehicle marked Jentech?

A: No, him drive a – him no drive no vehicle marked Jentech; him drive a little Honda.

Q: For the entire time of the project is him alone take sample out there, or you had other people doing it? Is him alone doing everything?

A: Yes, him alone because most of the contractor dem, is Jentech dem use, and me work for other company but only through a this one me did responsible for testing this one; but me work for other company.

Q: So the only contact you have with this man is that you talk to him and you talk to the boss and him drop it off, so you don't see the test at all?



A: *No, me don't see the result dem; dem drop off a YP office.*

...

[OCG Officer]: *Mr Wright, the Grants Pen Project, would that be the same one as Cruiser Gully, Frederick Avenue?*

A: *Cruiser Gully/Frederick Avenue? Yes, is a package you get, you know. So you get a package but the package have piece at Wiggan Loop, piece on Grants Pen Fording, but is just one package.*

[OCG Officer]: *And Cruiser Gully/Frederick Avenue would be another component, another part of it?*

A: *Yes, another piece of the package, right.*

Q: *Were you also responsible for getting tests done for that aspect of the project?*

A: *For Cruiser Gully?*

Q: *For Frederick Avenue/Cruiser Gully, yes.*

A: *Yes.*

Q: *Can you recall how you went about getting those test reports?*

A: ***Is just the same man do all the tests, you know.***



Q: So in terms of making contact or coming on the site – the various sites, to conduct the tests who would this man speak to, you or any other person?

A: Him would speak to me foreman.

Q: Who is the foreman?

A: The foreman is Dwight.

Q: What is his last name?

A: Dwight Cameron.

Q: Is this person employed to YP Seaton?

A: No, employed to me, assist me.

Q: Do you have a last name for this Conroy gentleman you made reference to?

A: No.

Q: You can provide us with a contact number for Dwight Cameron?

A: No, I would have to get it from him because is not a full time employ thing, you know, is a one off.

...

Q: In the contract that you would have signed with YP Seaton for these works that you perform on the



various parts of the Gully, was it specified that you were responsible for collecting these tests, or having these tests done?

A: (No response)

Q: Is it noted anywhere in the contract that that was a particular term or condition of the contract you are signing with them?

A: I don't understand.

Q: Was it written in the document you signed with YP Seaton that you were to do tests, or collect test samples?

A: No, me would have to look at the document to see.

Q: ... if it is that you were responsible for getting these reports, how is it you were satisfied that YP Seaton actually – the gentleman, Conroy, actually did it and that YP Seaton was presented with it?

A: Because you don't get pay without a certificate go up with the bill; so when you do a section of the work you got to wait a month or six weeks and you have to go Barbados with the test results before you can get paid.

Q: So somebody told you that the test results were submitted?



A: *Yes, man; I know I can't get pay without it submit. So to my knowledge I know it a drop off at YP office, because as long as you get pay – if you do the table, the table naaw go up without them test the spray to say the spray good. So the test have to go up with the – say the table finish. So from you receive pay, that mean the test result go up and everything good, or you caan get pay, just like how the last bill now hold off.*

...

Q: *The purpose of us speaking here today, as we had pointed out to Mr Levy, the test results which have been submitted by YP Seaton to NWA – – sorry, a fraud paper, the report dem cook up.*

A: *That a from Jentech representer?*

Q: *Yes, so the person, Conroy, the paper that Conroy present, dem no real, the signature on them forged.*

A: *But that would be his company, fe him boss and him probably knot; because what I am saying to you, for instance, it go to Barbados and everything alright ...*

...

Q: *What I am trying to even understand, is the first time I am hearing about this Conroy; I don't know what Conroy and that is why ... we were trying to find out what Conroy's last*



name is because it's the first I am hearing about a Conroy and I would like some more details on who this Conroy is.

A: *Well, is a slim bredda, light brown – no really slim, little medium body like...*

Q: *Like you?*

A: *No, man, me thicker than him.*

Q: *You don't have no dealings with him; all you do is call the boss and him and the boss make whatever arrangement, so you don't know...*

A: *No, honestly you know, a me give him the first advance on it, you know.*

Q: **How you paid him, cash?**

A: **Cash.**

Q: **You no get no receipt?**

A: **No, honestly me never take no receipt from him, you know.**

Q: *And the advance, remember how much money you advanced him?*

A: *Him get \$25,000 one time and then I think him get a next \$30,000, because him say him just a go done dah little package yah and collect.*



Q: Now I know you say you don't get any receipt; the second time any receipt passed?

A: No, honestly me never ask for a receipt – straightforward.

Q: For your contract with YP, you do things like what they call statement of account, write down how much money you spend, how much money come in, how much go out. You do dem documentation deh, like you would write to Mr Levy or to YP 'today me pay out \$30,000 to Conroy'?

A: Me have some but me wouldn't have it accurate, me have some, because you know sometimes you deal with a man one off, sometimes you don't bother put fe him name in you book. Maybe you don't even want a man know say you in association with dem man deh. Like most of my straight people dem would be inna my book.

...

A: But Mr General Con ... – er, Mr Harrison, with all fairness: JenTech have a man fraud him company, JenTech no supposed to find that man that fraud him company? Because if me get a certificate from JenTech, marked Jentech, and signed, me no supposed to have nothing to do with that?

CHAIRMAN: Is that everybody saying, but what some other people saying is that they realise that the system takes too long and everybody like the shortcut sometimes, and



sometimes they can't deal with the time JenTech takes; JenTech is going to take three months, the project must be done in three weeks; so a little man come on the site and say him can do a thing and man use him.

A: But how JenTech allow that man to get his letterhead, because the letterhead no forgery, you know.

Q: I think you should be on this side, you know, because that is what I am trying to find out.

A: JenTech no know who forge dem thing; dem no need to a draw up all subcontract and work agent, because a no one set a man, a whole heap a company. A so it go, you know; we know all who come already and who no come yet, you know, because a business. But in a sense we a say, JenTech shoulda even fire the man dem that him have on Board and hold 'pon dem man deh first before him take a statement from the ground. Because me caan walk inna JenTech – if me go a JenTech now to even carry the business straight to the office without even a man come on the site, me would never get to go straight to the boss; the boss must have somebody out there to represent him.

...

Q: The test that we have here – and I am going to show you one of them – it says 'test taken by Craig Campbell reported to Michael Levy; the project, Grants Pen to



MegaMart, damage gully invert restoration works'. You know a Craig Campbell?

A: *Craig Campbell?*

Q: *It says the test was done by Craig Campbell.*

[A]: *Well, as me say, and I going to repeat again: the man who come and me give him dah name deh, me no know who him carry go do it at fe him level. When they do the concrete, and most times or maybe one or two times they can't reach, him say alright, put in the concrete, like you woulda use a one man for the day and set it, set it up in the morning.*

...

Q: *I am going to show you a picture and tell me if it looks like the man who – this fellow Conroy, what type of car you say him drive; describe the car?*

A: *Him drive a little Honda, one a de square back Honda Civic; I think is dark blue.*

Q: *Anybody else ever come do the work for him, or is just him alone?*

A: *Him spar with a next brethren, you know, but me no really know the brethren; me see him with him but me no really did ask no identification.*

Q: *You ever hear about Caval Mantle yet?*



A: *Caval Manley?*

Q: *Mantle – M-a-n-t-l-e.*

A: *No.*

Q: *Used to work at JETS.*

A: *No.*

Q: *You know Dwight McKoy?*

A: *Dwigh McKoy? No, me no know none a dem. By name – maybe if me see the person dem, me can say me see dem already, but by name, me wouldn't know dem.*

Q: *You ever hear about CMT Lab yet? CMT stands for Construction Materials testing Laboratory – CMT.*

A: *One more lab me hear 'bout, one lab down Clarendon named Island Testing.*

Q: *Alright, Mr Wright, thank you very much – okay, somebody's coming with the picture. We just have two more questions when I get the picture; I think we found one. Can you look at this picture, that looks like the man who calls himself Conroy?*

(Photo shown to Mr Wright)



A: *No, man him [face] not so fat; the complexion not far but him face not so fat.*

Q: *That was a year and a half ago, but the face no look like, no favour him?*

A: *No, if a him, him put on whole heap a weight on him face. No man, you see, the brother always come with a brother, you know, but mostly evening time.*

Q: *How the JenTech shirt stay?*

A: *A white shirt marked JenTech on the pocket.*

....

Q: *I will show you another picture, and tell me if that looks like the person. You say the person that was there is a black man?*

A: *No, man, this complexion not far but this face too fat.*

...

Q: *Look at this picture. (Photo shown)*

A: *That more resembles the man but him face fat.*

Q: *That more resemble him?*



A: *No, this a nobody me see. The one you show me first, just the face me have a problem with.*

Q: *That one, that picture was taken October last year, 2013; you see date issued, and the other one I showed you, if its Dwight McKoy, you say you don't know.*

A: *No, me no know him, none at all. Honestly, me almost say a him but the face of this, maybe if me see the body build, is a different look.*

Q: *That picture is the person named Mantle, if you know him.*

A: *But this face no look strange still.*²⁹

The Structural Integrity of the Works Undertaken by Y.P. Seaton & Associates Co. Ltd.

Mr. Michael Levy also provided the OCG with a copy of a Memo which was on the letterhead of the Directorate of Regional Implementation & Special Projects and which was dated November 14, 2013 and sent to Mr. Earl Patterson, former Deputy CEO, NWA, by Mr. Sherwin Dennis, Construction Manager. The Memo bore the subject “**Re: CDB-SG -07- Grants Pen Ford- Mega Mart Grants Pen Road – Cruiser Gully – Church – Washington Wiggan Loop Barbican**”... and detailed the following:

“The Take Over Certificate for the subject project was sent to the Director of Quality Assurance, Mrs. Orlene Nembhard Rowe, for Processing.

Based on the findings documented in the memo received, she indicated that the test results were not authentic. However,

²⁹ Transcript of Hearing held on July 3, 2014, during which Mr. Matthew Wright appeared before the Contractor General. Pages 4- 19.



during our supervision we observed concrete test being carried out on site.

I wish to use this opportunity to emphasize that during our supervision every effort was made to ensure quality checks were done and that the National Works Agency Specification/standard were met.

Despite the non-authentic results, it is my opinion the works carried out appears satisfactory.

In light of the situation it is imperative for us to release the retention and close the project file as the matter of authenticity should be dealt with separately and apart from the project.”³⁰

Attached to the aforementioned Memorandum was a correspondence dated December 9, 2013 which was sent to Mr. Earl Patterson by Mr. Vivian Blair, Manager, MTEU. The correspondence, which informed of the results of a rebound hammer test (Schmidt) were presented and the following findings noted:

**“Grants Pen Road – Cruiser Gully – Church – Washington
Gully (Schmidt Hammer)**

Invert Slab

A total of four (4) Schmidt Hammer readings were obtained from the “Invert” at each test point. A review of the Schmidt Hammer test results indicate that all the concrete cube compressive strength

³⁰ Memo dated November 14, 2013, which was sent to Mr. Earl Patterson by Mr. Sherwin Dennis



values falls above 25 MPa and are satisfactory as they have all met the minimum requirement for a 28 day compressive strength of 25 MPa (3750 psi).

...

Retaining Wall

A total of four (4) Schmidt Hammer readings were obtained from the “Retaining Wall” at each test point. A review of the Schmidt Hammer test results indicate that all the concrete cube compressive strength values falls above 25 MPa and are satisfactory as they have all met the minimum requirement for a 28 day compressive strength of 205 MPa (3750 psi).”

Similar findings were recorded in the aforementioned document for tests which were performed in respect of the invert slab and retaining wall at Wiggan Loop Barbican and Grants Pen Ford – Mega Mart. In this regard, and given the findings, the following recommendations were made:

“All the results for rebound hammer tests (Schmidt) have met the minimum requirement of 25 Mpa at 28 days and are acceptable. Based on the above the materials are in conformance with the NWA specification and are therefore recommended for acceptance. The concrete appears to be in good condition showing no signs of deterioration or disintegration”.³¹(DI Emphasis)

³¹Document which was dated December 9, 2013, addressed to Mr. Earl Patterson from Mr. Vivian Blair and which was attached to Memorandum dated November 14, 2013, which was sent to Mr. Earl Patterson by Mr. Sherwin Dennis.



The OCG was also provided with a copy of the Taking Over Certificate for the “Grants Pen-Cruiser Gully Wigan Loop Caribbean Development Bank- Tropical Storm Nicole Drainage Rehabilitation Works (Sandy Gully) St. Andrew” sub-project. The certificate was presented to Y.P. Seaton and Associates Company and certified that:

“...The works for Drainage Rehabilitation on the Sandy Gully Grants Pen- Cruiser Gully Wiggan Loop as described in the Contract, with the exception of the works as listed on the Schedule of Outstanding Works are complete and are hereby Taken-Over in accordance with the Conditions of Contract as of July 31, 2013. The value of the works hereby taken over is J\$79,217,364.00.”

The Annex to the referenced ‘Taking Over Certificate’ detailed that the following tests on materials and workmanship were undertaken and passed:

<i>Description of Test</i>	<i>Location</i>	<i>Pass</i>	<i>Fail</i>
<i>Concrete test (Compressive strength)</i>	<i>FDN, Slab, Wall</i>	<input checked="" type="checkbox"/>	
<i>Concrete test (Compressive strength)</i>	<i>Invert</i>	<input checked="" type="checkbox"/>	
<i>Granular Backfill</i>		<input checked="" type="checkbox"/>	
<i>Underpinning</i>		<input checked="" type="checkbox"/>	
<i>RR Wall</i>		<input checked="" type="checkbox"/>	



Notwithstanding the declaration that the “...above test results on material and workmanship were reviewed in accordance with the agreed Quality Assurance Plan and found to be acceptable”, a handwritten notation “Unable to verify conformance as results submitted were not authentic” was inscribed on the referenced document. The notation was followed by the signature of the Director of Quality Assurance.

Of note, the declaration that the above tests have been carried out and the results properly recorded and filed was made and the signature of Mr. Sherwin Dennis, Project Engineer affixed. The declaration that the works are accepted in good order except as described in the appended schedule of defects and outstanding work was made with the signatures of the Parish Managers affixed. The declaration that the works are substantially complete and all variation orders have been dealt with in accordance with the contract was also made with the affixed signature of Mr. Varden Downer, Project Manager/Director.



Rogers Land Development

During a Judicial Hearing which was held on April 11, 2014, Mr. Richard Rogers, Managing Director, Rogers Land Development, responded to questions which were asked by the OCG, pursuant to Section 18 of the then Contractor General Act. During the referenced proceedings, Mr. Rogers informed the OCG that Rogers Land Development “...had tendered and won from the ministry or agency” the contract with respect to the “Sandy Gully /Drumblair Damaged Gully Invert Restoration Works”. Mr. Rogers further stated that the company executed works in relation to “package #4” and “package #20” which were in the Barbican/ Halifax area. The following representations were made in respect of the collection of samples for laboratory tests relevant to the Crane Road – Parottee project:

"CHAIRMAN: ... As part of the remit the subcontract of Rogers Land Development, was it the responsibility of Rogers Land development to take samples?"

A: Yes, at times. There were some subcontractors who would do their own, arrange their own testing.

...

CHAIRMAN: This project is Crane Road - Parottee.

A: On that particular one to the best of my recollection we arranged the samples many.

CHAIRMAN: When you say arrange the samples?

A: If I remember, because I try to familiarize myself with it, but I don't think that road had



much in terms of concrete if any, it would have been people going down there to do asphaltic test, I don't think it would have been concrete.”³²

Mr. Rogers, through his Attorney, represented the following information:

“CHAIRMAN: Now before we go any further, have you ever required of JETS Laboratories [Nuclear Compaction] test to be done, in relation to the same Crane Road and Parottee Road- project.

*A: I don't remember **but do not remember ever calling JET for specific tests in relation to that one.***

CHAIRMAN: For the particular project, this is the Crane Road to Parottee, who or what facility, laboratory facility did you use in respect of samples?

A: I think...

*MR DABDOUB: **May I say sir, based on what he tells me perhaps this would assist you in how to ask the question. An agent at JET had approached him because - my instructions are that because NWA who they used to use to do the testing and so on take so long to come it would cost the company money in delay and this person, this agent of JETS offered to get it done quickly and it is***

³² Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 15-16.



through that agent that everybody dealt with, so that nobody had to call JETS directly themselves but that he satisfied himself that it was by looking at one of the results and seeing that Mr Hutchinson who he knows very well and whose signature he knows, because they play golf and so on together and thing, that once Hutchinson's signature was on it which he understood to be the person in charge of the testing at JETS he accepted that it was a genuine thing...

CHAIRMAN: Are you accepting, adopting what Mr Dabdoub has said?

A: Yes, sir.

CHAIRMAN: What is it exactly that you would have seen with Mr Hutchinson's signature that caused you to satisfy yourself?

A: Test reports. The test reports were done. I mean there is nothing to indicate that they would have any issues with the test reports.

CHAIRMAN: Who is this agent of JETS who approached you?

A: The gentleman's name would have been Burton, I think it's Ricardo Burton.

MR DABDOUB: If you are not certain of his first name, just say Mr Burton.

A: Burton, I think.



CHAIRMAN: Can you remember when Mr Burton would have on approach you?

*A: Sir, I can't right.*³³

Having regard to the engagement of “Mr. Burton”, Mr. Rogers during the referenced hearing advised the OCG that “*Mr. Burton basically solicited business on behalf of JETS*”. In this regard, and as it relates to the payments which were made in respect of the test reports the following was stated:

“MR DABDOUB: The engagement of Burton, do you know how it came about?

*A: **Mr Burton basically solicited business on behalf of JETS. He came to our office and solicited business on behalf of JETS.***

CHAIRMAN: Can you say exactly who he spoke to, you somebody else who he spoke to?

A: He spoke to me and he may have spoken to, prior to that he might have spoken to other people, I don't know. As to who those were I don't know. Normally most people don't come directly to me.

CHAIRMAN: ... in respect firstly of the Crane Road - Parottee project, did Mr Burton or someone

³³ Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 16-18.



affiliated with him come and take the samples or the samples were provided by you - when I say you I don't mean you but I mean the company. Did Mr Burton come and take the samples or did Rogers Land Development provide the samples to him?

MR DABDOUB: Based on my instructions I think the questions perhaps should be phrased a different way. I don't want to answer it but I think it ought to be phrased a different way. Perhaps you could ask him if anyone came to take the test because it may not have been Burton himself.

CHAIRMAN: Tell me how the samples got to Burton.

A: Sir, I don't know, I would imagine...

CHAIRMAN: Just stop, you don't know. How was Burton paid?

A: We drew cheques to Mr Burton.

CHAIRMAN: I need to have copies of those cheques in respect of the payments.

MR DABDOUB: His return cheques?

CHAIRMAN: His return cheques, the Crane Road-Parottee project as it relates to Mr Burton.



And let me just pause here. The payment to Mr Burton was in respect of the production of laboratory test reports. When you got the laboratory test reports he was being paid for the production of that, is that correct?

A: Well he would have to give me the test results.

CHAIRMAN: It may seem painstaking; I just have to understand it in that regard.

A: I can't figure out. In normal language most people take things for granted.

MR DABDOUB: You paid when you got the test results. That's what he wants to know.

A: Yes.”³⁴

During the referenced hearing, Mr. Rogers advised the OCG that the payments which were made by his company were not made directly to Mr. Burton, but to a company with the name “Next Generation”. The following verbatim representations were made:

“CHAIRMAN: ...The cheques, were the cheques made to JETS Laboratories or directly to Burton?

A: They were made to a company by the name of Next Generation.

³⁴ Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 19-21.



CHAIRMAN: And who is it that signed these cheques to Next Generation, were you one of the signatories?

A: Yes, sometimes. We have three signatories.

CHAIRMAN: Now, in respect of Burton soliciting work for JETS, can you give a reason as to why cheques were written to Next Generation and not to JETS?

A: I was invoiced by Next Generation.”³⁵

As it regards the association and/or connection between Jets Laboratories Ltd. and Next Generation, the following representations were made by Mr. Rogers and through his Attorney-at-Law, Mr. Abraham Dabdoub:

“CHAIRMAN: Now, what's the basis upon which or is there any basis upon which you made the connection between Mr Burton and JETS? What a made you either assume or accept that he was connected to JETS?

MR DABDOUB: I think he told you that you know, that Mr Hutchinson's signature, he knew it.

CHAIRMAN: But the fact that somebody's signature appears, somebody comes and says I am

³⁵ Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 21-22.



soliciting on behalf of JETS it doesn't mean I am from JETS. I am just asking him what is the connection, if any, that you made between Burton and JETS.

MR DABDOUB: What he was saying is that when he saw the test report and saw Mr Hutchinson signature on it which he knew, he assumed or he just came to that conclusion.

CHAIRMAN: Is that what you are saying that because he carried a certificate?

A: Exactly sir. He gave what he was to do and they were submitted to both China Harbour and NWA. I was supposed to only submit to China Harbour. China Harbour would have had a record of this place so I submitted those test results to China Harbour and to the NWA and there was no issue.”³⁶

The following verbatim disclosures were also made during the referenced hearing, in respect of the purported approach which was made by Mr. Burton to Rogers Land Development:

“CHAIRMAN: Mr Burton, what exactly did he say he would do, and what exactly is it that he solicited, the extent of solicitation?

³⁶ Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 23-24.



A: *To provide testing results in a timely manner. Test results. The test results varied from asphaltic concrete and compaction sim analysis. All the various standard test results used in the construction trade, industry.*

CHAIRMAN: *Based on what was the - let me use the words 'market value' - market is not it. The going rate that you would pay for these reports because he was going to provide in a timely manner, were you going to pay him more for the service?*

A: *More than what?*

CHAIRMAN: *Whatever the going rate was for this particular report, because e [sic] was going to give you quicker, did you agree to pay him more for the service he was going to provide?*

A: *I don't know. I agreed to rates, I can't say that they were more or less because some tests might have been higher, some might be lower. I didn't go through and price every item. It might have been sir, but in all the test results would have – if you take it from me sir I borrowed quite a bit of money. I*



can't have the road waiting there for somebody to come while the thing is being sprayed for two days. So if you ask somebody do come at a particular day and they go, everything works smoothly and the job can be finished quickly and I can reduce my debt and hopefully make some money and that was the overarching thing for seeking quicker test result.

MR DABDOUB: The question he is asking is, would it have been more than you would have paid say like the NWA?

A: I would imagine it would have been a little bit more but it would not have mattered much to us. It wasn't so significant that you are paying twice or whatever it was.

MR DABDOUB: The basic consideration was timeliness.

A: Mr Harrison, was my explanation clear that time was of the essence?

CHAIRMAN: I have noted that you said time was of the essence. I still have some more questions around it but I heard you in that regard, what was being explained to me by Mr Dabdoub, in furtherance I ask the question. The benefit you are trying to obtain is



*obtaining a report quicker than the time
NWA provides it?*

A:

No, sir.

MR DABDOUB: *You understand the question? The benefit that you wished to obtain by going through Mr Burton was that you would get a report faster than if you went through the NWA?*

A: *Respectfully gentlemen, I would like to say, because I think that there is a point of clarification. You say report but the report is done after. What we were hoping is that – somebody has to be there while the work is being done from the testing.*

MR DABDOUB: *Hold on, the response, the benefit then is that using this gentleman, JETS would then respond much faster to come and do the testing than NWA would? It's not the report.*

A: *It's not necessarily the report, it's just the fact that the test was done.”³⁷*

³⁷ Transcript of Hearing held on April 11, 2014, during which Mr. Richard Rogers appeared before the Contractor General. Pages 26-29.



Dwight's Construction Limited

On May 5, 2014, Messers, Dwight Robinson and Benton Woodbine, appeared before then Contractor General, Mr. Dirk Harrison, to respond to questions concerning purported fraudulent Laboratory Reports which were generated for and/or on behalf of Dwight's Construction Limited. Represented, hereunder, is a verbatim account of aspects of the proceedings:

“CHAIRMAN: Did Dwight's Construction Limited do work in respect of the Black River Seawall Rehabilitation Works in the parish of St Elizabeth?”

A: Yes.

CHAIRMAN: And that work, can you recall when that work was done?

A: No. I can give a broad thing, I think it's sometime late last year.

CHAIRMAN: In respect of that Black River Seawall Rehabilitation Works Project you signed a contract in respect to that work that was done?

A: Yes, we did.

CHAIRMAN: Who was that contract signed with?

A: National Works Agency.



...

Chairman: ...Now, the work that you were doing in respect of the contract, can you say whether or not you were doing it as a main contractor or subcontractor?

A: Sub. I was the main contractor.

CHAIRMAN: Were other subcontractors working at the same time?

A: The work was not done by us as a company, we engaged other people to do the work.

CHAIRMAN: So the actual work was not done by you?

A: No.

CHAIRMAN: The engagement of the other persons to do the work was that done by way of a contract or word of mouth?

A: By way of a contract.

CHAIRMAN: Do you have copies of those contracts in your office?

A: Yes.

...

CHAIRMAN: Do you know for instance in respect of the Black River Seawall Rehabilitation Works Project whether sample tests would need to be taken in



respect of the surface that was being worked on?
Can you say?

A: Yes, as a requirement under the contract tests would have to be done during construction...

...

CHAIRMAN: Thank you. Now as it relates to the taking of samples, the collection of samples you leave it with the subcontractor to do that, you have no monitoring, supervisory role in that regard?

A: **The collection of samples would be a part of all the things that the subcontractor would be mandated to do so that would be simply one aspect of his engagement with me. To that extent I would say that it would be a part of his work.**

...

CHAIRMAN: **Okay. Sir, in respect of the -- are you a client of JETS Laboratories?**

A: **No.**

CHAIRMAN: Have you ever done business with JETS Laboratories?

A: I can say. I want to explain.

CHAIRMAN: Please.



A: *I have done business with them but so long ago that if you asked me records I wouldn't be able to find them so in that regard I can say no, I am not a client but if you look back to maybe 15 years ago and up to 20 years ago, there might be evidence of us engaging JETS as a company.*

...

A: *But if you should ask me if I am a client of his, I would up front tell you no, not to up 15, 20 years ago, no. We don't have a relationship with them, we don't work with them.*

CHAIRMAN: *And specifically in relation to the Black River Seawall Rehabilitation Works Project in the parish of St Elizabeth, there was no work that was done between Dwight's Construction Limited and JETS Laboratories?*

A: *I don't think your question is a fair one.*

CHAIRMAN: *Not clear?*

A: *Not clear, yes. Put it how you want to put it because I cannot speak to work that I subcontracted.*

...

CHAIRMAN: *Dwight's Construction Limited did no concrete compression tests on the 8th of July, 2013 on Element Belt #1 as it relates specifically to the*



*Black River Seawall Rehabilitation Works Project
in the parish of St Elizabeth?*

A: *That is correct; **we did no work with JETS.***

CHAIRMAN: *I am just going to go through and list a number. I am just going to ask you to answer accordingly in that regard. Dwight's Construction Limited did no work in respect of the Black River Seawall Rehabilitation Works Project in the parish of St Elizabeth for concrete compression test, Element Belt #1, tested on the 29th of July, 2013.*

A: ***That is correct; we did no work with JETS.***

CHAIRMAN: *In relation to concrete compression test conducted on the 11th July 2013, Dwight's Construction Limited did no test in respect of Element Belt #2.*

A: *(No answer)*

CHAIRMAN: *Would you like me to ask the question again?*

A: *Go ahead please, sir, sorry.*

CHAIRMAN: *Dwight's Construction Limited in respect of concrete compression test Element Belt #2, did no test on the 11th of July, 20123 [sic].*

A: *That is correct.*



CHAIRMAN: *Dwight's Construction Limited, in relation to concrete compression test, Element Belt #2, did no work on the 1st of July, 2013.*

A: *That is correct.*

CHAIRMAN: *When we say work we speak specifically to samples being taken. Just to be clear.*

MR DEWAR: *Is this in relation to JETS?*

CHAIRMAN: *Yes.*

MR DEWAR: *All the dates?*

CHAIRMAN: *All the dates that I have referred to.*

MR DEWAR: *Okay.*

CHAIRMAN: ***In respect of - is it correct that Dwight's Construction Limited did not collect samples in respect of concrete compression test element foundation on the 1st of July, 2013?***

A: ***Yes, sir.***

CHAIRMAN: ***Also, Dwight's Construction Limited in respect of concrete compression test element foundation, did not collect samples on the 26th of July, 2013?***

A: ***Yes, sir.***



CHAIRMAN: Dwight's Construction Limited in respect of the concrete compression test elements foundation, did not collect samples on the 28th of June, 2013?

A: That is correct.

CHAIRMAN: In respect of Dwight's Construction Limited concrete compression test element foundation, no samples were collected on the 19 of July 2013 is that correct?

A: Collected by Dwight's Construction?

CHAIRMAN: By Dwight's, yes.

*A: **No, Dwight's Construction did no work as it relates to this.***

[OCG OFFICER]: Mr Woodbine, is it a fair question or is it a fair statement to say that Dwight's Construction would have, as the main contractor would have overall responsibility for the credibility of the Black River Seawall project?

A: Yes.

...

Q: Were any test reports represented, presented to you by any of the subcontractors that you had engaged in relation to this project?



A: *No ma'am, they were presented straight to the client.*

CHAIRMAN: *Who is that? Who is the client?*

A: *The Government of Jamaica, NWA.*

...

[OCG OFFICER]: *Mr woodbine or Robinson were you informed at any time by any person as regards any discrepancies surrounding test reports that were submitted to NWA in relation to this project? This could have been prior to your receipt of payment or subsequent to?*

A: *Well, after I got that letter from you well I was trying to find out whether or not you made a mistake by sending to me that I engaged JETS since I, as a company we have not worked with JETS so I thought it was as mistake so I have been trying to find out if it was a mistake.*

Q: *So you were never informed by the NWA?*

A: *No, ma'am.*

....

CHAIRMAN: *... Persons who are subcontracted by you, they are supposed to, based on the nature of the project or*



the works collect samples? I think we went there already you would agree with me?

A: *Yes.*

CHAIRMAN: *Not only are they responsible to collect samples, but it is part of the contract and they must do it, but also you will agree with me, it is their responsibility to find whatever laboratory there is to do the testing, that's their responsibility also?*

A: *Sir, it is not their duty to collect samples, it is the duty of the testing house to collect samples.*

CHAIRMAN: *Thank you.*

A: *It is their responsibility to go to get the testing done and they would contract the testing house to pick up samples because you know the testing house is independent so they are supposed to collect the samples. I am speaking in general now. They are supposed to go on site, collect their own sample and not depend on the contractor to give them a sample so what you suggested, was as if, it is like the contractor would pick up a sample and take to the testing house. The testing house need to get out there and pick up the sample.”³⁸*

³⁸ Transcript of hearing which was dated May 5, 2014, involving Mr. Dwight Robinson and Benton Woodbine of Dwight’s Construction Limited. Pgs 8-13, 19-24 and 32-33.



In respect of the client name which the Laboratory Reports would reflect the following was stated:

“CHAIRMAN: In respect of the contract that you would have, is there any requirement in respect of in whose name the test result would come back in? Is that part of any contract?”

MR WOODBINE: No, but I would reasonably expect that if they are doing that and it is be submitted to the Works Agency, it would be done on our behalf, us being the main contractor.

CHAIRMAN: Our behalf?

A: On Dwight's Construction's behalf, but it would be ultimately so I would not be surprised if they used our name or their name, that is customary, but the contract would not have spoken to that.

CHAIRMAN: Mr Woodbine, do you think that's a serious [thought]? How could they use your name like that?

A: Well, I would I understand in general where your concerns would be coming from but I don't know if it is as serious as you are making it out to be. What I am saying is that I did not engage anybody so if they use



it they would be using it on my behalf, performing on my behalf. There are instances that we would have Works Agency too, not maybe in that regard, in a different way if we are getting something done on behalf of the NWA so I don't know, I wouldn't want to get into that.

CHAIRMAN: Would you like to get into it and think if there is fraud involved in respect of laboratory results, would you have a different view if Dwight's Construction's name is being used as the person for whom tests are being conducted and fraudulent test results are being generated, would your view change?

A: Yes.

CHAIRMAN: So it is a serious matter then. The question to go back to then, is it that you expect in certain circumstances because you are the main contractor that they will use your name when they are trying to access laboratory services for the testing of soils and materials?



A: *I am not sure if it would have been an instruction by the Works Agency for the test result to come bearing our name.”³⁹*

In respect of the status of the project and the receipt of payments, the following was stated:

“[OCG OFFICER]: *Mr Woodbine, is this project now complete?*

A: *Yes.*

Q: *And all payments have been made?*

A: *Except retention I think, I am not quite sure.*

CHAIRMAN: *I am going to ask you to provide that, put that on your list of things to provide for us, that fact.*

A: *Yes, yes.*

MR DEWAR: *Which one exactly?*

CHAIRMAN: *Everything that was just said.*

A: *Regarding payment from NWA and what might be left outstanding.*

[OCG OFFICER]: *Have you obtained practical completion certificate?*

A: *Yes.*

Q: *Practical completion certification has to be achieved?*

A: *Yes, it has.*

Q: *And that was verified by an NWA rep?*

A: *Can't recall.”⁴⁰*

³⁹ Transcript of hearing which was dated May 5, 2014, involving Mr. Dwight Robinson and Denton Woodbine of Dwight's Construction Limited. Pgs. 34-36

⁴⁰ Transcript of hearing which was dated May 5, 2014, involving Mr. Dwight Robinson and Denton Woodbine of Dwight's Construction Limited. Pgs. 31-32.



Mr. Everton Dewar, Attorney at Law on record at the principal time, for Dwight’s Construction Limited, provided the OCG under cover of letter dated May 8, 2014, with documentation in relation to the subject matter. The documents included a letter dated May 6, 2014 from Mr. George Knight, CEO, Cenitech Engineering Solutions Ltd. addressed to Mr. Dwight Woodbine, Dwight’s Construction Limited, advising of, *inter alia*, as follows:

“JETS Laboratories Ltd. was engaged by Mr. Desmond Robe, Cenitech’s Director of Construction Services, in June 2013 to carry out testing of materials on site through their representative, Mr. Kaval Mantle who to the best of our knowledge and understanding was responsible for the company’s lab operations;

...

Representatives from JETS routinely came on site during the months of June and July to carry out testing and collect samples as required;

...

Test results were submitted bearing the name of the client and main contractor, Dwight’s Construction...

...

These said results which were stamped and signed and presented under cover of letter duly signed by the Director and Laboratory Administrator, therefore Cenitech had no reason to doubt their authenticity;

...

Cenitech made several request for invoices from Mr. Mantle of JETS for the testing done and to date these are not forthcoming. Consistent with Cenitech’s company policy, the decision was



made that no payment would be made in absence of an invoice.
Based on this, we have made no payments to JETS to date. As soon as an official invoice is sent to us by JETS, the payments will be made accordingly.”

The OCG was also provided with a letter which was drafted on the letterhead of Jets Laboratories Limited and dated July 2, 2013, bearing the purported signatures of Kayanna Bromfield and Gordon Hutchinson of Jets Laboratories Ltd. and addressed to Dwight’s Construction Limited. The letter recorded as follows:

“Please find attached our Laboratory Report D/548/00780 of results obtained from Miscellaneous Material Tests carried out on crushed limestone sample submitted to us from the captioned site on June 26, 2013.”

A copy of the Concrete Test Reports concerning the Black River Sea Wall were submitted under cover of the referenced letter. The test reports all bore the Quality Assurance Office stamp of Jets Laboratories Ltd. and were all purportedly certified.

The OCG was also furnished with a copy of a letter which was drafted on the letterhead of Jets Laboratories Limited and dated July 11, 2013, bearing the purported signatures of Kayanna Bromfield and Gordon Hutchinson of Jets Laboratories Ltd. and addressed to Dwight’s Construction Limited. The letter recorded as follows:

“Please find attached our Laboratory Report D/548/00786, D/548/00787 D/548/00788 of results obtained from In Situ Density Tests carried out at the captioned site on July 8, 9 & 10, 2013.”



A copy of the Nuclear Compaction Test Reports concerning the Black River Sea Wall were submitted under cover of the referenced letter. The test reports all bore the Quality Assurance Office stamp of Jets Laboratories Ltd. and were all purportedly certified.

Ms. Bromfield, during an appearance before the then Contractor General, Mr. Dirk Harrison was asked specific questions concerning the subject test reports. The following discourse ensued:

“CHAIRMAN: Now, interestingly Mr Dwight Woodbine of Dwight's Construction appeared before us in a similar hearing as this and Mr Woodbine has supplied us with documentation on the letterhead of CENITECH Engineering Solutions which states that:-

JETS Laboratories Ltd., was engaged by Mr Desmond Robe, CENITECH's Director of Construction Services in June, 2013 to carry out testing of material on site, through their representative Mr Cavol Mantle who to the best of our knowledge and understanding was responsible for the company's lab operations. Representatives from JETS routinely came on site during the months of June and July to carry out testing and collect samples as required.



Test results were submitted bearing the name of the client and main contractor, Dwight's Construction. Copies of same are attached hereto for your perusal."

I am just going to, for your attention, show you what has been supplied to us also what appears to be copies of report certificates. I ask you to have a look at them.

(Document shown to witness)

A: I am not sure if the OCG is aware that Mr Mantle previously occupied my position.

CHAIRMAN: Yes, we are aware.

...

CHAIRMAN: In terms of the JETS Laboratories' report certificates that are attached to that document, can you comment on them?

A: They aren't authenticated from them.

CHAIRMAN: They are not?

A: Are not.

CHAIRMAN: What we have that had been supplied to us under the cover letter of Attorney-at-Law Mr Everton Dewar and Company, Attorney-at-Law, it is on



behalf of - well it's **Re: Dwight's Construction**. What we have are 17 pages purported to be on the JETS Laboratory Limited letterhead. I am just going to ask you to look at each page individually and each page, not the cover letter, has a stamp on it which has **approved**, a name and a date. I am just going to ask you to look at that for me because it says JETS Laboratories Ltd., Quality Assurance Officer. It also has on each document '**certified by**' and each page has certified by what appears to be the name Bromfield. It has the person who purportedly tested. I am just going to ask you to look at each and every page; for the purposes of the exercise we are just going to go through.

On Page one?

A: *Okay, when this matter, the whole issue of fraudulent reports, the issue was brought to our attention, certain clients were identified; Dwight's is one of them. Based on that, we searched through our existing files just to make sure that if additional reports are brought to our attention we can readily identify authentic or not. So just looking at it I know that we haven't done anything for them. If I was a layman looking at this report though, I would have no reason to doubt its authenticity.*



CHAIRMAN: *But you are not.*

A: *But I am not. So looking at this if this was submitted, the first thing I do is review the date the specimens are received. We have logbooks in our office. Every time a stamp is delivered the client has to indicate the information for the project; the company name, the date, place for the concrete, all of that, and that is recorded. So I would check the books first. If it's not recorded there then we have a problem. It could be a typo error so I ignore that, if I didn't find it I move on to the next step. The next step would be to check the test book, the date it says it's tested, which is the 28th of June. It ought to be in that book. All specimens tested are recorded in the test book. If it's not there then it was not tested by us.*

The signature looks to be mine, it is not. It might be, I might have signed it, I really don't know, it looks like mine but I never signed it. I never signed this report. The other thing that stands out is the cubic yard represented, this information here. Clients never supply this to us so on all our reports this is blank.

CHAIRMAN: *That's a red flag?*



A: *That's a red flag for me just looking at it based on what I know is incorporated.*⁴¹ (DI Emphasis)

⁴¹ Transcript of Hearing involving Ms. Kayanna Bromfield dated June 24, 2014. Pgs 26-30.



Determining the Authenticity of Jets Laboratories Ltd. Reports

The Director of Investigation reiterates that Ms. Kayanna Bromfield and Mr. Gordon Hutchinson categorically stated that the subject Laboratory Reports were not generated by Jets Laboratories Ltd. and that they were fraudulent. A detailed analysis was also provided underscoring the basis upon which the reports were determined to be fraudulent, full details of which were presented earlier in this Investigation Report.

Having regard to the foregoing, specific questions, concerning the standard and/or measure that could be utilised to determine the authenticity of laboratory reports generated by Jets Laboratories Ltd., were posed by then Contractor General, Mr. Dirk Harrison, on June 24, 2014, to Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd., to which responses were provided. The transcript of the proceedings indicates as follows:

“CHAIRMAN: And that report/certificate, what is it that makes it authentic? What is it that when you see it you will know it is one that has been generated authenticated by JETS Laboratory?”

A: Looking at it, it has to be signed by the recognized signatories. It is supposed to have a report number, depending on the type of report, the report number which has the client's name, the client initials, the client's number, report number, our embossed seal.

...

A: Before we recognized that there were some issues we had a stamp as opposed to an embossed seal,



quality assurance red stamp. The Quality Officer normally signs inside of the stamp and dates it. So the date of whenever he stamps it. The report number, that is both before and after we discovered the discrepancies. The signatories remained the same both before and after.

Our cover letter - these things that I mentioned are all things however, except for the embossed seal, are revealed to have been generated fraudulently. So to tell you - you looking at it, looking at a report from us, to tell you prior to when we implemented the embossed seal, would be difficult for you as a layman to distinguish.

CHAIRMAN: Okay. Now, in terms also of the, I would say, the letterhead that is utilized, that has a cylindrical type shape and it has words JETS Laboratories Limited, this letterhead, this is what has been used since you have been at the laboratory?

A: Yes.

CHAIRMAN: And in terms of letterhead, a cover letter, is one always presented with results or certificates that are being provided to clients?

A: All except for your concrete report.



CHAIRMAN: And this is mandatory or is it just automatic? It is the same thing, but it is that once a report is being given to a client a cover letter must be attached?

A: Yes, it is mandatory.

...

CHAIRMAN: What about the document that purportedly has your signature as also Mr Hutchinson's which was provided to us by Mrs Faye Chin, what about the actual letterhead, not for the signatures?

A: If this is an original, it is an original copy. Our JETS logo, you wouldn't have -- it's very pale on this letter. Unless something is significantly wrong with the printer we try to get a better copy. It is very pale on this letter. Also 14A Hope Road, the 'A', if you compare 'A' on the authentic cover letter the font is different.

CHAIRMAN: The 'A' on the one provided by Faye Chin, what about that 'A'?

A: It is solid. I don't know what the font is but...

CHAIRMAN: And you agree what I would call, not an endnote.

A: The footnote, yes.

CHAIRMAN: That's different?



A: Yes.

CHAIRMAN: Just specifically we just mentioned that the footnote is different, I realise in respect of the document which had been sent directly to me under your signature and by Mrs. Raggie signing for Mr Hutchinson, the endnote lists laboratory testing, field testing, quality control soils, concrete, asphalt ultra-sonics, geophysical explorations, they are all in one line.

A: Right.

CHAIRMAN: That is standard?

A: Yes, that is standard, yes.

CHAIRMAN: Whereas for the document supplied by Mrs. Faye Chin some of the things, well, ultra-sonics, geophysical exploration, they are in a different line?

A: Correct.”⁴²

In respect of the utilization and storage of instruments of certification, the following was stated:

“CHAIRMAN: Tell us a little about the -- well, let us use September 2013 as the period of interest. I think about that time you may have had the communication between yourself and NWA as it

⁴² Transcript of hearing involving Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd. dated June 24, 2014. Pgs. 6- 24.



relates to certain discrepancies when some reconciliation exercises were being conducted by the NWA for the purposes of settlement of payments. Prior to September 2013, what did you use, a seal or a stamp?

A: A stamp.

CHAIRMAN: And prior to 2013 how many stamps did you have?

A: One.

CHAIRMAN: Where was that stamp kept?

A: That was kept with the Quality Officer.

CHAIRMAN: How many Quality Officer you have?

A: One.

CHAIRMAN: The Quality Officer prior to September, 2013 was supervised by whom?

A: Myself.

CHAIRMAN: That Quality Officer, tell us about what you had in place if anything as it relates to custody and control of that stamp?

A: He keeps it at his desk.

CHAIRMAN: On the desk, in the desk, locked away, that's what I mean.

A: I think he kept it in the drawer at the end of the day but throughout the day he would have it on hand to verify reports as they pass to his desk.

CHAIRMAN: And could someone have accessed that stamp throughout the day other than the Quality Officer?



A: *Throughout the day it would be difficult because my office, we share an office so if somebody comes in to stamp a report it would look suspicious.*

CHAIRMAN: *So is there nothing in place or is it that if they tried you may see? That's what I am trying to get at. Is there something in place to ensure that?*

A: *Nothing tangible. For example now we have it locked away in a cabinet but prior to September, no we never had it locked away anywhere.*

CHAIRMAN: *After September when it was - well, you still have the stamp after September or it just a seal?*

A: *No, seal.*

CHAIRMAN: *The seal is locked away since September?*

A: *Yes.*

CHAIRMAN: *And the cabinet is located where?*

A: *In my office.*

CHAIRMAN: *Who has access to that cabinet?*

A: *Both myself and the Quality Officer.*

CHAIRMAN: *One key or two keys?*

A: *One.*

CHAIRMAN: *Who keeps the key?*

A: *Me.*

CHAIRMAN: *At all times?*

A: *At all times.*"⁴³

Ms. Bromfield also provided responses to questions in respect of the filing system which is utilized by Jets Laboratories Ltd. for the storage of Laboratory Reports as follows:

⁴³ Transcript of Hearing held on June 24, 2014, involving Ms. Kayanna Bromfield. Pgs. 11-14.



“CHAIRMAN: The reports that are in office which are generated for clients for tests other than concrete testing, you retain a copy of each certificate and report?”

A: Yes we do.

CHAIRMAN: Where are those kept?

A: In filing cabinets.

CHAIRMAN: Where are those feeling [sic] cabinets?

A: In our office.

CHAIRMAN: And who has assess [sic] to those?

A: It is not in my office, it's in the lab office. It is not locked away. Well now it is, since September.

CHAIRMAN: Just since September, 2013?

A: Yes.

CHAIRMAN: So prior to that persons who had access to that office may have had access to the files?

A: Yes, but we only sign originals, the copies that we keep are initialled.

CHAIRMAN: So the copies you have just have dotted lines where the name appears, they have no signatures?

A: They are not fully written out. For example that has my full signature, the original



*report would have my full signature while
the copy would have my initials.”⁴⁴*

Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. corroborated the statements made by Ms. Kayanna Bromfield, in a statement which was provided to the OCG and dated January 15, 2014. The following statements which were made by Mr. Gordon Hutchinson are of significance:

1. That the Laboratory Reports which were submitted by Rogers Land Development, Chin’s Equipment Rentals and Construction Ltd. and YP Seaton and Associates, as referenced herein are fraudulent.
2. That the Laboratory Reports concerning Rogers Land Development are fraudulent based upon (a) “...*the distortion of the Jets Laboratories Letter head*” (b) Jets Laboratories Ltd. has “...*no client by the name Rogers Land Development*” (c) “...*the Report Numbers used on the Reports are not contained in our Database*” (d) “ *whereas my signature appears on the Reports, I did not sign the Reports*” and (e) “*the reports are photocopies and not original and so it is possible that my signature could be placed there without my knowledge*”.
3. That the Laboratory Reports concerning Y.P. Seaton and Associates are fraudulent based upon (a) “...*the distortion of the Jets Laboratories Letter head*” and (b) Y.P. Seaton and Associates is a client of Jets Laboratories Ltd., however, “...*no samples for concrete compressive strength test were received in our laboratories from Y.P. Seaton and Associates*”.

⁴⁴ Transcript of hearing involving Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd. Pgs. 22-23



4. That the Laboratory Reports concerning Chin's Equipment Rentals and Construction are fraudulent based upon (a) "...the distortion of the Jets Laboratories Letter head" (b) Jets Laboratories Ltd. has "...no client by the name Chin's Equipment Rentals and Construction" (c) "...the Report Numbers used on the Reports are not contained in our Database" (d) "whereas my signature appears on the Reports, I did not sign the Reports" and (e) "the reports are photocopies and not original and so it is possible that my signature could be placed there without my knowledge".

Representations Made by the Technicians Employed to Jets Laboratories Ltd.

Having regard to the statements made concerning the subject Laboratory Reports that the respective tests were conducted by certain named Technicians and given the fact that all such reports bore the stamp and signature of the Quality Assurance Officer, statements were obtained by the OCG from all such personnel.

Mr. Kirk Betton, Senior Lab Technician, Jets Laboratories Ltd. who had been named as the technician who conducted the Aggregate Spread Rate tests for the Crane Road to Parottee, St. Elizabeth JDIP project purportedly for Rogers Land Development made the following statements:

1. "I have never undertaken any works for the company Rogers Land Development."
2. "I know of the company Rogers Land Development. I know of the company because I know someone that works there. **The person I know at Rogers Land Development is Ricardo Burton.**"
3. "I was asked by the OCG representative to review an Aggregate Spread Rate Report which was dated June 14, 2012 and that was prepared for Rogers Land Development. **I**



do not recognize the report, it is the first time that I am seeing this report. I recognize that my name is recorded on the report as the Technician, I do not know how my name got printed on the report.”

4. *“I do not know Mr. Richard Rogers of Rogers Land Development.”*
5. *“I do not recall being involved in conducting any Laboratory tests for any JDIP Projects which were undertaken in St. Elizabeth.”*

Mr. Craig Campbell, Lab/ Field Technician, Jets Laboratories Ltd. who had been named as the technician who conducted (a) the Nuclear Compaction tests for the Sandy Gully (Drumblair) Gully Invert Restoration works, purportedly for Rogers Land Development (b) the Nuclear Compaction tests for the Wiggan Loop Gully Invert Restoration Works purportedly for YP Seaton and Associates (c) the Nuclear Compaction tests for the Cruiser Gully Restoration Works, purportedly for YP Seaton and Associates and (d) the Nuclear Compaction tests for the JSIF Road Rehabilitation, purportedly for Chin’s Equipment Rentals and Construction Ltd. made the following statements:

1. *“I have been employed at Jets Laboratories Ltd. for approximately 13 years.”*
2. *“As the Lab/ Field Technician, I am responsible for soil, asphalt and concrete testing. In terms of field tests, I am responsible for soil sampling, compaction tests, and sampling of concrete and asphalt.”*
3. **“I was asked by the OCG representatives to review Nuclear Compaction Test Reports for the company Rogers Land Development, as it relates to the Sandy Gully (Drumblair) Gully Invert Restoration Works... I noted that my name was stated on the Reports as having conducted the test, but I have never seen any of these reports before. I did not conduct any of these tests.”**



4. *“I have not conducted any tests for Rogers Land Development as it regards the Sandy Gully (Drumblair) Gully Invert Restoration Works. I have undertaken works for this project for the company Kier Construction.”*
5. *“I know of the company Rogers Land Development. I don’t exactly recall how I became aware of the company ...I have never conducted any work for Rogers Land Development.”*
6. *“I was asked by the OCG representatives to review Nuclear Compaction Test Reports for the company YP Seaton and Associates, and for the Project Wiggan Loop Gully Invert Restoration Works ... **I noted that my name was stated on the Reports as having conducted the test, but I have never seen these reports before. I did not conduct any of these tests. I do not know where Wiggan Loop Gully is located.**”*
7. *“I was asked by the OCG representatives to review Nuclear Compaction Test Reports for the company YP Seaton and Associates, as it relates to the Cruiser Gully- Restoration Works ... I noted that my name was stated on the Reports as having taken the test, but I have never seen any of these reports before. I did not conduct any of these tests. I also do not know where Cruiser Gully is located. I do not recall seeing any samples for YP Seaton and Associates in relation to this project.”*
8. *“I know of YP Seaton and Associates. I know the company because Jets Laboratories conduct work for them from time to time.”*
9. *“I note that Nuclear Compaction Tests are field tests and so the Technicians would have to be in the field to have conducted this type of test.”*
10. ***“I was asked by the OCG representatives to review Nuclear Compaction Test Reports for the company Chin’s Equipment Rental and Construction Limited, as it relates to the JSIF Road Rehabilitation ... I noted that my name was stated on the Report as***



having conducted the test, but I have never seen this report before. I did not conduct the test. I do not know the company Chin's Equipment Rental and Construction Limited.

Mr. Neil Thompson, Lab Technician, Jets Laboratories Ltd. who had been named as the technician who conducted (a) the Concrete Compressive Strength tests for the Sandy Gully (Drumblair) Gully Invert Restoration works, (b) Crane Road to Parottee, purportedly for Rogers Land Development and (c) the Concrete Compressive Strength tests for the Cruiser Gully Restoration Works purportedly for YP Seaton and Associates made the following statements:

1. *"As Lab Technician I am assigned responsibilities and roles relating to crushing all concrete samples submitted in order to test the strength of the concrete and prepare reports. I also do field work however this is not often and I haven't been on site since about April 5, 2013."*
2. *"The sample for testing is received from the Client. It would have been logged in the Receiving Log Book. I would receive samples and record in this book ... there is also a Crush Book where the data of all specimens received are logged."*
3. *The machine which I use to do the test is the Compressive Test Machine. **I do not use the Troxler machine which is a Density Machine.***
4. *I have reviewed the Reports ...which relates to Rogers Land Development, JDIP St. Elizabeth Crane River to Parottee, the date placed is indicated as January 24, 2011. The Test Reports are indicated as being prepared by a N. Thompson. **I did not prepare this Report. I do not remember this project.***

*I have checked the name Rogers Land Development to see if any Reports were prepared for that company. **I retrieved one (1) Report from the System for Concrete Strength***



Test in Cherry Gardens, Date Placed being September 26, 2011, and which was prepared by me.

The Test was assigned to me by Ms. Bloomfield.

5. *Rogers Land Development, Sandy Gully Projects Concrete Compressive Strength Report, Date Placed April 9, 2013, Date specimen received April 11, 2013 and date reported May 7, 2013. The Report indicated that it was tested by a N. Thompson.*

I did not conduct any test for Rogers Land Development in 2013.

I note however that the Report from the Exhibit did not include some of the information which is on the Reports which I have done in April 2013, in particular narrative which were added to the reports in April 2013. That narrative says “JETS LABORATORIES LIMITED is responsible only for the accuracy of the Laboratory Data, with the exception of test specimens made for Clients by JETS LABORATORIES LIMITED. Compressive Strength and Unit Weight tests presented in this report were carried out in accordance with the following standard specifications: Cylinder Specimens: ASTM C39/ Cube Specimens: BS 1881- 116/BS EN 12390-3:2002”

Also when I am completing Reports I include a space between the samples Test.

6. *“As it relates to ...Reports ... identified as Concrete Test Specimen Reports for YP Seaton, Cruiser Gully. For the first, report the bottom was cut off and as such it would not leave the Office that way. I have done work for the Client, YP Seaton, however I am not familiar with this project. The Reports indicates that the Test were done by a N. Thompson. I did not conduct the Tests ...*



Also from my knowledge YP Seaton carries cubes for tests; the Reports indicates that cylinders were taken.”

It is to be noted that the OCG’s attempt to retrieve a Statement from Mr. Clinton Murray was impacted by the fact that Mr. Murray is a contracted Field Officer located in Montego Bay and was not on location during the Commission’s visits to Jets Laboratories. Ltd.

The OCG made subsequent contact with Mr. Clinton Murray on March 21, 2014, with a view to ascertain information relating to the Laboratory Reports on which he was named as the Technician. The OCG was advised by Mr. Murray that he “...*does not know anything about this matter and that the only person he deals with in Kingston is Kayanna...[and that] he believes it is a waste of time as he would be unable to contribute anything*”.

As indicated previously, all the subject reports bore the stamp of the Quality Assurance Office signifying that the said office and officer had approved the Reports. The following statements were made by the Quality Assurance Officer, Mr. Roger Haisley, on January 15, 2014:

1. *“I am a Technical Assistant within the Jentech Group. I have been employed to Jentech Group ...since May 2011...”*
2. *“As Technical Assistant within the Jentech Group, I function as a Quality Assurance Officer for Jets Laboratories Limited. As Quality Assurance Officer, I am assigned responsibilities and roles relating to testing of concrete strength and ensuring that the data is correct and testing of soil and making sure that the data is correct. A sample chain of custody for samples transferred from Geotech to Jets Laboratories is also signed by me. Most tests performed by other lab technicians are reviewed by me.”*
3. *“Previously there was a Quality Assurance Stamp that I would sign. Since the discovery of the fraudulent reports, there is now an Embossed Seal which is not signed.”*



4. *“The Quality Assurance Stamp was previously kept in my desk in my Office. My office is shared with Ms. Bromfield. Other persons have access to my Office. Generally I was the only person who used the Quality Assurance Stamp; if I am not around, possibly Ms. Bromfield or other Director may have used the Quality Assurance Stamp.”*
5. *“I do not have a rubber stamp of my signature”*
6. *“No one is authorised to sign on my behalf”.*
7. *“As it relates to the ...Aggregate Spread Rate tests for Rogers Land Development Limited, Report # R/653/00218, the date signed to the Quality Assurance Stamp is June 14, 2012, when I would have been employed to Jets Laboratories Limited. **In terms of the signature affixed, same looks like my signature however, I do not remember signing the document...***

As it relates to the Nuclear Compaction Test report #R/653/00009, the date signed to the Quality Assurance Stamp is January 17, 2011, which was prior to my employment at Jets Laboratories. While it appears to be my signature, I could not have signed this Report.

As it relates to the Nuclear Compaction Test Report # R/653/00021, the date of the the Quality Assurance Stamp is January 27, 2011, which was before I commenced work at the organization. This report appears to be my signature, however I could not have signed this Report.

As it relates to the Concrete Strength Test Report for Rogers Land Development, with the test reported as done on February 21 2011. I was not employed at Jentech at the time. The Report appears to be my signature, however I could not have signed this Report.”



8. *“As it relates to ...concrete compressive strength and Nuclear Compaction / In situ Density test Reports for Rogers Land- Sandy Gully project – **I was asked whether I am able to say definitively whether I signed these reports which appear to bear my signature. I responded in the negative however I do not remember signing anything for Rogers Land Development particularly for 2013.**”*
9. *“As it relates to the Reports contained in Exhibit F, which appear to bear my signature, I am unable to state definitively whether I signed these reports however I do not remember Reports for Cruiser Gully and I do not remember signing any report for Rogers Land Development in 2013. Also as it relates to the Cruiser Gully projects and given the number of reports which it appears were generated, I would remember the name Cruiser Gully.”*
10. *“As it relates to the Reports contained in Exhibit G, which appear to bear my signature, I do not remember Wiggan Loop and the Cruiser Gully projects.”*
11. *“As it relates to... Exhibit H which are Nuclear Compaction Test for YP Seaton, I was asked whether I am able to say definitively whether I signed these reports which appear to bear my signature. I responded in the negative I cannot say definitely whether I signed it.”*
12. *“As it relates to Exhibit I which appear to bear my signature, for Chin’s Equipment and Rental, I do not remember the company name for such a report, although JSIF road repairs is familiar.”*
13. *“I should not have signed a Report which does not exist on the system. It is possible that I could have been presented with a Report which was not logged in the system which I could have signed unknowingly. The Reports which I sign off on are handed to Ms. Bromfield, where they are further verified.”*



14. *“I have checked the Jentech Group of Companies Attendance Registers for 2012 and 2013 and having compared the dates signed to the Quality Assurance Stamp from the Exhibits, have verified that there were no days when I was absent when the reports were signed. As such I would have been in Office on the days purported to having being signed.”*

15. *“I have not knowingly signed any document which was not officially generated by the Jets Laboratories Limited.”*



Remedial Actions Taken by Jets Laboratories Ltd.

The OCG was advised of certain remedial actions which were taken by Jets Laboratories Ltd. in lieu of the allegations concerning the generation of fraudulent Laboratory Reports by way of statements which were retrieved from Mr. Gordon Hutchinson, Director, Jets Laboratories Ltd. and Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd. The following actions were stated to have been undertaken:

1. A report was made to the Jamaica Constabulary Force (Fraud Squad) on September 20, 2013. A copy of the Jamaica Constabulary Force Customer Reference Form (CR.10) was submitted to corroborate same.
2. A meeting was held with representatives of the National Works Agency (NWA) and Jets Laboratories Ltd. in December 2013.
3. The utilization of an embossed Seal on all Reports “...to indicate that only original copies, with the embossed seal and the appropriate signatures are to be considered authentic”.
4. A meeting was held at Jets laboratories Ltd. involving Mr. Cavol Mantle, Ms. Kayanna Bromfield, Ms. Kamla Kay-Raggie, Dr. Vincent Lawrence, and Mr. Gordon Hutchinson which resulted in, *inter alia*, the termination of the employment contract of Mr. Cavol Mantle.



The Persons Responsible for the Production, Utterance and Circulation of the Fictitious Laboratory Test Reports

Having regard to the statements which were made by Mrs. Fay Chin, Director, Chin's Equipment Rental and Construction Ltd., and Mr. Richard Rogers, Managing Director, Rogers Land Development, in respect of the intervention of certain named persons in the production of laboratory test reports, the OCG, pursuant to Section 28 of the then Contractor General Act summoned Messrs. Cavol Mantle, Dwight McKoy and Ricardo Burton.

Mr. Ricardo Burton, proprietor of Next Generation Consultants and Associates, appeared before the Contractor General on July 7, 2014, and advised that he along with one Orville Gayle were the principals of the mentioned entity. He further stated that the entity was dissolved during the period August and September 2013.⁴⁵

The OCG's review of documentation which was obtained from the Companies Office of Jamaica confirmed that the referenced entity was a registered business, bearing the name Next Generation Consultants and Associates, which commenced on July 27, 2011, and had as its proprietors, "Ricardo Robert Burton" and "Orville Anthony Gayle". The documentation also specified the nature of the service performed by the business as follow:

"...general construction, project management, equipment rental and haulage services"

⁴⁵ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 4-5.



The Certificate of Registration obtained from the Companies Office of Jamaica also indicated that the business “Construction Materials Testing Laboratories C.M.T. LABS” was a registered business as at July 7, 2009 and had as its proprietors Natalie Jan- Marie Rowe, Dwight Orlando McKoy and Cavol Harlan Mantle. The nature of the business conducted was stated as “*testing, consultation and research services*”.

Representations of Mr. Ricardo Burton- Next Generation Consultants and Associates

In relation to the representations which were made by Mr. Richard Rogers of Rogers Land Development, in respect of the services provided by Mr. Burton, the following discourse ensued:

“CHAIRMAN: Now in relation to the business operations of this Company, did you provide consultancy services to Mr. Rogers of Rogers Land Development?”

A: **Yes, I did.**

CHAIRMAN: *And specifically did you provide these services as they relate to some JDIP projects in St. Elizabeth, specifically Crane Road/Parrotee.*

A: *I did a number of things for Mr. Rogers. I am not remembering exactly the Crane Road/Parrotee Project.*

CHAIRMAN: *But importantly as Mr. Dewar wants, I don't want you to guess here. If you don't remember, just indicate you don't remember.*

A: *I am not sure.*



CHAIRMAN: *Okay...can you recall doing work for Rogers Land Development Limited as it relates to the Sandy Gully/Drumblair Damaged Gully Invert Restoration Works?*

A: *Yes, sir.*

CHAIRMAN: *Now in terms of the business operations of Next Generation Consultants and Associates, can you tell us how the relationship between yourselves and Rogers Land Development started?*

A: *Well, I was hired to implement a concrete plant for Mr. Rogers at his Molynes Road offices. Upon working he had other things to do in terms of JDIP works and other works and I myself would have had some experience in soils and materials prior to*

.....

CHAIRMAN: *...Mr. Rogers said that you approached him and asked to provide services. Let us do it that way. Since your Lawyer wants us to do it the other way, let us stop playing around. Mr. Rogers says you approached him to provide these services. Is that correct?*

A: *Not to provide these services. **I was doing other works for him when he was having a difficulty with these services and he recommended***

CHAIRMAN: *What are the services that you provided for him?*

A: *I was doing some*



CHAIRMAN: *Sorry. What are the things that he had a problem with?*

A: *Like I said I was doing work....*

CHAIRMAN: *What is it that he had a problem with?...*

A: ***He had a problem with getting testing done on time.***

CHAIRMAN: *On time. And you were going to provide what to him?*

A: ***I provide a recommendation to him of somebody else who could have done the test.***

CHAIRMAN: ***And who is it that you provided to him?***

A: ***I provide him with the JETS Laboratory information.***

CHAIRMAN: *Now information is what? What is it that you provided to him?*

A: *Well, I told him that there was - he had used different labs at the time, National Works Agency did better-*

...

CHAIRMAN: *I would like to know what is the information you gave him about JETS. That is what I want to know.*

...

A: ***As far as I can recall I gave him the location of the place, what kind of service they do and I give him the recommendation to use them.***

CHAIRMAN: *And then you charge him for that recommendation, just for telling him where? He could look in the*



Directory. You gave him the address and then you charge him for that?

A: As a matter of fact, I didn't.

CHAIRMAN: Pardon me?

*A: **As a matter of fact, I didn't. He gave me a cheque for JETS from Rogers Land Development which I paid to JETS.***

CHAIRMAN: Okay. He had been going to a number of other laboratories, sir?

A: Yes.

CHAIRMAN: And what you were now doing you were providing him now with an alternative, meaning JETS Laboratory that he could go to.

A: He could use them also.

CHAIRMAN: And forgive me for my abbreviation, it was to get the results, the testing done quicker?

A: More efficient for his operation because he needed the testing to move forward with his job, with his works.

CHAIRMAN: Quicker is another word. What more efficient means?

A: More efficient would be a better word. Quicker means something else. I don't think you fully understand the process when I say quicker and efficient in this regard, it is two different meanings. It probably means the same thing somewhere else but here it has two different meanings.



CHAIRMAN: ...Mr. Rogers gave you a cheque written in your name or was it written in JETS Laboratory's name?

*A: Mr. Rogers gave me different cheques. One was written in JETS Laboratory's name and one was in my Company's name.*⁴⁶

The following discussion relating to the assistance which was provided by Mr. Ricardo Burton, to Rogers Land Development as it regards the conduct of laboratory test on soil and material was disclosed:

“CHAIRMAN: Now what were you paid for when you were paid whether in your Company's name or in your personal capacity, what were you being paid for?”

A: For works done for Mr. Rogers not necessarily to do soil testing.

CHAIRMAN: Mr. Burton, did you provide Mr. Rogers with the name of a person at JETS Laboratory with whom business could be done?

A: I can't recall. I can't remember if I provided a name specific but like to say I personally took the cheque to JETS.

⁴⁶ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 5-12.



CHAIRMAN: Did you know anybody who was working at JETS at the time that you made the recommendation to Mr. Rogers?

A: Yes.

CHAIRMAN: Who is that?

...

A: I can't remember if I did give him a name or like I said I told him what company, I don't remember if I give him an individual name, I am not sure.

...

CHAIRMAN: Would it be correct that you solicited business on behalf of JETS, you went to the Rogers' office and solicited business on behalf of JETS?

A: No, that wouldn't be correct.

...

CHAIRMAN: Thank you. Would you agree with my designation that you were a facilitator, Next Generation was providing a service to Rogers as it relates to laboratory results being provided for soil samples, for example?

A: No, sir.

CHAIRMAN: What you are saying that you provided [were] you only provided him with the name JETS, the location of JETS and that is the extent of your involvement as it relates to JETS, is that what you are saying?

A: No, sir, that is not what I am saying.



CHAIRMAN: Could you tell us what further, if anything, you did as it relates to Next Generation, Rogers Land Development and JETS, what else you did, sir?

A: When the works would have reached the state of testing and I have contacted JETS and they would have sent ...

CHAIRMAN: *You would have or you did?*

A: *I did. I spoke to somebody at JETS.*

CHAIRMAN: *Who is that person?*

A: One Caval Mantle.

CHAIRMAN: *And tell us exactly what it is, when it reach the stage when you spoke to him, tell us exactly what is it you spoke to him about.*

A: We would have advised him, myself and somebody else, would have advised him that we were, indeed, ready to do testing because I know him to be the Supervisor there and then he would send somebody or go do it himself; he wasn't there all the time to see what was done.

CHAIRMAN: *Now, do you have any documentation in terms of when it is that you would have had this connection - I use the word connection loosely - with JETS and/or Mr. Mantle?*

A: *Documentation? No. I just call him on the phone.*

CHAIRMAN: When you speak about payments being made to JETS, have you made them directly to Mr. Mantle or you made them to somebody else at JETS?



A: **To the Accounts Department of JETS; not payments, payment, a payment.**

CHAIRMAN: *You mentioned two cheques; one was in either the name of your Company or your own name and another cheque was written by Rogers in the name of JETS directly.*

A: *I am saying the other cheque....*

CHAIRMAN: **And the other cheque, the one written in the name of JETS, that is the one that you paid to the Accounts Department at JETS directly.**

A: **Yes, sir.**

CHAIRMAN: **Now, when that payment was made, did you receive a receipt?**

A: **Yes, sir.**

CHAIRMAN: *Would you have that in your, a copy of that?*

A: *I handed it over to Mr. Rogers but I could get a copy. I could request a copy of it.*

CHAIRMAN: *I request a copy of that. **The cheque that was paid to JETS directly by you to the Accounts Department, what was that for?***

A: **That was for testing.**

CHAIRMAN: *Testing of what? Nuclear compaction, concrete testing, numerous testing ...*

A: *The money I paid to JETS, I couldn't be specific to say that this is for nuclear compaction or concrete testing because sometimes one would come before the other, so I would have to state I pay the money for testing;*



whenever testing is required, they come in and do the test, they would have to bill it against the funds paid or they send an invoice for how it is done.

CHAIRMAN: *...What was it for?*

A: *For materials testing, sir.*

...

[OCG Officer]: *Mr. Burton, would you be able to provide us with a receipt that you would have received from JETS in relation to that payment?*

A: *Yes.*⁴⁷ (DI Emphasis)

Having regard to the representations made by Mr. Burton that he had made contact with Mr. Cavol Mantle at JETS Laboratories Ltd., the OCG sought to ascertain the basis upon which contact would have been made with Mr. Mantle rather than directly with the company. The following responses were provided:

“Q: *Can you state the reason why you went through Mr. Caval Mantle?*

A: *Because I knew him to be a Supervisor there at JETS and years ago we did work with JETS and he was the Supervisor who did the works.*⁴⁸

During the course of the proceedings, Mr. Burton advised the OCG that he had previously been employed to JETS Laboratories Ltd. which, as at the date of this transcript, would have been 15 years ago. On this basis, Mr. Burton was asked by the OCG whether he was aware of an internal

⁴⁷ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 13-20.

⁴⁸ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 21.



policy at JETS Laboratories Ltd. which restricted employees from performing laboratory tests external to those which are contracted directly by the entity. Mr. Burton responded, *inter alia*, as follows:

*“... whilst I was working at JETS the only policy I know is that we work under the supervision of the Supervisor at the time a man name Mr. Lloyd Thompson, he would give us the directive. I don’t know about working on the side.”*⁴⁹

In respect of the laboratory test reports which were presented for or on behalf of Rogers Land Development to the National Works Agency and which have been purported to have been prepared by JETS Laboratories Ltd., the following discussion ensued:

“[OCG Officer]: *Mr. Burton, can you recall whether or not you had received on behalf of Rogers Land Development any test reports in relation to the projects we had noted before? Did you receive any test reports from JETS Laboratory on behalf of Rogers Land Development?”*

...

A: ***I would have gotten it from Mr. Mantle who is an agent of JETS.***

Q: *So you receive the reports from Mr. Mantle through what medium? How did you receive it?*

⁴⁹ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Page 21.



A: *He would bring it or he would leave it at the gate at Rogers for me, Rogers Land Development.*

...

CHAIRMAN: *...Your expectation was that he, Mr. Mantle, would do the testing and he, Mr. Mantle, would produce the results? Is that your understanding?*

A: *My understanding is that he is an agent of JETS and if he do it himself or he assign somebody to do it, I don't sure what his process would be but I understand him to be an agent of JETS.*⁵⁰

During the course of the mentioned proceedings, the then Contractor General, Mr. Dirk Harrison, read from the transcript which was prepared by a stenographer appointed by the Services Commission, the verbatim statements made by Mr. Richard Rogers during his appearance before the Contractor General on April 11, 2014. The extract of the transcript which was read to Mr. Burton related to Mr. Rogers' assertion that Mr. Burton had solicited the business of Rogers Land Development on behalf of Jets Laboratories Ltd. The following questions and answers were posed:

CHAIRMAN: *Mr. Rogers has said this to us when he was here earlier -
An agent at JETS had approached ... my instructions are because NWA who they used to do*

⁵⁰ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Page 28-38.



the testing and so on take too long to come. It would cost the company money in delay and this person, this agent of JETS offered to get it done quickly and it is through that agent that everybody dealt with so nobody had to call JETS directly themselves but that he satisfied himself that he was looking at one of the results.'

Now, this had been said by an Attorney and then I asked -

'Mr. Chairman, are you accepting or adopting what the lawyer says?'

- and he said, 'Yes, sir'.

But he said -

'This is what, something that I was intimating to you earlier, that it was suggested that the testing would take so long, the persons who were doing the testing would take so long to come and the delay and the cost were something that was trying to be avoided.'

Would you agree with that or disagree with that?

A: That is for Mr. Rogers to decide, I am not sure.

CHAIRMAN: Further, when asked -

'Who is the agent of JETS who approached you?'

*A: **The gentleman's name would have been Burton, I think it is Ricardo Burton.***

...



Q: 'Mr. Burton solicited business on behalf of JETS, he came to our office and solicited business on behalf of JETS.'

Can you comment on that?

A: No, I can't comment on that, sir.

CHAIRMAN: Pardon me?

A: No, I couldn't comment on what Mr. Rogers said.

CHAIRMAN: No, no. When I say comment, I mean whether or not do you accept that or do you reject that?

A: I reject that.

CHAIRMAN: Now, Mr. Dewar, kindly just jump to page 26 for me, the question at the end of page 26: this is me asking a question to Mr. Rogers -

'Mr. [Rogers], what exactly he say he would do and what exactly is it that he is soliciting, the extent of solicitation?

A: Provide test results in a timely manner, test results, the test results vary from asphaltic concrete and compaction simanalysis'

- that is a mistake -

'...all the various standard tests used in the construction trade industry.'

Mr. Rogers has said this. Can you comment on this? Did you tell Mr. Rogers - so as to be fair to you - did you tell Mr. Rogers that you would provide testing results in a timely manner, tests



vary from asphaltic concrete and compaction analysis. Did you tell him this?

A: **No, I never tell him I could provide the testing. I tell him I could provide somebody who could do the testing.**

...

A: *To be clear, I never tell him I personally would provide the testing. I tell him I would provide somebody who could do the testing, a company.*

CHAIRMAN: *Somebody?*

A: *A company.*

CHAIRMAN: *In a timely manner?*

A: *No, I never said timely manner.*

CHAIRMAN: *The person you are referring to is Caval Mantle?*

A: *JETS Laboratory among other Labs.*

CHAIRMAN: *Caval Mantle of JETS Laboratory or JETS Laboratory.*

A: *Whichever Laboratory, not necessarily JETS Laboratory. JETS Laboratory among other laboratories.*

...

[OCG Officer]: *But, sir, initially you had indicated that you approached Caval Mantle and that is why the distinction is important.*

A: *I approached JETS. My initial*

[OCG Officer]: *Who at JETS did you approach?*



A: *I said when I went to JETS with my cheque, I spoke to Gloria Casserly, she directed me to the Accounts Department. I take two cheques.*

Q: *We are referencing specifically this provision of testing results. You didn't approach Miss Casserly in relation to this matter, you approached her in relation to a cheque.*

A: *Right.*

Q: *The question to you is, when you indicated to Mr. Richard Rogers that you would provide him with a person or company that could do these tests in a timely manner.....*

A: *I was referring to JETS.*

Q: *Who at JETS?*

A: *The company JETS.*

Q: *But you did not approach the Company, you approached a person. That is what you said before.*

MR. DEWAR: *He said he approached JETS.*

A: *Yes, I approached JETS.*⁵¹

In addition to the foregoing, the then Contractor General also read the following extract of the transcript which was prepared in relation to the appearance of Mr. Richard Rogers on April 11, 2014, and requested that Mr. Burton provide comments in relation to the assertions made:

⁵¹ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 61- 67.



“CHAIRMAN:

...what I am going to read to you now is something that has been said by the Attorney - just assist them with page 16 - and then Mr. Rogers had been asked if he adopted what had been said by the Attorney and he said he was adopting what had been said. So I am just going to show it to you. April 30th page 16.

If you first me, Mr. Dewar, just have a look at the second page, page 2, just for your notice, exactly the second page, where it says, ‘Mr. Rogers, Attorney-at-Law’, I am showing you the transcript, you can go to page 16 now, it says here at the top, in fairness to him what he has said, this is the Lawyer speaking -

‘Next Generation made him an offer to get the test results and what he is saying when he saw the first test results come to him he realise it was coming from JETS. That was who they used to get the test results and that in his opinion one of the signatures on the test results appears to be him to be that of Mr. Hutchinson whose signature he is familiar with. Are you adopting that, sir?’

A: *Yes, sir, but I thought we made a (?) here the last time we were here.’*



*So I just pause here. What it is that was being - what Mr. Rogers was saying was Next Generation made an offer to get the test results. Earlier you said that you were speaking specifically about samples and I am asking now, Mr. Rogers has said Next Generation made an offer to get the test results. Can you comment on that? **Did you make an offer to Rogers Land Development to get test results?***

*A: **No, I never made an offer to get test results.***

CHAIRMAN: Why is it that Mr. Rogers would say something like that about you?

A: I have no idea.”⁵²

In relation to the payment which was purportedly paid by Mr. Ricardo Burton to JETS Laboratories Ltd., it is noteworthy to highlight that during the judicial hearing of July 7, 2014, Mr. Burton advised the OCG that the payment represented a deposit for the laboratory tests which were allegedly being procured. The OCG questioned Mr. Burton’s awareness of whether full payment had been made to Jets Laboratories Ltd. for the generation of the reports, to which Mr. Burton stated as follows:

“A: I would consider it yes because I would have paid JETS the money and I would have gotten the results.

CHAIRMAN: Would have or you did?

A: I did pay JETS the money...

⁵² Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 88- 89.



[OCG Officer]: *And I am led to assume, you can correct me, that the initial payment that was made then was sufficient to cover all the test results that you received from JETS?*

A: *I am not sure of the final figure but we requested an invoice which we never get.*

[OCG Officer]: *Mr. Burton, you are saying you never received that invoice, neither yourself nor Rogers?*

A: *From JETS?*

Q: *Yes.*

A: *No. We had requested it but never got it.*

Q: ***You requested it in writing or was this verbal?***

A: ***A verbal thing with Caval, I told him that we need to...***

CHAIRMAN: ***Caval?***

A: ***The Supervisor.***

[OCG Officer]: *Just for my purposes then, you are in possession of an invoice for the original amount...*

A: *A receipt.*

Q: *a receipt for the initial amount paid, was it a handwritten invoice or was it a computer generated and printed invoice?*

A: *It was a handwritten receipt out of the JETS receipt book.*⁵³

Mr. Burton was required by the then Contractor General to produce the receipt which was purported to have prepared by Jets Laboratories Ltd. on July 8, 2014. It is instructive to note, however, that upon Mr. Burton's attendance at the OCG, he advised OCG officers that he

⁵³ Transcript of Hearing held on July 7, 2014, during which Mr. Ricardo Burton appeared before the Contractor General. Pages 94-95.



attended Rogers Land Development on two (2) occasions and was advised that they cannot locate the receipt. (DI Emphasis)

Representations Made by Mr. Cavol Mantle

Mr. Cavol Mantle appeared before the then Contractor General on April 3, 2014, and advised that he was employed to Jets Laboratories Ltd. in the year 2004 and was terminated in January 2014. He also stated that for the period of time in which he was engaged by Jets Laboratories Ltd. he served as a Lab Technician and performed functions which included “ ...testing of aggregates, soil, asphalt, concrete”.⁵⁴ Mr. Mantle also explained the process which was involved in the generation of reports by Jets Laboratories Ltd. as follows:

“*Cavol Mantle:* **Samples would come into the lab and Miss [Kayanna] Bromfield, she would be issue a work order and then we carry out those tests and give her back the data.**

CHAIRMAN: **You give her back the data and then she would generate the report?**

A: **Yes.**

CHAIRMAN: *She would also sign the report at the end or someone else?*

A: *I think she was one of the signatories.*

CHAIRMAN: *Whilst at JETS Laboratories from 2009 onwards, were you assigned a computer or any other machine to carry out your work?*

A: *No, we weren't assigned a computer, a computer was just in the lab, all the Lab*

⁵⁴ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Page 5.



Technicians used it, but I didn't have a personal computer assigned to me.

CHAIRMAN: *The computer that was in the lab for all Lab Technicians, did everybody have access to that computer?*

A: *Yes, sir.*⁵⁵

Mr. Mantle, during the proceedings, also indicated that, his employment was terminated at Jets Laboratories Ltd. based upon the allegation that he had created the fictitious Laboratory Reports. The following discussion ensued:

CHAIRMAN: *Why were you terminated from JETS Laboratories?*

A: *For this, for the allegation that I did this.*

CHAIRMAN: *So did you respond to that?*

A: *No.*

CHAIRMAN: *So did you go to the Ministry of Labour or somewhere to say you were unlawfully terminated?*

A: *I wasn't really happy there so I just wanted to leave. I was trying to leave but I guess this happened before.*

⁵⁵ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Page 8.



CHAIRMAN: But somebody makes an allegation against you so you accepted guilt, is that what you did?

A: No. I told them that I didn't do it but how am I going to force myself to stay there? ”⁵⁶

Mr. Mantle also denied that he was responsible in generating the specified reports and stated the process for the generation of reports as follows:

“[Cavol Mantle]: You carry out whatever test. If you are doing a simple analysis or liquid limit, whatever test it will be on it and she will tell you how many liquid limits, the number of tests or the types of tests she wants done on the sample and you just go and look for the sample based on the sample number and carry out the test. They probably tell you the time period you have to get it done and you work within that time period after which you turn over the data to her.

Q: How do you turn over that data?

A: Just give it to her.

Q: Is it in a printed format, is it in a digital format?

A: It is handwritten.

⁵⁶ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Pages 13-14.



Q: Is it handwritten on an official piece of document, an official piece of paper? Is it just a piece of paper you remove?

A: Well, they have forms, similar, like how you have this but it would be blank, meaning the numbers are not there.

Q: So the forms has...

A: Yes, like if you taking a weight of a sample you would record that weight in the respective columns.

Q: So that handwritten form is now handed to whom?

A: The supervisor, Miss Bromfield.

Q: And then from there?

*A: She would do the report. I am not sure what happens after that.*⁵⁷

Questions were posed to Mr. Mantle specifically as it regards the manner in which Nuclear Compaction Tests and Concrete Strength Tests were generated based upon his experience and during his period of employment at Jets Laboratories Ltd. The following discourse ensued:

“[OCG Officer]: Mr Mantle, you had mentioned earlier that some tests cannot be done on the lab computer, can you specify which test those

⁵⁷ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Pages 17 and 18.



are, those that cannot be done on the lab computer?

A: You have like direct sheer, hydro-metre, sieve analysis, liquid limit, the compaction, the modified Troxler compaction or standard Troxler.

Q: That is it?

A: Some of them, I am not sure what the software does.

Q: Are you aware whether the aggregate rate test can be done on the laboratory computer?

A: It may be possible because I think it is an Excel, possibly.

Q: What about the nuclear compaction test report, can that be manufactured on the computer in the lab?

A: Yes.

Q: Also the concrete strength test report can be generated?

A: Yes.

...



Q: During the period in which you had authority to generate reports, did you have the authority to generate reports for nuclear compaction?

A: Yes, but as I said I didn't really generate a report like that, it is handwritten so that's the data that I check and I would give it to the Secretary and she would type it up like that.

Q: So you have never typed up a report for nuclear compaction?

A: No.

Q: What about concrete strength test?

A: Yes, I probably have.

Q: And the aggregates spread rate?

A: I have never done that test.

Q: You have never done that test?

A: That was introduced probably, maybe 2011 or 12.”⁵⁸

In respect of the format, storage of and access to Laboratory Tests Reports, the following was stated:

⁵⁸ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Pages 20 - 22.



- Q: During the period that you would actually type up reports or produce reports where were those reports stored after you would have typed it up?*
- A: The original is sent to the client. We normally have a filing cabinet in the office that they are stored in, filed away.*
- Q: What about the soft copy, where is it kept?*
- A: It is placed in a box, they used to file them in a box.*
- Q: The soft copy, the one on the computer, the electronic.*
- A: All right, it is on computer. When they started using the computer, those were saved on the computer.*
- Q: I am referring specifically to the ones that you would have done during the period that you prepared them.*
- A: That's what I am telling you about.*
- Q: So those would have been stored on the computer?*
- A: Yes, because it was a form. They would get the forms made and it was carbonated so you would write and then, it would be printed out on some sheets underneath so we would keep a copy. They had phased that out and they started putting them on the computer. So like for those, they would have been saved on the computer.*
- Q: You may have said it but for my purpose, for those that are store on the computer, they are stored on*



the laboratory computer, those that you would have typed?

A: *Yes.*

Q: *So you would have saved them on the laboratory computer?*

A: *Yes.*

Q: *For those reports that you mentioned that were stored or filed by JETS, can you tell us who had access or who has access to those stored files?*

A: *Up to the point that I was doing it?*

Q: *Well, based on your knowledge?*

A: **I guess anybody who used the computer because it didn't have any - anybody in the lab or who works there...**

...

A: **The hard copies are filed in a filing cabinet which was in the lab and the soft of the copy is really saved on the network, it is not so much on the computer, I should have said on the network.**

...

*I said everybody who is in the lab, who has access to the lab. **It is not a restricted area and the computer doesn't have a password or login.***

Q: *So for example if you are using the computer for argument's sake, you could pull up a file for a client that was produced for a nuclear compaction test? Is that possible?*



A: *It is possible, given it is on the network, yes. I am not sure what it is like now.*

Q: *I know. I am asking you to speak as to when you were there.*

A: *If you have access to the network then you could pull it up.*

...

Q: *Mr Mantle, before [OCG Officer] was asking you about the reports that were kept on the system, are these reports kept – what format are these reports kept in? And by that I mean is it in a PDF format or is it in the Excel format where it can be amended?*

A: *I think Excel.*

Q: *Excel format?*

A: *Yes, or Word.*⁵⁹

Having regard to the disclosures which were made by Fay Chin, of Chin’s Equipment Rental and Construction Limited, the Commission sought to ascertain Mr. Mantle’s knowledge and/or association with the contracting entities which are the subject of this probe. The following questions and responses were recorded in the transcript of the judicial hearing, dated April 3, 2014:

“Q: *While you were working at JETS, were you familiar with any of the clients of JETS?*

⁵⁹ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Pages 22 – 25 and 30.



A: **Yes, we met them from time to time.**

Q: *Were you familiar with a company by the name of Rogers Land Development?*

A: *What you mean by familiar?*

Q: *What do you understand it to mean?*

A: *I mean I could say I have heard of Rogers Land Development.*

Q: *Is that the manner in which you are familiar with the company, just by hearing?*

A: *Yes. I think in my time we did some tests for them. I just know them, I just know the name of the company.*

Q: **Had you personally done any tests for Rogers Land Development?**

A: **No.**

Q: *So when you say you were familiar with them because the company does tests for them, are you saying that you have not done tests for them but the company has?*

A: *Yes, because during my time, I think they were searching, they were looking back in some files to see if we did some work for them and I saw some maybe concrete or aggregate test that we did some time for them.*

Q: *Are you familiar with any of the names of the persons who worked for Rogers Land Development?*



A: *I don't remember who we did the test for in my time but I know the name that has been circulating all this time, Mr Rogers I think.*

CHAIRMAN: *When was it that you were looking back and saw that you did concrete test for Rogers, when was that?*

A: *I think when it started unfolding that they had the fraudulent documents they were checking back to see if they actually did any tests for them. They asked me if I did any in my time and they were checking back and they found a few reports.*

[OCG Officer]: *Those are concrete reports?*

A: *I think concrete was in it and maybe aggregate.*

CHAIRMAN: *And you saw those yourself, nobody told you about that? You saw those reports personally?*

A: *Yes I saw them because I didn't remember doing the test after we saw the file them.*

CHAIRMAN: *You found that you done those tests?*

A: *I didn't do them physically but I may have checked the report or approved the report.*

[OCG Officer]: **What about the company Y.P. Seaton and Associates, are you familiar with that company?**

A: *We have done work for them.*

Q: **Have you personally done work for Y.P. Seaton?**

A: **Yes, I have worked on some of there samples and I have been on the field, projects.**



Q: Can you recall the projects which you were involved in for Y.P Seaton?

A: The only one I really remember doing personally was the Palisadoes Road. We have done a lot of work for them, I don't remember all the projects.

Q: Were you involved in the one that was for Cruiser Gully restoration works?

A: (No answer)

Q: What about Wiggan Loop, were you involved with that one?

A: No.

CHAIRMAN: What about Chin's construction? Have you done work for Chin's Construction?

...

A: Not recently.

CHAIRMAN: *You have done work for them?*

A: Yes, I think I did some work for them in the past.

[OCG Officer]: You personally?

A: I don't remember. In searching I think I saw a report for them.

CHAIRMAN: *Everybody else at JETS said they have never seen a report, they have never done work for Chin's yet.*

A: I don't remember.

CHAIRMAN: *Nobody there. They say Chin's was never ever a client. Chin's has never ever been a client of JETS.*



A: *I am not sure, I don't remember.*⁶⁰

Ms. Kayanna Bromfield, Laboratory Administrator, Jets Laboratories Ltd, during the course of the Investigation, provided copies of screenshots from the laboratory computer which were taken on December 24, 2013, between the hours of 7:59 am to 9:05 am. The referenced screenshots are portrayed at Appendix 1 of this Report. It is instructive to note that the Commission's scrutiny of the screenshots indicate, *inter alia*, the following:

1. That the images principally related to Laboratory Test Reports, wherein the client was represented as (a) Rogers Land Development and (b) Chin's Equipment Rental & Construction Limited.
2. That a letter dated December 12, 2013, with the subject line "*JSIF Road Rehabilitation Richmond Gap – In situ Density Tests*" which appear to be the cover letter for the laboratory Report "C/521/00822" was generated for the signature of "*Kayanna H. Bromfield*" and "*Gordon Hutchinson*". Of note the letter was unsigned.

In respect of the circumstances which led to the aforementioned actions, Mr. Gordon Hutchinson, by way of a statement to the then OCG advised of the following:

1. "*I am aware that the screen shots were taken to be able to see if any of the information on the fictitious Reports were generated from our Laboratory computer... several persons work in that area. Approximately six (6) persons work in the Laboratory, but there are other persons who may have worked temporarily at other times. The names of the Laboratory Technicians are Mr. Cavol Mantle, Mr. Kirk Betton, Mr. Craig Campbell, Mr. Clifford Grant, Mr. Neil Thompson and Mr. Rupert Dawson, who retired at the end*

⁶⁰ Transcript of Hearing held on April 3, 2014, during which Mr. Cavol Mantle appeared before the Contractor General. Pages 25- 29.



*December 2013. I am aware that two (2) other persons had worked in the Laboratory, on a temporary basis, for maybe two (2) months or less”.*⁶¹

2. *“We carried out our in house Investigation into the matter and uncovered that one of our staff members, Mr. Cavol Mantle was implicated in the matter. He was subsequently terminated. We conducted a meeting with Mr. Mantle and told him what we found and that we could not keep him as a member of staff. I don’t recall if Minutes were taken at the meeting...*
3. *Mr. Mantle was suspected because there was a particular computer that was used by the Technicians, and we were monitoring the use of the computer. Our investigation revealed that the reports were prepared on this computer and that Mr. Mantle was logged in at the time the reports were prepared. We were able to verify this as Mr. Mantle would have been required to input his identification number into the system in order to log onto the lab computer.*
4. *Other staff member could have been on the premises during that period; this was on a Saturday. However, the investigation did not reveal that any other person was using the system during the times under review.*
5. *We have a system which enables us to see what was shown on the computer screen at different times. Dr. Lawrence was the individual who arranged for this system to be set up. It was set up by an external technician. The system was set up without the Knowledge of the staff.”*⁶²

Whereas the Commission can neither independently validate nor dispute the representations of Mr. Gordon Hutchinson and the inferences drawn from the screenshots which are appended, hereto, the following findings are of import:

⁶¹ Statement of Mr. Gordon Hutchinson dated January 15, 2014.

⁶² Statement of Mr. Gordon Hutchinson dated April 7, 2014.



1. The screenshots appear to have been taken on December 24, 2013 between the time of 8:00:38 am and 9:05:44am;
2. Based upon the statement provided by Mr. Oral Stewart, Security Officer, Jets Laboratories Ltd. and which was verified by the Commission, the Security Log Book indicates that on December 24, 2013 the following persons entered the premises between 7:30 am and 8:30 am:
 - a. Mr. Romario Asbourne at 7:37 am
 - b. Mr. Cavol Mantle at 7:56 am
 - c. Mr. Dennever Thomas at 8:00am ; and
 - d. Mr. Kirk Betton at 8:30 am

Representations of Mr. Dwight McKoy- Construction Material Testing Laboratories C.M.T. LABS

Mr. Dwight McKoy, Construction Material Testing Laboratories, appeared before the then Contractor General on July 1, 2014 and made the following representations as it concerns the entity Construction Material Testing Laboratories:

*“CHAIRMAN: ...
Now, you are a businessman, sir?
A: Yes.
CHAIRMAN: And what is the nature of the business you
have now sir?*



A: *We do construction projects, testing, verification, those stuff; building projects.*

CHAIRMAN: *What's the name of your company, sir?*

A: *Well there is no specific company now. We function under CMT Labs but that company its no more.*

CHAIRMAN: *Since when that company has been no more sir, CMT Labs?*

A: *That company, I don't know the exact date but it doesn't operate as a business any longer. I think the last date of renewal of the business name was done about two years ago. Don't quote me, I don't remember.*

CHAIRMAN: *What does CMT mean, sir, or what did it mean?*

A: *Construction Material Testing Lab.*

CHAIRMAN: *And who were the principals of that company?*

A: *Myself, Nathalie Rowe and Cavol Mantle.*

CHAIRMAN: *Can you recall when that company had been established?*

A: *The documentation, I don't have any, they have the documents but I think it is about 2000, couple years ago, man, 2000 - I don't want to say a date and it wrong. It should be on the record. If I get a copy of the certificate of registration, it should state when it was established.*

...



CHAIRMAN: Now in terms of the establishment of this company, you list the three principals, did you have other employees working there?

A: No, it was just us, man, we did everything.

CHAIRMAN: Three of you did everything?

A: Yes.

CHAIRMAN: Did you have any prior experience as it relates to laboratory testing of samples?

A: Yes, man, I worked for several years for NHL Engineering Works. I worked for several years for Jamaica Premix Concrete Company, I have been in the field for over fifteen years doing testing and verification.

CHAIRMAN: Now, Mr Cavol Mantle, he was a principal and your business partner, one of your business partners?

A: Yes, we worked together on projects.

CHAIRMAN: Was he your business partner? That's what I was asking specifically, sir.

A: Yes, we worked together, yes.

CHAIRMAN: That's not quite the question I asked, I was asking if he was a business partner.⁶³

The OCG enquired into whether Mr. McKoy of C.M.T. LABS had been engaged to conduct works related to Government of Jamaica contracts. The following discourse ensued:

⁶³ Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014. Pgs. 3-7



“CHAIRMAN: ...

Now have you ever worked on any Government of Jamaica contracts during the time that the company was in existence?

A: *I would have to check back. Yes sir.*

CHAIRMAN: *Now in terms of working on these contracts, did you work directly or did you work through another company?*

A: *Well, it was always through JENTECH, the arrangement was we do the actual physical work and JENTECH does the verification, that was the arrangement because we are not engineers, we are technicians so we are able to do the physical tests, we are certified to do the physical tests but the actual reporting had to come from an engineering company, i.e., JETS.*

CHAIRMAN: *You are certified by whom? At the time you were certified by whom?*

A: *Well, I am presently certified by the American Association of Testing Materials, ASTM, the ACI, the NRMCA, several companies.*



...

CHAIRMAN: Now sir, you indicated earlier that you are not an engineer and you made a distinction between doing the actual testing and the generation of a report.

A: Yes.

CHAIRMAN: Just tell me a little bit more about that, sir.

A: Well, when you are doing the test, for example you are testing a road pavement, the technician goes out in the field with the equipment; physically does the test; prepares the record of the data that was garnered in the field and he takes that back to an office, prepares the paper work but the seal, the stamp, the certification cannot be done by that technician, it has to be done by somebody above him, an engineer, for it to be authentic.

CHAIRMAN: Am I to understand that for the life time of CMT, that's, Construction Materials Testing Laboratories, the laboratory actually did no physical testing itself?

A: No, man, that is not what we do. Which means you don't understand.

...



A: *We are the technicians; Mr Mantle, myself. Miss Rowe, she is involved but to a lesser extent, she's not really into it. We go out as the technicians, do the testing. For example you are pouring concrete on a building, a slab, you need to make samples of that concrete to prove that it is good. We can go out, make the cubes, bring them back to the lab, crush them, prepare a result sheet but the actual official report, we can't sign on it because we are not engineers, right. We can do the testing, we are capable of doing the testing, we are certified to do the testing, but the physical official report cannot be generated by us.*

CHAIRMAN: *So the arrangement you referred to earlier is that JENTECH, I am sorry, JETS, you pay them to get a report which...*

A: ***Well the payment side of it I never had much to do with. Mr Mantle as you know, he worked for them. I think they fired him or something like that. He was the person who would take care of that part of it. He worked for JETS so he was able to get that done. Whatever the arrangement he had with JETS, I was not privy to that. I would go get the test done for him, and then the report is done by him because he worked for JETS. I never had anything to do with that part of it so how he did it. If he paid them money, if it was an arrangement he had with somebody there, I don't know. All I know is that he would prepare the reports.***



...

CHAIRMAN: Now, before we go any further, I am just going to go back a little because I am trying to understand something. You do testing of samples - let me just use the word 'samples' broadly. You are not, you were never certificated [sic] to actually generate a report and sign it?

A: No.

CHAIRMAN: So there is an arrangement in place for somebody to verify your work?

A: Yes. Listen, the thing is JENTECH has a lot of work, JENTECH is the main concrete, soils, materials testing lab in the island but they have a lot of work so there are other little, little labs that are all over the island. Most of them, if not all, are not certified to sign on reports and so JENTECH, the arrangement was they would assist JENTECH, they would do the physical testing but the signing off of the report would come from JENTECH, that's the norm, or some other engineering company; NHL, Hill Betty, there are several, but they are small labs, they are basically technicians who can go out and fast track the work. So if you have a project and you are behind schedule and you need some results fast; JENTECH you have to wait some three, four weeks sometimes for them to come to the



site, so the smaller labs would go, physically do the testing and bring back the data to JENTECH, JENTECH would prepare the report. Understand?

CHAIRMAN: *I understand. Now you would submit to JETS the data from the sample taken in a written form?*

A: *Yes, most times on a piece of paper and they would prepare the report.*

CHAIRMAN: ***Do you also submit, to your personal knowledge, a sample along with the piece of paper with the data?***

A: ***No, because we would have already tested the sample, we would have already done the work.***

CHAIRMAN: ***So to your knowledge JETS was merely validating something they never saw?***

A: ***The verification of the work.***

CHAIRMAN: *Of is something they never saw?*

A: ***Well they saw the report, they saw the record of the test. They wouldn't physically see the test because they are not in the field. Remember, to do the test you have to be in the field so unless they come to the field they can't see it. It is a machine, you get a reading, you write it on a piece of paper and you bring it back to them. Even if they send out their technicians who are employed by them, they are still not able to see what the technician does, if you understand, it has to be when he comes back to the office.***



CHAIRMAN: With the sample?

A: No, no, there are times when you don't bring a sample. In the case of concrete you would bring back a sample but in the case of a marl base you are testing in place, there is no way of bringing back a sample of that marl base because the machine tests it right there and you only make a record of the results, but there are cases when you would bring back a sample, yes.

CHAIRMAN: We are speaking specifically to the nuclear compaction test, for instance.

A: That's the name of it.”⁶⁴ (DI Emphasis)

Mr. McKoy was questioned specifically as it regards the manner in which he had conducted the tests for which reports were purportedly generated by Jets Laboratories Ltd., the following representations are of significant importance:

“CHAIRMAN: Now for instance for that nuclear compaction test, have you ever done any of those?

A: Several.

CHAIRMAN: Tell me exactly what you do when you do it.

A: The machine is a radiation emitting machine and so the radiation that it emits tells you the quality of the pavement. So the contractor will prepare his base, roll the shingle, roll the marl for a certain number of days until it attains, in his mind, the optimum

⁶⁴ Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014. Pgs. 7-14



compaction which would be 95% or more based on the spec, right. He doesn't know until we come with that machine, he can only assume that three days of rolling is okay but it might not be based on the quality of the marl. So when we go, we bore some holes every twenty metres or twenty-five, depending on how long a roadway it is; two kilometres, one kilometre, whatever and we take different readings. The machine, when you press enter, you set your modified proctor and you press enter, it tells you what the percentage compaction that was attained at the location is. You record that with the moisture content and the various other information; the dry densities and so on that the machine gives, and then you move to the next location. At the end of it you do an average and you come up with a percentage and you say at the end of it to the contractor, it's okay, you don't have to roll anymore, you can move to the next step which is to put on the actual pavement, which is the asphalt, or you will tell him you need another day or two wetting, rolling, depending on the findings of the machine. That's the norm, that's how it is.

CHAIRMAN: So having done say a test as you have explained, what would you take to JETS?

A: Just a sheet of paper with the results. For every twenty metres you would have a reading, you bring



that in and you prepare a record, an official record because as I said, we can't give the contractor anything to take in to get paid, but everybody knows this is how it is done; JENTECH can't come, we do the test, they prepare the report.

CHAIRMAN: To fast track it?

A: Fast track it, that's all, for expediency.

CHAIRMAN: Now, you take in the piece of paper as you have put it and as you have stated with the data, and your understanding is that JETS Laboratories to facilitate the preparation of the report they are relying on your piece of paper and the data as correct?

A: Yes.

CHAIRMAN: And in fact, let me be clear, nobody, based on your time with CMT, actually goes to JETS, it is handed over to Mr Mantle and he is the one who then takes it in?

A: He works there you know, I have never had – well when I worked at Jamaica Premix I would have to go to JENTECH and deal with JENTECH directly because Jamaica Premix deals with JENTECH directly so as the Quality Control Manager for Jamaica Premix I would have to bring samples in to JENTECH. So everybody at JENTECH knows me basically, but most times it is easier to just pass them on to Mantle and he prepares everything.



CHAIRMAN: Most or that's what you did every time?

A: Most times, yes, except for when I worked for Premix as I said.

CHAIRMAN: So all the time when you were a part of Construction Materials Testing and you have done work for Chin's Equipment Rentals and Construction Limited, everything in terms of a piece of paper with data was handed to Mr Mantle for him to get the report?

A: Yes, sir.

*CHAIRMAN: ...
Your understanding is that JETS prepares reports without seeing whatsoever, or testing a sample themselves, yet they would give you a report saying that they are results when they haven't physically tested it themselves? Is that what you are saying?*

A: It happens, that's how it is. Remember as I said, even their own people who go out in the field still have to bring back the information on a piece of paper, they are not able to see it physically unless they are there videoing it or something; it is always that the report as generated by the technician.

CHAIRMAN: ... the Forensic Lab in Jamaica, the analyst from the lab goes out and takes a sample, the analyst takes back the sample to the lab, the analyst either starts or completes testing of the sample then



analyst generates a report and signs the report. The analyst had something physical at some point. At the end of the process the sample either has deteriorated or they used it up for testing. What I am trying to understand, and based on your example even an analyst from JETS goes out and conducts testing, when they come back with their data there is some chain of custody between the taking of the sample and what was returned to the lab. What I am not understanding is what you are explaining, most times as it relates to Chin's, I use that example, testing is done, you hand the piece of paper to Mr Mantle, Mr Mantle because he works there, he just generates a report for you?

A: Well, I don't know if he generates the report. Remember I said specifically I don't know what is the arrangement at JENTECH, what I know is that Mantle works there and so because of that he afforded us that facility. I don't know the arrangements he made at JENTECH, I don't know how he would get them done, I don't know if he does them himself. As far as I know there is a software that they use, I don't know if he has access to that software, but the record is given to him and because we are partners, we work together, if I physically – there are days when he goes and does the test if I am not available. The other day I was



working in St Kitts, I couldn't be in Jamaica but we still had work to do.

CHAIRMAN: And just to close in terms of this point I am making, after you hand Mantle the piece of paper with the data and a report is generated, he hands you back the report and you take it back to Chin's?

*A: Or he delivers it himself, or Miss Chin would come in for it or any other customer or client, whoever it is.*⁶⁵

In regard to Mr. McKoy's familiarity and/or knowledge of Chin's Equipment Rentals and Construction Company Limited and its proprietor, Mrs. Faye Chin, the following responses are represented:

“CHAIRMAN: Now, are you familiar with Mrs. Faye Chin of Chin's Equipment Rentals and Construction Company Limited?

A: Yes, sir.

CHAIRMAN: To your personal knowledge, has CMT during its lifetime done business with Chin's Equipment Rentals and Construction Company Limited?

A: Yes sir, many times.

CHAIRMAN: Can you recall if the work you did was in respect of Government of Jamaica contracts which had been awarded to Chin's Equipment Rentals and Construction Company Limited?

⁶⁵Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014. Pgs. 14-20



A: *I would think so because JASIF [sic] is a government agency, right.*

CHAIRMAN: *To my understanding it is.*

A: *So it would be that we have done work for government contracts.”⁶⁶*

In terms of the relationship, if any, between C.M.T. Labs and Jets Laboratories Ltd., the following representations were made:

“CHAIRMAN: *To your understanding when things are submitted to Mantel with a view for them going to JETS, can you say who the client is? Who is the client? Let me start again. Has CMT to your personal knowledge ever been a client of JETS? Are you a client of JETS?*

A: *Not directly, no.*

Q: *To your personal knowledge when you are then doing work for Chin's did you use chin's name as the client or that was left to Mr Mantle to determine what happens?*

A: *I keep repeating. I don't know how he does it at JENTECH, I don't work at JENTECH so if he puts in Chin's as the client or CMT as the client, I don't know. I physically never brought something to JENTECH from CMT, so I can't say if CMT is a*

⁶⁶ Transcript of Hearing involving Mr. Dwight McKoy, dated July, 1, 2014. Pages 10-11.



*client of JETS or we are not. When I worked at Premix I would bring stuff there as a client for Premix, so Mr Mantle would have to answer that question as to who was the client, I really couldn't.*⁶⁷

Having regard to Mr. McKoy's disclosure that reliance was made on a separate and an independent Laboratory to produce reports for material tests which were purportedly conducted by C.M.T. Labs, the OCG required that responses be provided in this regard:

“[OCG Officer]: Mr McKoy, the company CMT was established in 2009 and based on what you have explained to us, it was established on the basis that it would go out in the field and conduct tests. It was never a part of the role of CMT to generate reports, is that correct?

A: Well, I wouldn't say never, it depends on the project because there are times, if it is a project that will accept the report from a technician, then yes, we would give them a report.

...

Q: Okay, specifically as it relates to Mrs Faye Chin and Chin's Equipment Rental and Construction Ltd., that company.

A: Most of her jobs, in fact 95% of her jobs are government jobs that require an official report from

⁶⁷ Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014. Pg. 20



an engineering company so most of her projects had to come through JENTECH.

Q: So could you answer the question in that regard.

A: For Chin's yes, we couldn't generate reports for Chin's.

Q: And on that basis would you agree that you would have to have some kind of contractual relationship with a company that is capable of producing such a report?

A: Well as I said, we had an arrangement with Mr Mantle. He worked for JETS. As for a written contract, we didn't have that. Well, if he had it I don't know but there was never a written contract to say JETS will work for CMT and verify the records for CMT. There was never such a document, I have never seen it. If it exists I don't know, you understand, but Mr Mantle worked for JENTECH and so he would take care of that aspect of things and I can't say how he does it, I don't know how he does it.

Q: What was explained to you in terms of how that relationship with JETS had originated?

A: What was explained to me?

CHAIRMAN: Yes.

A: By whom?

CHAIRMAN: By Mr Mantle if any, or anyone else.



A: *There was never any explanation, I just assumed. He worked there, I didn't ask for an explanation from him. There wasn't a need to ask for an explanation.*

Q: *So as a Director of the company you did not seek some kind of clarification as to how when you submit tests which are done by you or Mr Mantle, how it is that those are going to be verified?*

A: *He is also a Director you know, and we are partners, we work together, it is a 50/50 thing so if he has an arrangement to get it done, I am not going to question it, I don't know how he does it. I'm not going to question it. I am not going to say, 'Mantle you sure this is good or bad, no.*

CHAIRMAN: *You have audited accounts?*

A: *No.*⁶⁸

In terms of the payment for services rendered by CMT Labs, Mr. McKoy advised the OCG that payments are made directly to either Mr. Cavol Mantle or Mr. Dwight McKoy. The following is of note:

“Q: *In terms of how the business, CMT Labs operated, Mr McKoy, how were payments handled?*

A: *Usually a cheque to me or him. CMT doesn't have a business account, there was never a business account established so the cheques would come either to me or to him; we change it, we pay who must get paid. Remember the physical testing we might need a labourer or two depending on what*

⁶⁸Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014 Pgs. 21-23



we doing, you understand. So it was all informal. There was no bank account for CMT.

Q: But what about payment for those authentic certificates that were generated? Were you ever involved in those payments?

A: No, never ever. As I said the arrangement at JENTECH I am not privy to it. I don't know what he does. I don't know if him hand somebody a money in an envelope informally, I don't know if it is an official cheque, I don't know. I doubt it. I can't speak to how he got the reports done or how they were done, I don't know.

...

“[OCG Officer]: Mr McKoy, in this business relationship or arrangement with your company and JETS, how is it that JENTECH or JETS benefits? Are they paid?

A: You are trying to get me to speak to how Mantle does it and I don't know. I told you about a hundred times already I don't know.

Q: Are they paid? That's a fair question. Are they paid, yes or no?

A: Well, the person who signed the report must get something. I don't know. I can't speak to that.

CHAIRMAN: As director you sign a cheque as a co-signer paying JETS for anything? You ever sign a cheque?



A: *No, no. As I say we don't have a business account so you wouldn't see a cheque from CMT. If we are paying out some money it is always cash.*

[OCG Officer]: *And you have never paid any cash to anybody?*

A: *To somebody at JENTECH other than Mantle?*

Q: *Yes.*

A: *No.*

CHAIRMAN: *You have paid Mantle money for the reports?*

A: *We work together, we are partners, any money coming in he must know about it the same way I know about it.* ⁶⁹

Having regard to the fact that Mr. McKoy indicated that the tests were conducted by employees of CMT Labs, the OCG posed specific questions relating to the details noted on the Laboratory Test Reports, and accompanying cover letters bearing Jets Laboratories Ltd.'s letterhead. The following was stated:

“[OCG Officer]: *But, Mr McKoy, have you ever seen any of those reports after they have been purportedly done by JETS?*

A: *Usually it is in an envelope, if I want to look at it I would.*

Q: *Have you ever seen the reports purportedly done by JETS?*

A: *Usually if I want to look at it, I would.*

Q: *Can you directly answer my question, sir?*

⁶⁹ Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014 Pgs. 29-30 and 47-48



A: *I just said yes, usually I did. If I want to look at it, I would.*

...

CHAIRMAN: *Mr. McKoy, have you sent by e-mail to Mrs. Faye Chin reports?*

A: *Yes.*

CHAIRMAN: *So in terms of the question that was being asked ... it is not only people physically picking up things, you have e-mailed reports to her which are attached, which you are having a look at.*

A: *Yes.*

CHAIRMAN: *The reports there, if you look at them, it has Troxler 3440. Could you just turn the page? The first on 3, who is Craig Campbell? It has, **'Test taken by Craig Campbell.'**?*

A: *I don't know who Craig Campbell is, maybe one of the technicians at JENTECH, I don't know.*

CHAIRMAN: *Maybe, but that is what has been supplied by Mrs. Faye Chin. It is attached to an e-mail which you have sent to her submitting the document so I am trying to get an understanding from you.*

...



CHAIRMAN: ...You have sent that document to her that you have identified and I am asking who is Craig Campbell that you have sent that to her?

A: I said I don't know who Craig Campbell is.

CHAIRMAN: But you sent it to her.

A: So I have to know who Craig Campbell is to send the report that was sent to me?

CHAIRMAN: Remember when we started earlier, that's why we went through that long, what you thought laborious process of understanding how this thing happens you know, and that's why we are coming to it now. What you are being asked is who actually collects?

A: I don't know who Craig Campbell is.

CHAIRMAN: But yourself and Mantle were the only two technicians because you said the other lady she really does...

*A: **What I am saying, even if I physically do the test...***

CHAIRMAN: You put somebody else's name?

*A: **He wouldn't be able to put my name on a report and I don't work for JENTECH.***

...

Q: When you submit test to Miss Chin as you have submitted this e-mail you always



submit it with a letterhead from JETS Laboratories Limited?

A: Not always because depending on what I am doing, I might be doing something where it is okay for me to give her a report directly so you would see a letterhead from CMT.

CHAIRMAN: Just as you said that your understanding is that Mr Mantle would put on the reports the name of a person who tested who in fact never tested, you also, would you agree with me that even the cover letter him cook it up too?

A: No, I can't agree with you with that. How could I agree with you on that? As I said he had an arrangement there, I don't know what his arrangement was. As far as I know JENTECH has software that manages these things and I don't think he had access to that software, if I am not speaking out of turn, so for him to have generated that report he must have had whoever is responsible for that software do it. I can't say if he had a way of circumventing that, but as far as I know that process is managed at JENTECH. I mean if you had a company you wouldn't just allow anybody to access your data and



be able to do a report, I mean you must have some form of control over it.”⁷⁰

In relation to the assertion by Jets Laboratories Ltd. that the subject reports were fictitious, Mr. McKoy responded in the following manner:

“CHAIRMAN: JENTECH has said that it is fraudulent, it is forged, it is not theirs.

A: Oh yes?

CHAIRMAN: Yes, sir.

A: I didn't know that.

CHAIRMAN: No, you didn't, that's why I am telling you. You wouldn't know that.

A: So JENTECH said this is fraudulent.

CHAIRMAN: I said it already and I am saying you had sent that to Mrs. Faye Chin.

A: Because this was sent to me by Mr Mantle.

CHAIRMAN: How, by e-mail also?

A: Yes.

CHAIRMAN: That's how he sends all the things to you, by e-mail?

A: Not necessarily, and I am saying there might be cases where the client picks it up, he sends it to me, I send it to them.

...

⁷⁰ Transcript of Hearing involving Mr. Dwight McKoy, CMT LABS, dated July 1, 2014 Pgs. 30-33 and 50-51



[OCG Officer]: *In relation to the question Mr Harrison just asked in relation to Mr Craig Campbell, had you seen this report before?*

A: *Well it came from my e-mail so you would argue that, yes, I must have seen it, but as to vetting it, I didn't.*

Q: *Have you seen the report before, Mr McCoy [sic]?*

A: *Physically go through the report, no I didn't. I didn't physically go through the report. It was sent to me and I just passed it to Miss Chin but I didn't vet it. I probably should have vetted it. I probably should have asked who was Craig Campbell; I probably should have asked how did he get it done, as I should have asked many other questions but I didn't.*

Q: ***When you received reports and actually look at the reports from JETS Laboratories, did you normally see your name or Mr Mantle's name as the technician?***

A: ***No.***

Q: ***Whose name appears as the technician?***

A: ***Many names, it just depends on the name that is there, it can be that name or some other name.***



Q: Even though the person would not have been the person who would have conducted the test?

A: Yes, because the person doing the test doesn't work for JENTECH so you can't put their name on the report.

Q: And you don't think that's odd, Mr McKoy?

A: That is the norm, that's how we do it all the time.

...

A: I didn't say it's right you know, Mr Harrison.

CHAIRMAN: Okay.

A: All I am saying is that this was the arrangement, I never said it was a right arrangement, you know.⁷¹ (DI Emphasis)

The following statements were provided by Mr. McKoy as it relates to the manner in which he entered into a business relationship with Chin's Equipment Rental and Construction:

“CHAIRMAN: *Like somebody like Faye Chin and some other people you worked for, you go to them or they approached you and asked you to provide the service?*

⁷¹ Transcript of Hearing involving Mr. Dwight McKoy, dated July 1, 2014. Pg 32- 37



A: *No, is we go to them, we have to look the business, they not going come to us. They would normally go to JENTECH but that's where Mantle came in because he would be there and he would see clients turning away who wanted something done today and couldn't get it done so he would say well, I can get it done fi you and he would say alright call me or call, and we would mobilize it quickly. You understand?”⁷²*

In terms of the legality of the ‘arrangement’ between Mr. Dwight McKoy and Mr. Cavol Mantle, Mr. McKoy made the following statements:

“[OCG Officer]: **And that arrangement was with yourself and Mr Mantle?**

A: **As far as I know it was with JENTECH, Mr Mantle worked with JENTECH.**

Q: *But you spoke with only Mr Mantle, is that right?*

A: *There are instances when I would talk to other people there but mainly him, yes.*

Q: *Who else have you spoken at JENTECH?*

...

A: **I wouldn't talk to anybody else at JETS about this arrangement because this**

⁷² Transcript of Hearing involving Mr. Dwight McKoy dated July 1, 2014. Pg 72.



arrangement is not an arrangement that you make public.

CHAIRMAN: It is illegal?

...

A: **Illegal is a strong word. It might not be something that you would say yes, this is how I do it. There are things you do and you keep quiet. There are things that you put on the table and there are things that you put underneath.**

...

A: I wouldn't use the word **Illegal**.

Q: What word would you use?

A: **It's an informal arrangement; it's not the formal arrangement that you walk up to the front door of JENTECH, pay your money and get your stuff done but it was an actual arrangement.**

CHAIRMAN: Shortcut.

A: An informal arrangement so I wouldn't use the word **illegal**; illegal is a strong word.

...

CHAIRMAN: Seeing that you have been brought here, has it ever been brought to your attention before now that these reports, including the ones that you forwarded to Mrs. Faye Chin, the



report is fraudulent, the signatures on it was forged?

A: No, that was never brought to my attention.

CHAIRMAN: Other than now. What you have forwarded to Mrs. Faye Chin, JENTECH has had a look at it...

A: And say is not theirs?

CHAIRMAN: ...and the report is fraudulent and the signatures are forged.

A: So the physical signature, that's what I am getting at, they are saying it's not their signatures?

CHAIRMAN: They are saying the signatures have been forged.

A: Have been forged. That is very serious.

CHAIRMAN: That is why we are here and we invited you here. That's what we have been talking about for the last two hours.

A: I don't know, did you meet with Mr Mantle before me? I don't know. Did he say how he got the signatures on it?

CHAIRMAN: Well, we have made reference to him and asked you questions about him so in fairness to you we need to meet with him again, we have seen him already but he knows nothing about what we are speaking about, he says, nothing whatsoever.



A: *So how would I get the reports?*

CHAIRMAN: *That's why I said to you a while ago...*

A: *I don't work at JENTECH.*

CHAIRMAN: *That's why I tell you a while ago I love your honesty. I wasn't joking, I was being very serious. But in fairness to you I have to share with you what has been said in the past, I can't just carry you here and you don't know exactly what is being said. Mr Mantle says that he knows nothing about the generation of these reports, he did none of this; the only time he uses the computer him say him play some games pon it, him don't do anything there. In terms of the signature that appears further in terms of Mr Hutchinson and Miss Bromfield, he knows nothing about it whatsoever.*

A: *So I did it, that's what he is saying, I did it?*

CHAIRMAN: *Well, he never said that.*

A: *So how would it be done because I was the one who gave it to Miss Chin but I gave it to Miss Chin because he gave it to me.*

CHAIRMAN: *And that's why I said to you Mr McKoy, I appreciate your honesty. I wasn't saying it in jest, I am being truly sincere because I must confess that's a question I have to ask now too of him because that's why I asked*



you also earlier if you know in fact that he is overseas. I must confess too I have heard that he is not here and I would like to find him too.

A: *Ah bwoy!*

CHAIRMAN: *Additionally the lab has said that the cover letter, the reports also that are generated are not theirs. Let us use the word the **template** in itself, JETS Laboratories has indicated it is not theirs, and when I say not theirs, it is not the authentic one that they use and in terms of things on it they are not theirs and I need to share that with you because they have examined what it is that was forwarded by you to Mrs Faye Chin, but what you have indicated is that everything that you have provided to Chin's, Mrs. Faye Chin in particular, is what you have obtained directly from Mr Mantle.*

A: *Yes, sir.*

CHAIRMAN: *Just to fine tune it, you have received it e-mail, you have received it in person?*

A: *In the past, yes.*

CHAIRMAN: *And in relation to any other method that he has provided to you?*

A: *That is usually it, I don't have a fax machine so there is no fax.*



CHAIRMAN: And in terms of the piece of paper you write on, is it any standard document that you utilize or it is just any paper you use?

A: Foolscap, just a paper I write on; no set anything.

CHAIRMAN: On that bit of paper you would indicate obviously the location of the project?

A: The dates, the results.

CHAIRMAN: Additionally sir, in relation to what we are dealing with here and this document that you have forwarded to Mrs. Faye Chin, JETS Laboratories have also indicated that Chin's Equipment Rental and Construction Company Limited are not their clients at all.

A: So there was no paper trail in the company so to speak?

CHAIRMAN: No paper trail and they are saying they are not clients of JETS at all.

A: Well, the only thing I can do is, as you say deliver to you the copy of how did I get that.”⁷³

During the course of the Hearing, Mr. McKoy advised the OCG of several other Construction companies that had engaged his services, which includes, Rogers Land Development.⁷⁴ Mr. McKoy also advised the OCG that he is aware of the fact that Mr. Cavol Mantle’s employment

⁷³ Transcript of Hearing involving Mr. Dwight McKoy dated July 1, 2014, Pages. 36-37 and 72-77.

⁷⁴ Pg 57.



with Jets Laboratories Ltd. was terminated and that since said termination of contract, he has not been in receipt of any other Laboratory Report bearing the name “*Jets Laboratories Ltd.*”⁷⁵

Mr. McKoy provided the Commission of the following details concerning his association with Rogers Land Development and one ‘Ricardo Burton’, as follows:

“[OCG Officer]: *You noted before that one of the construction companies that you have done work for is Rogers Land Development.*

A: *Yes, ma'am.*

Q: *Can you recall the projects for which you have represented or done work for, for Rogers Land?*

A: *They have a concrete batching plant. I am a concrete technologist and so the mix designing, the initial set up of the concrete batching plant was a part of what I did for them. There was no specific project, it was getting the plant ready, working on the concrete with Mr Burton, you know, Mr Farquharson and so.*

Q: *Who is Mr Burton?*

A: *Who is he?*

Q: *Yes.*

A: *He works for them.*

Q: *Can I have a full name, please.*

A: *Ricardo Burton.*

Q: *Ricardo Burton works for Rogers Land?*

⁷⁵ Pgs 60-61



- A: *As far as I know, he mentioned him to me.*
- [OCG Officer]: *Mentioned his name?*
- A: *His name to me.*
- [OCG Officer]: *And this would have been the same Ricardo Burton that you worked with at Premix?*
- A: *Well, I hope so, I assume so. As far as I know he worked for them, I don't know if he still does, he used to work for them. I don't know if he is still there.*
- [OCG Officer]: *So you are saying that the projects for which you did any work for Rogers Land Development...*
- A: *It wasn't any specific project it was more getting the plant ready.*
- Q: *Where is this plant?*
- A: *Their office; they have a plant at their office on Molynes Road.*⁷⁶

The OCG also requested that Mr. McKoy provide the copy of the email with the Report which was generated for Chin's Equipment Rental and Construction and which was purportedly sent to him by email by Mr. Cavol Mantle. On July 17, 2014, Mr. McKoy furnished the Commission with copies of the Laboratory Reports which were prepared for Chin's Equipment Rental and Construction Ltd. in respect of the JSIF Rehabilitation Richmond Gap Project. The documents consisted of the Nuclear Compaction Tests and a cover letter which was dated December 12, 2013 and were all represented on the Letterhead of Jets Laboratories Ltd. and bore the signatures which resembled that of Mr. Gordon Hutchinson, Director and Ms. Kayanna Bromfield, Laboratory Administrator, both of Jets Laboratories Ltd. Of note, the referenced Laboratory

⁷⁶ Transcript involving Mr. Dwight McKoy dated July 1, 2014 Pgs. 64-66



Report is similar to that which was submitted by Mrs. Fay Chin subsequent to her appearance before the then Contractor General and that which was identified by the representatives of Jets Laboratories Ltd. as fraudulent and/or fictitious.

Attempts to Make Contact with Mr. Cavol Mantle

Subsequent to Mr. Cavol Mantle's appearance before the Contractor General on April 3, 2014 and given the representations which were made by Mr. Ricardo Burton, Next Generation Consultants and Associates, and Mr. Dwight McKoy, C.M.T. LABS, numerous attempts were made by the Commission to make contact with Mr. Mantle. The OCG's checks with the Passport Immigration and Citizenship Agency (PICA) revealed that "...*Cavol Harlan Mantle – departed the island on May 15, 2014 to the United States*"⁷⁷. Follow-up statutory Requisitions to the Agency to ascertain the date on which Mr. Mantle was expected to return to the island proved futile since the OCG was advised by PICA that "...*return dates for departing passengers are not recorded by the Immigration Services since it is not an operational or security requirement*"⁷⁸. No further attempt was made by the OCG to make contact with Mr. Cavol Mantle.

Having regard to the appearance of Mr. Cavol Mantle, and his denial of the allegations concerning his involvement in the conduct of soils and material tests and Reports, the Commission highlights, *hereunder*, the provisions of Section 29 of the then Contractor General Act, as well as, attendant legislations concerning the making of false statements, and attempts to mislead:

⁷⁷ Letter dated July 10, 2014 which was received from the Passport Immigration and Citizenship Agency (PICA)

⁷⁸ Letter dated July 18, 2014 which was received from the Passport Immigration and Citizenship Agency (PICA)



“Every person who-

- (a) **willfully makes any false statement to mislead** or **misleads** or **attempts to mislead** a Contractor-General or any other person in the execution of his functions under this Act; or
- (b) without lawful justification or excuse-
- (i) obstructs, hinders or resists a Contractor-General or any other person in the execution of his functions under this Act; or
- (ii) fails to comply with any lawful requirement of a Contractor-General or any other person under this Act; or...

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.”⁷⁹

By virtue of Section 29(a) of the Contractor General Act, there are three (3) offences for which a person may be liable for prosecution, i.e. where a person:

- i. **Willfully makes a false statement to mislead** a Contractor General or any other person in the execution of their functions under the CGA.
- ii. **Misleads** a Contractor General or any other person in the execution of their functions under the CGA ; or

⁷⁹ Section 29 of the Contractor General Act.



iii. **Attempts to mislead** a Contractor General or any other person in the execution of their functions under the CGA.

Section 4(1) of the Perjury Act provides that:

*“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.”*

Section 11(1) of the Perjury Act further provides that,

*“Where two or more **inconsistent or contradictory** statements of fact or alleged fact, material to the issue or matter in question, have been wilfully made on oath by one and the same witness in any judicial proceeding, whether before the same Court or tribunal or person or not, such witness shall be guilty of a misdemeanour, 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”*

The Provisions of Law as is Relates to Fraudulent Representations

Pursuant to Section 18(2)(b) of the then Contractor General Act and Section 4(2) of the Perjury Act, hearings conducted by the Contractor General in the conduct of investigation of matters which are under its jurisdiction are considered judicial proceedings.



Further and having regard to the appearances of (a) Mrs. Fay Chin (b) Mr. Richard Rogers, (c) Mr. Cavol Mantle, (d) Mr. Dwight McKoy (e) Mr. Ricardo Burton and the representations made by Cenitech Solutions Ltd. concerning agreements for the conduct of soils and materials tests and Reports with the result that (i) the Laboratory Test Reports and the signatures of Ms. Kayanna Bromfield and Mr. Gordon Hutchinson were forged; and (ii) fraudulent test reports were uttered to the NWA and the JSIF, the Commission highlights the following:

Section 3 of the Forgery Act defines “forgery” as “...*the making of a false document in order that it may be used as genuine...and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided.*”

According to Section 3(2) of the referenced Act, a documents is false where, any

“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;”

In respect of the common law concerning fraud by false representation, the offence is committed when the representation is made. The representation **must be untrue or misleading**. There is no express requirement of materiality in the respect in which it is untrue or misleading, either objectively or subjectively to the defendant. Therefore, a person who is, intending to make a



gain, knowingly makes a representation which is only peripherally false or misleading will be caught, if and only if he is dishonest.⁸⁰

The Jamaican Court of Appeal in **Bevad Limited v. Oman Limited**⁸¹ has stated in **relation to the formation of contracts** that, liability for a fraudulent representation may be “...*imposed on a defendant if it can be shown that he did not honestly believe the truth of the statement. If a man makes a statement, intending it to be acted upon by other, knowing it to be untrue, or has reasonable grounds to believe it to be untrue, he commits a fraud. To establish liability, it is not necessary to show that he should have known the statement was false. Once it is made and it is shown that he has no belief in it, this is affirmation which renders him liable.*”

Importantly, The Black’s Law Dictionary edn, defines “misrepresentation” in the following manner:

“... being a false assertion of fact, commonly takes the form of spoken or written words. Whether a statement is false depends on the meaning of the words in all the circumstances, including what may be fairly be inferred from them. An assertion may also be inferred from conduct other than words. Concealment or even non-disclosure may have the effect of a misrepresentation... [A]n assertion need not be fraudulent to be a misrepresentation. Thus a statement intended to be truthful may be a misrepresentation because of ignorance or carelessness, as when the word ‘not’ is inadvertently omitted or when inaccurate language is used. But a misrepresentation that is not fraudulent has no consequences unless it is material”.

⁸⁰ Archbolds Criminal Practice and Procedure

⁸¹ Supreme Court Appeal No. 133/05



The Role(s) and Responsibilities of the NWA and the Jamaica Social Investment Fund in Monitoring the Performance of Government Contracts

In respect of the contracts and/or Bill of Quantities which were entered into between the National Works Agency (NWA) and YP Seaton and Associates, Dwight’s Construction Limited and Rogers Land Development, provisions were outlined for performance of specified tests of plant, material and other parts of the works.⁸² Similar provisions were contained in the Conditions of Contract which was entered into between the Jamaica Social Investment Fund (JSIF) and Chin’s Equipment Rentals and Construction.⁸³

Further, the terms of the contracts also placed an obligation upon the Employer, being the NWA and JSIF, to conduct reasonable inspections, examinations, measurement and tests of the materials and workmanship.⁸⁴ In this regard, the Commission sought to ascertain the steps which were undertaken by the NWA and the JSIF in respect of the aforementioned obligation. Mr. Varden Downer, Director of Regional Implementation and Special Projects at the NWA provided the following statements:

“It is my understanding that projects we have been working on at the NWA, and for which we have received test results, as we have in the past, from Jets Laboratories, have proven not to be

⁸² Clause 7.1- 7.4 of the Contract which was entered into between the NWA and Dwight’s Construction and for the Black River Sea Wall Protection Works at Scott’s Cove- Luana, St. Elizabeth.

Clause 7.1- 7.4 of the Contract which was entered into between the NWA and YP Seaton and Associates for the Sandy Gully – Grants Pen Ford- Mega Mart Grants Pen Road –Cruiser Gully- Washington Close & Wiggan Loop Drainage Rehabilitation Project.

Bill of Quantities submitted by Rogers Land Development for the Tropical Storm Nicole Drainage Network Rehabilitation Project- Kingston and St. Andrew.

⁸³ Clause 2.03- 2.05 of the Conditions of Contract which was entered into between JSIF and Chin’s Equipment Rentals and Construction for the Richmond Gap to Richmond Vale Road Rehabilitation, St. Thomas.

⁸⁴ Ibid.



*authentic and by that I mean we are satisfied that there are persons who come on the ground, carrying out work on behalf of the contractor, however, when we received the test results they demonstrate that the contractor's works are in conformance. **We are satisfied based on what our Site Supervisors have said to us that the works are carried out in conformance with the contract,** however, some of the tests later proved that they were not issued by Jets Laboratories.*

...

I am aware that when a contract is let, the contractor has certain obligations which are required of him. One of them includes that he should advise us of his testing house, who is to be engaged to carry out the quality test that is necessary for the project. That notification is sometimes not formal. By that I mean that sometimes we might call the contractor to ask who is the testing house, some of these things we don't put in writing, and the contractor would advise verbally. As the work progresses, the Project Officers or Supervisors on the ground, would be obliged to liaise with the contractor to ensure that the necessary tests are being done. Where tests are to be done, we will ask the contractor whether the tests have started. A lot are usually verbal. We will see persons come on site to carry out the tests with the various test equipment. There are times we will communicate with them to ensure that tests are carried out consistently with what our



expectations are, and we will be there with them and observe the tests on the ground.”⁸⁵

“I am aware that in other instances, like concrete works, the test that will be required is the taking of concrete samples, and when that is done, the results will be returned from the contractor to us advising of the results of the test. We will receive the test formally and once we see the reputable company’s letterhead bearing the test results then we are satisfied that yes, these are coming from Jets Laboratories or Hill Betty. Once we receive those tests, we examine them, and are satisfied that it meets the requirement and we move on...”

“I am aware that the test results are received from the Contractor, who under contract, is obliged to submit the test results to the NWA.”

“I am not aware that the NWA, in the past, had reason to question the authenticity of a submitted test.”

...

*“I am aware that there are two (2) things that the NWA would do if we are not [satisfied] with the quality of the works, even if a test was received by the NWA from a contractor. **We would sometimes do quality control or sampling of the work that is going on or sometimes we would request another lab to go out and do sampling, to satisfy ourselves but it is not usually [sic] to***

⁸⁵ Statement of Mr. Varden Downer , Director Regional Implementation and Special Projects, NWA. Dated April 3, 2014.



question the veracity of the letter that we receive from the contractor. Sometimes as well, the people who come on the ground to do the test are people we are familiar with from the different labs. We normally rely on whatever the testing labs would have provided.”⁸⁶ (DI Emphasis)

Mr. Sherwin Dennis, Construction Manager, NWA, provided the following statements in respect of his roles and responsibilities:

*“As the Construction Manager, NWA, I am responsible for the supervision and monitoring of [contracts] and the implementation of contracts. I am also responsible for Project Management.”*⁸⁷

“As Construction Manager at the NWA, I report directly to Mr. Varden Downer, Director of Regional Implementation and Special Projects, NWA.”

...

“I am aware that the Contractor is required to make arrangements with the testing house and inform the testing house as to the type of test that is to be done. The testing house would conduct the test and send the test results to the Contractor. The Contractor would then provide the test reports to the NWA.

*When I say testing house I mean Laboratory.”*⁸⁸

⁸⁶ ibid

⁸⁷ Statement of Mr. Sherwin Dennis, Construction Manager, NWA. Dated April 3, 2014.

⁸⁸ ibid



“I was made aware by the Quality Assurance Dept. of the NWA, by way of a Memo that the test results were non-compliant, because they have been deemed to be not authentic. The Project referred to in the Memo by the Quality Assurance Dept. was the Caribbean Development Bank funded Drainage Network Rehabilitation Project which was numbered SG-07. That contract had three (3) locations: Grants Pen Ford to Mega Mart, Grants Pen Road to Cruiser Gully - Washington Close and Wiggan Loop, which is the same as Barbican Mews. The Contract was awarded to YP Seaton and Associates.

I was the Construction Manager for this contract.”

...

“Based on the nature of my job which requires me to be at several locations as Project Manager I wouldn’t be the person who is there as a resident person on site because my representative, who is Dwight May, is required to be there as the resident Clerk of Works, as such it would be difficult for me to say whether there was a subcontractor.”

...

“I am aware that Nuclear Compaction Tests and Concrete Test Reports for the Caribbean Development Bank funded Drainage Network Rehabilitation Project were submitted to the NWA by the Contractor, YP Seaton and Associates. I don’t recall whether the Reports were submitted directly to the Reception or walked in by the Contractor to the Directorate of Regional Implementation and Special Projects. I am aware that normally if it is walked in the



first possible contact in the department and to whom it could be submitted is Mr. Downer's Secretary, Mrs. Coreen Daley, or to any other person within the department."

"I am not in a position to speak to the NWA policy as to how documents should be submitted. Based on my understanding, some documents are dropped off at the [reception's] desk and then recorded prior to being submitted to the directorate of Regional Implementation and Special Projects. I have also noticed that documents are sometimes given to me directly or indirectly without being first left at the Reception and passed to the Records office."

"I cannot recall whether the Nuclear Compaction Tests and Concrete Test Reports for the Caribbean Development Bank funded Drainage Network Rehabilitation Project were channeled through the above process. I recall that I came to my desk and I saw an envelope with the Test Reports."

"I do know Mr. Michael Levy of YP Seaton and Associates. I know him as YP Seaton and Associates' Project Manager for the CDB funded Drainage Network Rehabilitation Project. I am not in any other way associated with Mr. Levy."

"I do not recall Mr. Levy handing me any Nuclear Compaction Tests and Concrete Test Reports for the Caribbean Development Bank funded Drainage Network Rehabilitation Project. When I say



I don't recall I mean that it could be possible, as most of the test reports that I receive for projects are on my desk when I come in."

*"I don't recall being handed any test reports by Mr. Michael Levy for any other projects, but it could be possible."*⁸⁹

Mr. Dwight May, Clerk of Works, NWA, advised the OCG by way of a statement, of the role performed by him in respect of the works which were undertaken by YP Seaton and Associates at "Cruiser Gully" and "Wiggan Loop". The following, *inter alia*, statements were made:

"As a Clerk of Works at the NWA, my roles vary depending on the way the project is implemented... I am responsible for the supervision of contractors as the NWA Site Supervisor. In my capacity as Site Supervisor I am responsible for ensuring the contractor performs as required, for example, ensuring that there is equipment on-site. I also ensure that contractors comply with the specifications of the contract.

...

I was the Site Supervisor on the Wiggan Loop Gully. I recall that compaction and concrete slump tests were conducted. I do not know the name of the laboratory representative who conducted the test. I did not ask which laboratory was doing the test. The contractor on this project was YP Seaton. The person from YP Seaton who I interacted with was Mr. Michael Levy. The YP Representative on-site was Mr. Dwight Cameron. Mr. Cameron

⁸⁹ Ibid.



and Mr. Levy were the persons from YP Seaton who I interacted with directly. I am not aware of a sub-contractor being on-site.

I was also the site supervisor on the Cruiser Gully Project YP Seaton was also the Contractor and the on-site representative was also Mr. Dwight Cameron. I recall the same tests which were done on the Wiggan Gully project, being done for this project.”⁹⁰

Having regard to the fact that the discrepancies concerning the Laboratory Reports emanated from a verification exercise which was undertaken by the Quality Assurance Department of the NWA, the Commission deemed it prudent to obtain a statement from Mrs. Orlene Nembhard Rowe, Director of Quality Assurance Department, NWA. The following statements were made:

“As the Director of the Quality Assurance Department at the National Works Agency (NWA), I manage the Quality Assurance Department with the responsibilities of overseeing the entire Office and the monitoring of projects from a quality assurance perspective. In addition, I oversee the running of the two (2) NWA testing laboratories.

...

It was the NWA that contacted JETS Laboratories Ltd. regarding the clarification of laboratory test results. I was the person who made contact with the representative from JETS Laboratories Ltd., Ms. Kayanna Bromfield, Laboratory QC Administrator, regarding clarification of laboratory test results, the initial contact was made

⁹⁰ Witness Statement of Mr. Dwight May, dated April 3, 2014.



verbally via telephone on August 21, 2013. The test results were faxed to JETS Laboratories Ltd.

...

Documents were sent regarding Crane Road to Parottee Road project (which is one of the projects associated with JDIP) to verify incomplete documents and JETS Laboratories Ltd. was asked to forward the complete sets of documents. The document that was missing was the spray rate test results, which is necessary for a complete report on these tests. One cannot be done without the other, they are usually done together.”⁹¹

Remedial Actions Taken by the NWA

Mr. Varden Downer advised the OCG by way of his statement of, *inter alia*, the following remedial actions that have been undertaken by the NWA:

“The NWA has moved to conduct post construction tests, where possible, so we can assure ourselves that the products tested does meet all the specifications which have been required. We have also moved to implement measures by withholding 1% of the contract until the contractor can satisfy his obligation to provide us with authentic results. These measures were implemented a few weeks ago on the directives of the Senior Director, which I would conclude would have discussed it with the Chief Executive Officer.

⁹¹ Witness Statement of Mrs. Orlene Nembhard-Rowe, dated January 23, 2014.



I am aware that the NWA since the matter came up through the Quality Assurance Director has sought to examine a number of projects that we have received results from Jets Laboratories to verify if they were contracted to carry out these tests. If it is that the contracts are not closed where the contractors have been paid in full, we notify the contractor and my understanding is that we have started to apply punitive measures where possible.”⁹²

Representations Made by JSIF

The OCG by way of a requisition which was dated March 14, 2014, wrote to Mrs. Scarlett Gillings, Managing Director, Jamaica Social Investment Fund (JSIF). The following question, *inter alia*, was posed:

“Please indicate whether Soils & Materials Laboratory Test Results Report(s) had been requested from the Contractor, or anyone acting on its behalf. If yes, please provide particulars of all such requests to include (i) the person(s) from whom the reports(s) was (were) requested; (ii) the persons’ affiliation with the Contractor; ... and (iv) the date(s) on which the request(s) was (were) made.”⁹³

Mrs. Gillings, advised the OCG on March 20, 2014, that JSIF had requested soil compaction test reports and that this was requested by JSIF’s Project Engineer on November 20, 2013. In furtherance of the OCG’s Requisition, Mrs. Gillings indicated by way of her response that “*No requests were made directly to the Lab*” and that she did not know whether the Soil and Materials Laboratory Test Result Reports which were submitted by the Contractor were

⁹² Witness Statement of Mr. Varden Downer, dated April 3, 2014.

⁹³ Requisition which was sent to Mrs. Scalette Gillings, Managing Director, JSIF, March 14, 2014. Question 2



fraudulent. It is to be noted that Mrs. Gillings provided a copy of the Laboratory Report which was submitted by Chin's Equipment Rental and Construction Limited. The Report which was submitted under cover of letter dated January 31, 2014 was signed by Mrs. Fay Chin and found to be similar to that which was submitted by Mrs. Fay Chin subsequent to her appearance before the then Contractor General and that which was identified by the representatives of Jets Laboratories Ltd. as being fraudulent and/or fictitious.



CONCLUSIONS

Based upon the documents which have been reviewed, as well as the responses that have been received from, representatives of Jets Laboratories Ltd., the National Works Agency, the Jamaica Social Investment Fund and certain contractors and sub-contractors who were awarded government contracts, the Director of Investigation has arrived at the following conclusions:

1. Particulars of twenty-two (22) Laboratory Reports, which were purported by the construction entity, Rogers Land Development, as having been prepared by Jets Laboratories Ltd. were reviewed by the then OCG. The Laboratory Reports were prepared in respect of the following government contracts/ roadwork projects:
 - (a) JDIP – St. Elizabeth – Crane Road Parotee;
 - (b) Sandy Gully (Drumblair) Damage Gully Invert Restoration works; and
 - (c) Halls Delight – St. Andrew.

2. The above mentioned twenty-two (22) Laboratory Reports which allegedly bore the signatures of Ms. Kayanna Bromfield and Mr. Gordon Hutchinson as well as the Quality Assurance stamp of Jets Laboratories Ltd. are **forged documents**. The Director of Investigation has arrived at this conclusion based upon the following:
 - (a) The insitu density and concrete compressive tests which were stated to have been conducted were not performed by the technicians who were purported to have conducted same;
 - (b) There is no independent record at Jets Laboratories Ltd. of having conducted the mentioned tests.



- (c) The signatures which certified the reports were neither affixed by Kayanna Bromfield nor Gordon Hutchinson; and
 - (d) Rogers Land Development was not a client of Jets Laboratories Ltd. during the period. Instructively, the dates on which the tests were purportedly conducted were during the period January 31, 2011 –April 15, 2013.
3. Particulars of thirty (30) Laboratory Reports which were purported by the construction entity, Y.P. Seaton Associates Ltd., as having been prepared by Jets Laboratories Ltd. were reviewed by the then OCG.

The Laboratory Reports were prepared in respect of the following government contracts/roadwork projects:

- (a) Cruiser Gully , Fredrick Ave (Top Gully) Damage Gully Invert Restoration Works;
and
 - (b) Wiggan Loop Damage Gully Invert Restoration Works;
4. The above mentioned thirty (30) Laboratory Reports which allegedly bore the signatures of Kayanna Bromfield and Gordon Hutchinson as well as the Quality Assurance stamp of Jets Laboratories Ltd. are **forged documents**. The Director of Investigation has arrived at this conclusion based upon the following:
- (a) The insitu density and concrete compressive tests which were stated to have been conducted were not performed by the technicians who were purported to have conducted same;
 - (b) There is no independent record at Jets Laboratories Ltd. of having conducted the mentioned tests;



- (c) The signatures which certified the reports were neither affixed by Kayanna Bromfield nor Gordon Hutchinson; and
 - (d) Whereas Y.P. Seaton and Associates is a client of Jets Laboratories Ltd. the company was not engaged in respect of the projects mentioned above.
5. Particulars of one (1) Laboratory Report which was purported by the construction entity, Chin's Equipment Rental and Construction Limited, as having been prepared by Jets Laboratories Ltd. was reviewed by the then OCG.

The Laboratory Report was prepared in respect of the following government contract/ roadwork project:

- (a) JSIF- Richmond Gap to Richmond Vale Road Rehabilitation, St. Thomas Road Rehabilitation
6. The above mentioned Report which allegedly bore the signatures of Ms. Kayanna Bromfield and Mr. Gordon Hutchinson as well as the Quality Assurance stamp of Jets Laboratories Ltd. is a **forged document**. The Director of Investigation has arrived at this conclusion based upon the following:
- (a) The insitu density and concrete compressive tests which were stated to have been conducted were not performed by the technicians who were purported to have conducted same;
 - (b) There is no independent record at Jets Laboratories Ltd. of having conducted the mentioned tests.
 - (c) The signatures which certified the reports were neither affixed by Kayanna Bromfield nor Gordon Hutchinson.



- (d) The quality assurance stamp which was imprinted on the Report and dated December 10, 2013 had been taken out of commission and replaced with an embossed seal as at September 2013. Reports bearing the quality assurance stamp subsequent to that date would be fraudulent.
 - (e) Chin's Equipment Rental and Construction Limited was not a client of Jets Laboratories Ltd. during the period.
7. Particulars of Laboratory Reports which was purported by the construction entity, Dwight's Construction Ltd., as having been prepared by Jets Laboratories Ltd. were reviewed by the then OCG.

The referenced Laboratory Reports were prepared in respect of the following government contract/ roadwork project:

- (a) Black River Sea Wall- Rehabilitation Works
8. The Director of Investigation has accepted the testimony given by Ms. Kayanna Bromfield that the above mentioned Reports in respect of the Black River Sea Wall- Rehabilitation Works were not prepared by Jets Laboratories Ltd. and therefore concludes that the said documents were fraudulent. The Director of Investigation has arrived at this conclusion based upon the following:

- (a) There is no independent record of Jets Laboratories Ltd. having conducted the mentioned tests.
9. In relation to the conclusions stated at numbers 1-8 above, the Director of Investigation notes that Section 3(1) of the Forgery Act 1942 states that forgery "... is the making of a



*false document in order that it may be used as genuine, ...*⁹⁴ Section 3(2) of the referenced Act also 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, or on behalf of, or on account of a person who did not make it nor authorize its making; ...*”⁹⁵

10. The Director of Investigation has accepted the sworn testimony provided by Mrs. Fay Chin, Director, Chin’s Equipment Rental and Construction Ltd. that Mr. Dwight McKoy of Construction Materials Testing Laboratories was engaged to conduct the laboratory Tests and generate said Reports.
11. The Director of Investigation has accepted the representations made by Mr. Dwight McKoy, of Construction Materials Testing Laboratories, that the said business is owned and operated by himself and two (2) others, namely, Cavol Mantle and Natalie Rowe. Further, that the subject Laboratory Reports, which were generated for and on behalf of Chin’s Equipment Rental and Construction Ltd., were submitted by Mr. Dwight McKoy to Mrs. Fay Chin.
12. The Director of Investigation rejects the assertions made by Mr. Dwight McKoy that the subject Laboratory Reports were generated based upon an agreement between Jets Laboratories Ltd. and Mr. Cavol Mantle and/or any other person acting on behalf of Construction Materials Testing Laboratories.
13. The Director of Investigation concludes that there is, *prima facie*, evidence of a conspiracy to defraud the JSIF and Jets Laboratories Ltd. between the directors of both

⁹⁴ Section 3(1) of the Forgery Act 1942

⁹⁵ Section 3(2) of the Forgery Act 1942



Construction Materials Testing Laboratories and Chin's Equipment Rental and Construction Ltd. in relation to the Laboratory Reports which were generated in relation to the contract which was awarded to Chin's Equipment Rental and Construction Ltd. The Director of Investigation has arrived at this conclusion based on the compendium of the following facts:

- (a) The common law offence of conspiracy to defraud is defined as “...*an agreement by two or more by dishonesty to deprive a person of something which is his or to which he is or would be entitled and an agreement by two or more by dishonesty to injure some proprietary right of his*”⁹⁶.
 - (b) The referenced Laboratory Reports, though bearing certain distinguishing features of an authentic Report generated by Jets Laboratories Ltd., are fraudulent.
 - (c) Chin's Equipment Rental and Construction Ltd. entered into an agreement with Construction Materials Testing Laboratories, for the purposes of the generation of Laboratory Test Reports in satisfaction of specified testing conditions of contract, with the result that said fraudulent reports were tendered to the Jamaica Social Investment Fund.
14. The Director of Investigation has accepted the testimony of Mr. Craig Campbell that he did not conduct the Insitu Density and/or Nuclear Compaction Test in respect of the JSIF- Richmond Gap to Richmond Vale Road Rehabilitation, St. Thomas Road Rehabilitation Project.
15. The Director of Investigation has also accepted the testimony of Ms. Kayanna Bromfield and Mr. Gordon Hutchinson that at the material time, being December 10, 2013, Chin's Equipment Rental and Construction Ltd. was not a client of Jets Laboratories Ltd.

⁹⁶ Scott v Metropolitan Police Commissioner [1975] AC 910 per Lord Dilhorne



16. The Director of Investigation concludes that the letter dated December 22, 2010, which was written on the letterhead of Jets Laboratories Ltd. with reference to “*Eltham Quarry, St. Ann*” allegedly bearing the signatures of Mr. Gordon Hutchinson and Ms. Kayanna Bromfield is a **forged document**. The letter was submitted to the OCG by Mrs. Fay Chin as an attempt to corroborate assertions that Chin’s Equipment Rentals and Construction was a Client of Jets Laboratories Ltd.

17. There is some degree of uncertainty as it relates to the person or persons responsible for the generation of the fraudulent Laboratory Reports which were submitted by or on behalf of YP Seaton and Associates to the National Works Agency (NWA). This owing to the fact that the Director of Investigation has been unable to positively identify all the parties involved in the conspiracy.

It is, however, concluded that there is, *prima facie*, evidence of a conspiracy to defraud between the directors/principals of YP Seaton and Associates and persons unknown, in relation to the Laboratory Reports which were generated in relation to the contract which was awarded to YP Seaton and Associates.

18. An Agreement was entered into between Mr. Richard Rogers of Rogers Land Development and Mr. Ricardo Burton of Next Generation Consultants and Associates for the conduct of laboratory Tests and generation of the Laboratory Reports.

19. The Director of Investigation concludes that there is, *prima facie*, evidence of a conspiracy to defraud between the Directors of Next Generation Consultants and Associates, Construction Materials Testing Laboratories and Mr. Richard Rogers, Director of Rogers Land Development in relation to the Laboratory Reports which were generated in relation to the contracts which were awarded to Rogers Land Development.



The Director of Investigation has arrived at the aforementioned conclusion based on the compendium of the following facts:

- (a) That the common law offence of conspiracy to defraud is defined as “...*an agreement by two or more by dishonesty to deprive a person of something which is his or to which he is or would be entitled and an agreement by two or more by dishonesty to injure some proprietary right of his*”⁹⁷.
 - (b) The referenced Laboratory Reports, though bearing certain distinguishing features of an authentic Report generated by Jets Laboratories Ltd., are fraudulent.
 - (c) Rogers Land Development entered into an agreement with Next Generation Consultants and Associates, for the purposes of the generation of Laboratory Test Reports in satisfaction of specified testing conditions of contract, with the result that said fraudulent reports were tendered to the National Works Agency.
20. There is, *prima facie*, evidence of a conspiracy to defraud between the Directors of Cenitech Engineering Solutions Ltd., Dwight’s Construction Ltd. and Mr. Cavol Mantle and/or the Directors of Construction Materials Labs in relation to the Laboratory Reports which were generated in respect of the contracts which were awarded to Dwight’s Construction Ltd. The Director of Investigation has arrived at the aforementioned conclusion based upon the compendium of the following facts:
- (a) The common law offence of conspiracy to defraud is defined as “...*an agreement by two or more by dishonesty to deprive a person of something which is his or to which*

⁹⁷ Scott v Metropolitan Police Commissioner [1975] AC 910 per Lord Dilhorne



he is or would be entitled and an agreement by two or more by dishonesty to injure some proprietary right of his”⁹⁸.

- (b) The Laboratory Reports, though bearing certain distinguishing features of an authentic Report generated by Jets Laboratories Ltd., are fraudulent.
 - (c) Dwight’s Construction Ltd. entered into sub-contract with Cenitech Engineering Solutions Ltd. a subsequent agreement was entered into between with the latter and Mr. Cavol Mantle and/or the Directors of Construction Materials Labs, for the purposes of the generation of Laboratory Test Reports in satisfaction of specified testing conditions of contract, with the result that said reports were fraudulently tendered to the National Works Agency.
21. The Director of Investigation rejects the assertions made by Mr. Dwight McKoy that there was an arrangement between the Directors of Construction Material Testing Laboratories and “JENTECH” and/ or Jets laboratories Ltd. The evidence that has been reviewed reflects that the informal and illegal “*arrangement*” which was in place and which resulted in the fabrication of Laboratory Reports, was between Mr. Dwight McKoy, Director of Construction Material Testing Laboratories and Mr. Cavol Mantle, Director of Construction Material Testing Laboratories and former employee of Jets Laboratories Ltd.
22. Having regard to the appearance of Mr. Cavol Mantle on April 3, 2014, before then Contractor General Dirk Harrison, and his vehement denial of the allegations concerning his involvement in the conduct of soils and material tests and Reports, the Director of Investigation concludes the following:

⁹⁸ Scott v Metropolitan Police Commissioner [1975] AC 910 per Lord Dilhorne



- (a) That Mr. Cavol Mantle sought to and did (a) mislead and (b) obstruct the then Contractor General contrary to the provisions of Section 29 of the then Contractor General Act; and
- (b) That Mr. Cavol Mantle made false statements which were material to the proceedings administered by the then Contractor General, contrary to Section 4 of the Perjury Act.



RECOMMENDATIONS

The Director of Investigations makes the following recommendations:

1. Based upon the compendium of facts and, *prima facie*, evidence of a conspiracy to defraud, it is recommended that a copy of this Special Report of Investigation be referred to the Director of Corruption Prosecutions, Integrity Commission, or in the alternative to the Director of Public Prosecution, for due consideration and/or any action as may be deemed appropriate, regarding the apparent breaches of the Forgery Act, the Perjury Act and the then applicable Contractor General Act.

The Director of Investigation is hereby referring the matter to the Director of Corruption Prosecutions or in the alternative the Director of Public Prosecutions for a determination to be made in relation to the following matters:

- a. Whether the representations made by Mr. Cavol Mantle to then Contractor General Dirk Harrison, amount to a breach of Section 29 of the then applicable CGA.
- b. Whether the actions of (i) Cavol Mantle (ii) Dwight McKoy and (iii) Fay Chin give rise to the offence of a conspiracy to defraud.
- c. Whether the actions of (i) Cavol Mantle (ii) Dwight McKoy, (iii) Ricardo Burton and (iv) Richard Rogers give rise to the offence of a conspiracy to defraud.
- d. Whether the actions of (i) Cavol Mantle (ii) Dwight McKoy, (iii) the Directors of Cenitech Engineering Solutions Ltd. and (iv) the Directors of Dwight's Construction Ltd. give rise to the offence of a conspiracy to defraud.
- e. Whether the representations made by Mr. Cavol Mantle on April 3, 2014, give rise to a breach of Section 29 of the then applicable Contractor General Act and Section 4 of the Perjury Act.



2. The Director of Investigation recommends that a handwriting expert and/ or a documentation expert be invited to examine the signature which appears, on the subject Laboratory Test Reports, as well as the authenticity of said Reports, to further evidentially corroborate the sworn statement of Ms. Kayanna Bromfield, Mr. Gordon Hutchinson and Mr. Roger Haisley.

3. The Director of Investigation recommends that criminal investigations be initiated into the involvement and culpability of (a) Mr. Cavol Mantle (b) Mr. Dwight McKoy (c) Mr. Ricardo Burton (d) Ms. Natalie Rowe and (e) Mr. Orville Gayle as it relates to the creation of false documents.

Further, that criminal investigations be initiated into the involvement and culpability of (a) the Directors of Rogers Land Development (b) Cenitech Engineering Solutions Ltd. and (c) Chin's Equipment Rental and Construction Ltd. as it regards aiding and abetting Mr. Cavol Mantle, Mr. Dwight McKoy, Mr. Ricardo Burton, Ms. Natalie Rowe and Mr. Orville Gayle, in the creation of the said false documents.

4. The Director of Investigation recommends that Public Bodies treat with paramount importance and diligence, the implementation and execution of Rehabilitation Work Programmes to ensure, *inter alia*, optimum quality standards, propriety, effective contract management, adherence to contract terms and conditions whilst ensuring value for money.

This recommendation is premised on the attempts to circumvent the strictures of the quality standard provisions which are contained in terms and conditions of the contract agreements.



5. The Director of Investigation recommends that implementing agencies pay keen attention to the monitoring and verification exercises as it concerns the engagement of contractors for the performance of Road Rehabilitation Work Programmes. In this regard, the public body must ensure that all contracted works are satisfactorily performed prior to the disbursement of public funds and that evidence of this forms a part of the formal procurement record.
6. The Director of Investigation urges state agencies to apply greater levels of scrutiny and diligence in the verification exercises which are geared toward determining the authenticity and credibility of tendered documents. This may serve to reduce the incidence of the tendering of forged, erroneous and/or incomplete documents being accepted as valid and authentic.

This may further serve to reduce the susceptibility of state agencies to the commission of fraud by unscrupulous and/or uninformed persons, as the case may be.

7. It is also being recommended that state agencies implement and enforce a requirement which would make mandatory the submission of original documents; and in lieu of this, only authorise the acceptance of copied documents which have been duly certified or attested to as being a true copy.
8. The Director of Investigation strongly recommends Public Bodies conduct an audit or verification process with a view to verifying the authenticity of tendered Laboratory Reports and enforce punitive sanctions against contractors who have been found to have tendered/ uttered fictitious and/or fraudulent Reports.



9. The Director of Investigation commends the vigilance of the Quality Assurance Dept. of the NWA in detecting the fraudulent documents and recommends that other state entities develop and/or pay keen attention to the monitoring and verification exercises geared toward detecting fraud and breaches of quality standards in the performance of Rehabilitation Work Programmes.

Kevon A. Stephenson JP.

Director of Investigation