



Investigation Report into concerns that Mr. Dwayne Vaz, a former Member of Parliament, failed to provide information requested by the Commission in respect of his statutory Declaration for the year 2019.

INTEGRITY COMMISSION
October 2023



This Publication until tabled in Parliament shall be confidential.

Section 55 and 56 of the Integrity Commission Act states:

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

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

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

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

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

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

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

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Chapter 1 – Summary of Investigation and Findings

- 1.1 This investigation report by the Director of Investigation (DI) relates to concerns that **Mr. Dwayne Vaz**, a Former Member of Parliament for the constituency of Central Westmoreland, failed without reasonable cause, to provide information requested by the Director of Information and Complaints (DoIC) in respect of the Statutory Declaration he submitted to the Integrity Commission (hereinafter the Commission), for the year 2019.
- 1.2 It was found that Mr. Dwayne Vaz, was lawfully requested to provide information to the Commission at the material time, and having failed to do so, committed an offence under Section 43(1)(b) of the Integrity Commission Act (hereinafter **ICA**).



Chapter 2 – Background

2.1 Why was this investigation conducted?

2.1.1 This investigation was commenced based on a referral by the Director of Information and Complaints (DoIC) on behalf of the Commissioners, Integrity Commission, which was received on March 4, 2022. The referral indicates that Mr. Dwayne Vaz, is in breach of the **ICA** by virtue of his failure to provide information requested from him by the Commission, in respect of his Statutory Declaration for the year 2019.

2.2 Jurisdiction and decision to investigate

2.2.1 Section 33 of the Integrity Commission Act (hereinafter **ICA**) empowers the DI to investigate non-compliance with the Act by public officials. Consistent with the foregoing provision, the DI determined that an investigation was warranted, based on the nature of the alleged conduct.

2.3 The Investigation

2.3.1 During the investigation, officers of the Investigation Division pursued the following lines of enquiry/actions:

a) obtained information and witness statements from the responsible officers at:

(i) Houses of Parliament;

(ii) Tax Administration Jamaica; and



(iii) Information and Complaints Division of the Integrity Commission.

b) reviewed the information and statements collected and prepared the case file and report.

2.4 Who is the concerned public official pertinent to this Investigation?

2.4.1 Mr. Dwayne Vaz, a former Member of Parliament for the constituency Central Westmoreland is the concerned public official.



Chapter 3 – Terms of Reference

- 3.1 The DI sought to establish the following in respect of the declarant, Mr. Vaz, whether:
- (a) He had a legal obligation to file Statutory Declarations with the Commission and, if so, whether that obligation was discharged;
 - (b) Information touching and concerning his income, liabilities and assets was duly requested from him and if so, whether his failure to provide the information constitutes an offence under the Act; and
 - (c) Recommendations ought to be made to the Director of Corruption Prosecution.



Chapter 4 – The Law, Evidence and Discussion of Findings

4.1 The Obligation to File

- 4.1.1 **Section 2 of the ICA** defines Parliamentarians as Members of the House of Representatives and the Senate. See at appendix 1.
- 4.1.2 **Section 39(1) of ICA** requires Parliamentarians to submit a Statutory Declaration within the period specified to the Commission, outlining their assets, liabilities and income. See appendix 1.
- 4.1.3 The referenced obligation can be established by proving that Mr. Vaz: (1) was a Member of Parliament at the material time.
- 4.1.4 The investigation covers the declaration period ending December 31, 2019. A witness statement obtained from the duly authorized officer at the Houses of Parliament indicates that Mr. Vaz was a Member of Parliament for the constituency of Central Westmoreland between December 3, 2014 and September 3, 2020. As indicated, Parliamentarians are required to file Statutory Declarations with the Commission.

4.2 Discharge of obligation

- 4.2.1 Having established Mr. Vaz's obligation to file Statutory Declarations with the Commission, it is further necessary to determine whether said obligation was discharged.



4.2.2 The evidence provided by Reporting and Compliance Officer at the Information and Complaints Division, Integrity Commission revealed that Mr. Vaz filed the required Statutory Declaration with the Commission for the period in question.

4.3 The obligation to provide information upon request by the Commission

4.3.1 **Section 43(1)(b) of ICA**, provides that a Parliamentarian who fails, without reasonable cause to provide information to the Commission upon request, commits an offence. See appendix 1.

4.3.2 **Section 42(2) of ICA** empowers the Commission to request further information by notice in writing from any declarant in respect of their Statutory Declaration. See at appendix 1.

4.3.3 The DI is in possession of evidentiary material which indicates that Mr. Vaz was, by way of notice in writing, requested to provide further information to the Commission as outlined below:

- i) By way of letter dated November 3, 2020, Mr. Vaz was requested to submit further information to the Commission in respect of his Statutory Declaration submitted, by him, for the year 2019, which was filed on March 30, 2020. Mr. Vaz was required to provide the requested information by November 16, 2020. Table 1 below sets out the particulars of Commission's request of Mr. Vaz.



Table 1: Request for further information in respect of the Statutory Declaration filed for the period ended December 31, 2019.

Declaration for the Period ended December 31, 2019, filed on March 31, 2020	
Information Requested as at November 3, 2020	Information Outstanding as at November 16, 2020
Financial Statement for Estelar Global Services Limited for the year ended December 31, 2019	Financial Statement for Estelar Global Services Limited for the year ended December 31, 2019

- ii) The deadline of November 16, 2020, having elapsed, a reminder was sent to Mr. Vaz, by the Commission, for him to comply with the referenced request, on November 17, 2020. November 20, 2020 was therein set as the new deadline.
- iii) On December 7, 2020, contact was made with Mr. Vaz via cell phone number (876)887-4*** and email d*****@yahoo.com, he was reminded of the information requested in letters dated November 3, 2020, and November 17, 2020, which were resent via electronic mail. Notwithstanding the aforementioned reminders, Mr. Vaz failed to comply with the Commission's request for further information in respect of his Statutory Declaration.
- iv) On December 8, 2020, Mr. Vaz responded to the electronic mail of December 7, 2020, and requested until December 18, 2020, to provide outstanding information.



v) Notwithstanding the foregoing, the Reporting and Compliance Officer at the Information and Complaints Division, confirmed that Mr. Vaz failed to provide the requested information.

4.3.4 The DI highlights here, that the evidence provided by the Companies Office of Jamaica, confirms that Mr. Vaz was one of two Directors of the company Estelar Global Services between 2014 and 2021.

4.4 Discharge of Liability

4.4.1 Section 43(3) of the Integrity Commission Act provides as follows:

“(3) The Director of Information and Complaints may, with the approval of the Director of Corruption Prosecution, serve upon to a person referred to in subsection (1)(a) (failure without reasonable cause to submit a statutory declaration) or subsection (1) (b), (failure without reasonable cause to provide information) who appears to the Director of Corruption Prosecution to have committed an offence under that subsection, a notice in writing in the prescribed form offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty in the amount of two hundred and fifty thousand dollars and by submitting the statutory declaration or required information to the Director of Information and Complaints.”

4.4.2 Consistent with the foregoing provision, the Director of Information and Complaints sought the approval of the Director of Corruption Prosecution



for Mr. Vaz to be given the opportunity to discharge his liability pursuant to **Section 43(3) of the ICA**. Approval was granted by the Director of Corruption Prosecution on February 10, 2021.

- 4.4.3 A notice to discharge liability was served on Mr. Vaz on February 18, 2021, wherein he was given thirty (30) calendar days to pay the fixed penalty of two hundred and fifty thousand dollars (\$250,000), to the Tax Administration of Jamaica and submit the outstanding information to the Commission.
- 4.4.4 Checks made with the information and Complaints Division revealed that on March 5, 2021, prior to the expiration of the Notice to Discharge Liability, Mr. Vaz provided the requested information.
- 4.4.5 Notwithstanding the above, upon the expiration of the Notice to Discharge Liability period on March 11, 2021, the payment of fixed penalty was not made. This was confirmed by a Certificate of Non-Payment of Fixed Penalty, received from Tax Administration Jamaica, which was submitted to the Commission on November 11, 2022.

4.5 Discussion of Findings

- 4.5.1 During the course of the investigation into the allegations against Mr. Vaz, all reasonable lines of enquiry were explored, evidential material was gathered and the statements of witnesses deemed necessary were collected/recorded.
- 4.5.2 The overarching objective of the Commission's investigation was to determine whether there is merit in the allegation that Mr. Vaz failed to



provide information requested from him by the Commission, in respect of his Statutory Declaration for the year 2019, as required under the ICA.

4.5.3 For an offence to be committed under section 43(1)(b) ICA, it must be proved that: (1) the officer concerned is required to file Statutory Declarations under the ICA; (2) the Commission is entitled to further information in respect of same and the request for said information was appropriately made (in writing); (3) the concerned officer was aware of the request, more particularly, he received the Commission's notice in writing; (4) the obligation of the officer to provide information requested by the Commission was not discharged; and (5) no reasonable cause was advanced, justifying the concerned officer's failure to comply with the requirement to provide the requested information.

4.5.4 In arriving at a position in the instant matter, the DI directed his mind to the following findings of fact:

- (a) Mr. Vaz by virtue of his seat in the Parliament, was required, at the material time, to file Statutory Declarations with the Commission, which he did;
- (b) The Commission is empowered under ICA to, by notice in writing, request further information from any declarant who submits their Statutory Declaration. A request for further information in respect of Mr. Vaz's statutory declaration was duly made.



(c) Having failed to comply with the Commission's request for further information, Mr. Vaz was given an opportunity to discharge his liability by paying a fixed penalty and by providing the requested information. Notwithstanding, Mr. Vaz's compliance was partial, that is, he only provided the information requested but failed to pay the fixed penalty. Liability cannot therefore be said to have been discharged.

Based on the foregoing, the DI finds in all of the circumstances of this case, that a referral to the Director of Corruption Prosecution is justifiable.



Chapter 5 – Conclusions and Recommendations

5.1 This chapter sets out the conclusions and the recommendations of the DI.

5.2 Conclusions

5.2.1 The DI concludes that Mr. Vaz, was by virtue of being a Former Member of Parliament, legally obligated to file Statutory Declarations with the Commission for the year 2019.

5.2.2 The DI concludes that Mr. Vaz was requested to provide further information by the Commission and was aware of the requests.

5.2.2 The DI concludes that Mr. Vaz's failure to provide the referenced information contravenes **Section 43(1)(b) of ICA.**

5.2.3 The DI concludes that Mr. Vaz was given an opportunity to discharge liability by paying the fixed penalty and submitting the requested information. The DI further concludes that Mr. Vaz only complied with the later, therefore, he failed to discharge his liability consistent with **Section 43(3) of ICA.**



5.3 Recommendations

5.3.1 The Director of Investigation recommends that this report be referred to the Director of Corruption Prosecution for consideration.

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

October 3, 2023
Date



APPENDICES



Appendix 1: Sections 2, 39 (1), 42(2), 43(1)(b) & 43(3) of the Integrity Commission Act

Section 2 of the ICA:

"parliamentarian" means a member of the House of Representatives or a Member of Parliamentarian for Central Westmoreland;"

Section 39(1) of the ICA:

"39. -(1) Subject to the provisions of this Act, every person who, on or after the appointed day, is a parliamentarian or public official, shall submit to the Director of Information and Complaints, a statutory declaration of his assets and liabilities and his income in the form set out in the Third Schedule."

Section 42(2) of the ICA:

"(2) Where, upon examination of a statutory declaration, the Director of Information and Complaints is of the opinion that further information is required in respect of the statutory declaration, he may, by notice in writing, request the declarant to submit such other information at such time as may be specified in the notice, and the declarant shall submit such information within the specified period."



Section 43(1)(b) of the Integrity Commission Act:

"(1) Any person who-

.....

(b) fails, without reasonable cause, to provide any information as the Director of Information and Complaints may require in accordance with the provisions of this Act;"

Section 43(3) of the Integrity Commission Act:

"(3) The Director of Information and Complaints may, with the approval of the Director of Corruption Prosecution, serve upon to a person referred to in subsection (1)(a) (failure without reasonable cause to submit a statutory declaration) or subsection (1) (b), (failure without reasonable cause to provide information) who appears to the Director of Corruption Prosecution to have committed an offence under that subsection, a notice in writing in the prescribed form offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty in the amount of two hundred and fifty thousand dollars and by submitting the statutory declaration or required information to the Director of Information and Complaints."

