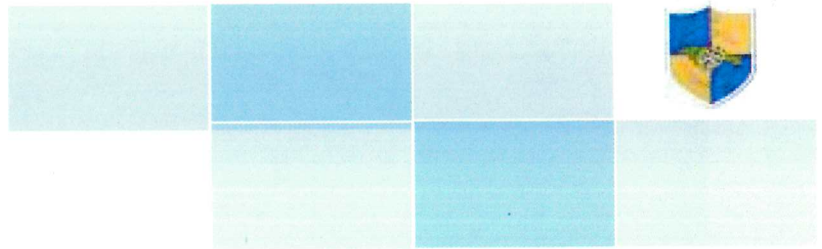




Investigation Report into concerns that, Ms. Janet Cunningham, a Chief Internal Auditor formerly employed to the Cannabis Licensing Authority, failed to file her Statutory Declaration with the Commission for the year 2023, contrary to law.

INTEGRITY COMMISSION
MARCH 2026

Report 83/2026



This Publication until tabled in Parliament shall be confidential.

Section 55 and 56 of the Integrity Commission Act state:

"(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 his 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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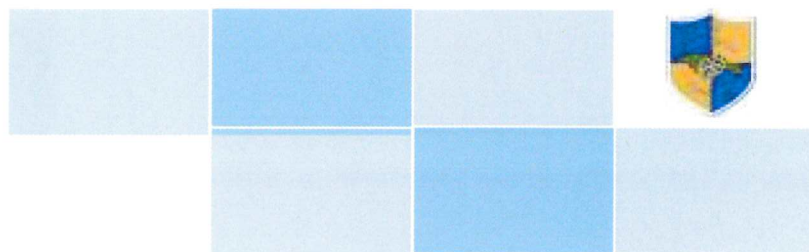
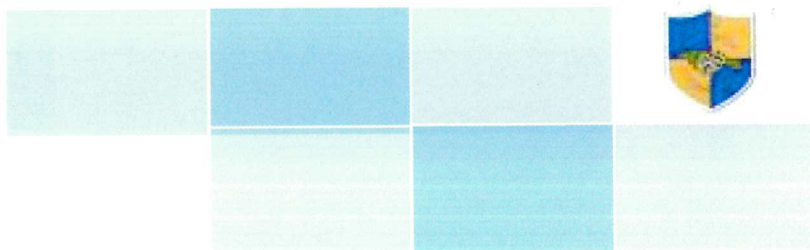


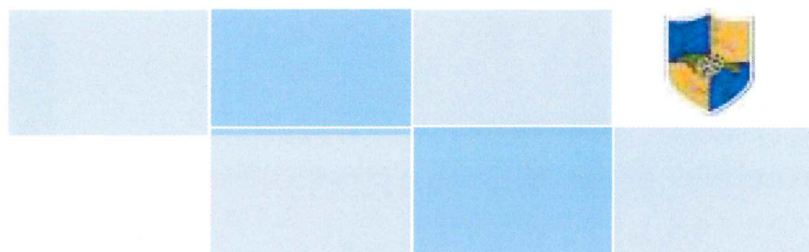
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Chapter 1 – Summary of Investigation and Findings

- 1.1 This investigation report by the Director of Investigation (DI) relates to concerns that **Ms. Janet Cunningham**, Chief Internal Auditor formerly employed to the Cannabis Licensing Authority, failed without reasonable cause, to file a statutory declaration with the Integrity Commission (hereinafter the Commission), for the year 2023.
- 1.2 It was found that Ms. Cunningham, was required to file the referenced statutory declaration with the Commission at the material time, and having failed to do so, committed an offence under **section 43(1)(a) 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 of the Integrity Commission. The referral raised concerns that Ms. Cunningham, may be in breach of the **ICA** by virtue of her failure to file her statutory declaration with the Commission for the year 2023.

2.2 Jurisdiction and decision to investigate

2.2.1 **Section 33** of the Integrity Commission Act 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.

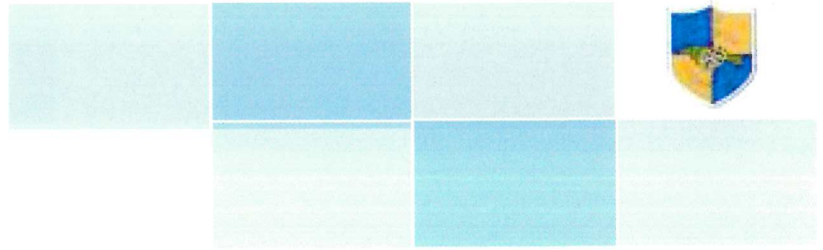
2.3 The Investigation

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) Cannabis Licensing Authority; and

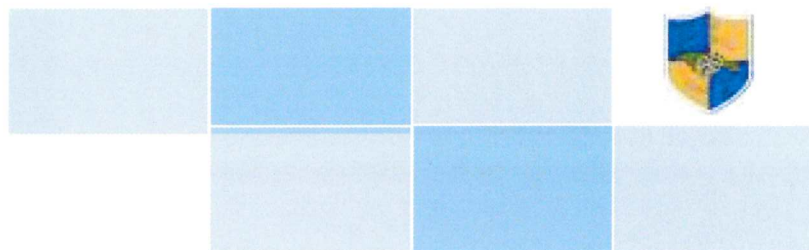
(ii) Information and Complaints Division of the Integrity Commission.



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?

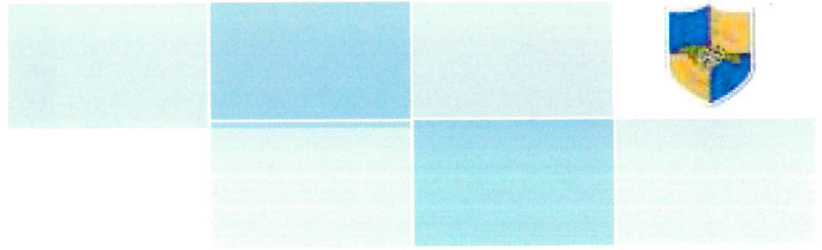
2.4.1 Ms. Janet Cunningham, Chief Internal Auditor formerly employed to the Cannabis Licensing Authority, is the concerned public official.



Chapter 3 – Terms of Reference

3.1 The DI sought to establish the following in respect of the declarant, whether:

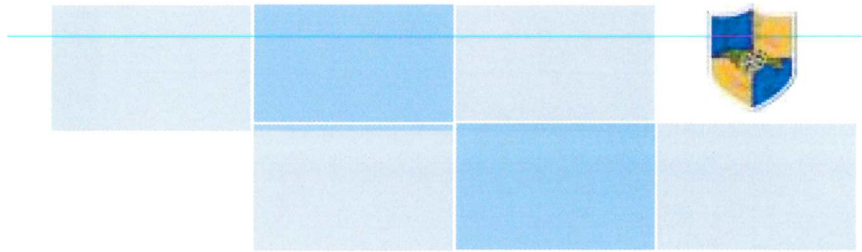
- (a) she had a legal obligation to file a statutory declaration with the Commission for the year 2023 and, if so, whether that obligation was discharged;
- (b) her non-compliance constitutes an offence under the **ICA**; and
- (c) recommendations ought to be made to the Director of Corruption Prosecution.



Chapter 4 – The Law, Evidence and Discussion of Findings

4.1 The Obligation to File

- 4.1.1 **Section 2** of the *ICA* defines a public official, as, inter alia, a person employed to a Public body. A Public body, among other things, refers to a Ministry, Department or Agency of Government.
- 4.1.2 Any public official who falls under **section 39(3)** of the *ICA*, has a legal obligation to file statutory declarations with the Commission as prescribed by the said Act.
- 4.1.3 The referenced obligation can be established by proving that, at the material time, Ms. Cunningham: (1) was a public official; and (2) occupied a post published in the Gazette by the Commission requiring the occupant(s) thereof to file statutory declarations.
- 4.1.4 A witness statement obtained from the duly authorized officer at the Cannabis Licensing Authority indicates that, at the material time, Ms. Cunningham was a Chief Internal Auditor employed to the Cannabis Licensing Authority.
- 4.1.5 The ***Jamaica Gazette***, dated Tuesday, December 5, 2023 (**Vol. CXLVI, No. 527A, Page No. 2128B**), published by the Commission, requires Internal Auditors to file statutory declarations with the Commission. Ms. Cunningham



was, therefore, required to file a statutory declaration with the Commission for the year 2023.

4.2 Discharge of obligation

4.2.1 Having established Ms. Cunningham's obligation to file statutory declarations with the Commission, it is necessary further to determine whether said obligation was discharged.

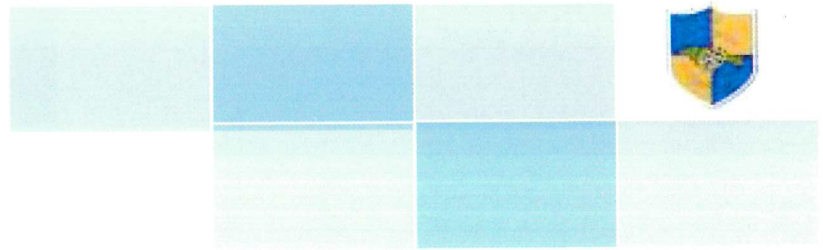
4.2.2 The evidence provided by the Declarations Manager at the Information and Complaints Division of the Commission revealed that Ms. Cunningham failed to file the required statutory declaration with the Commission for the year in question.

4.3 Is the Failure to File a Statutory Declaration an Offence under the ICA?

4.3.1 As indicated above, the failure of a declarant, without reasonable cause to submit a statutory declaration to the Commission by the due date is an offence under **section 43(1)(a)** of the **ICA**.

4.4 Discussion of Findings

4.4.1 During the course of the investigation into the allegations against Ms. Cunningham, the necessary and reasonable lines of enquiry were explored, evidential material was gathered and the statements of witnesses deemed necessary were collected/recorded.



4.4.2 The overarching objective of the Commission's investigation was to determine whether there is merit in the allegation that Ms. Cunningham failed to file the referenced statutory declaration as required under the **ICA**.

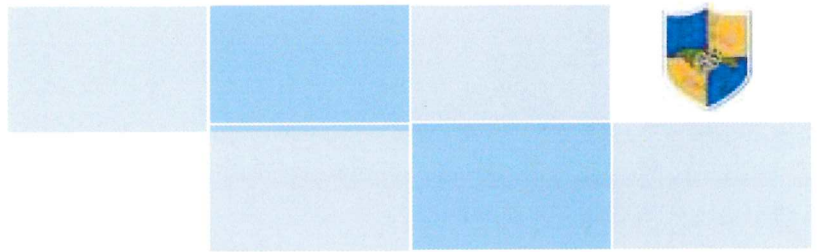
4.4.3 For an offence to be committed under section **43(1)(a) ICA**, it must be proven that: (1) the officer concerned is required to file a statutory declaration under the **ICA**; (2) the obligation to file was not discharged; and (3) no reasonable cause was advanced, justifying the concerned officer's failure to comply with the requirement to file.

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

(a) Ms. Cunningham by virtue of being a public official within the meaning of **section 39(3)** of the **ICA**, was required, at the material time, to file a statutory declaration with the Commission. This she failed to do.

(b) The deadline for filing having elapsed, the onus is on Ms. Cunningham to provide the Commission with an explanation as to what accounted for her failure to file the required statutory declaration, and to make arrangements to comply. Up to the time of this report, the Commission had not been approached by Ms. Cunningham concerning her failure to file her 2023 statutory declaration.

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



Chapter 5 – Conclusions and Recommendations

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

5.1 Conclusions

5.1.1 The DI concludes that Ms. Cunningham was, by virtue of being a public official within the meaning of **section 39(3)** of the **ICA**, legally obligated to file a statutory declaration with the Commission for the year 2023.

5.1.2 The DI concludes that Ms. Cunningham failed to submit the requisite statutory declaration to the Commission, by the due date, and that she provided no reasonable cause for her failure to do so.

5.2 Recommendations

5.2.1 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

March 23, 2026
Date

