



## **Report of Investigation**

**Concerning Allegations of Nepotism, Conflict of interest,  
Impropriety and/or Irregularity in relation to  
Contractors Recommended and Board Appointments  
made by the Member of Parliament for North Western  
St. Elizabeth**

**Integrity Commission  
September 2022**



This Publication until tabled in Parliament shall be confidential.

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

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

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

Section 56 of the Integrity Commission Act states:

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

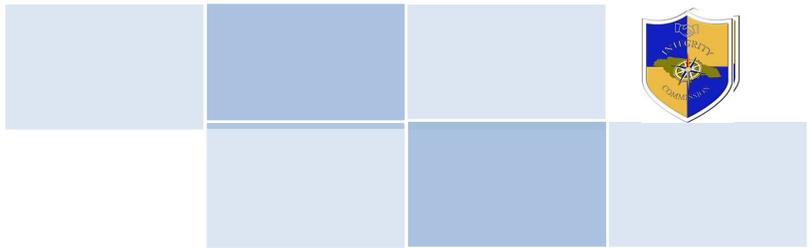
(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this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

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

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

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

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## Summary of Investigation

1.1 This investigation concerns allegations of nepotism, conflict of interest, impropriety and irregularity in relation to recommendations made to the St. Elizabeth Municipal Corporation for the award of contracts. The investigation also concerns recommendations made to the National Council on Education (NCE) for the appointment of individuals to School Boards of publicly funded institutions, by Mr. William “J.C.” Hutchinson, Member of Parliament for North Western St. Elizabeth.

1.2 The decision to commence the referenced investigation was prompted by an anonymous complaint dated February 15, 2018, which contained the following allegations:

1.2.1 That *“the contract for the electrical installation works for the renovation of the Training Centre in the North West, St. Elizabeth constituency was conducted by the son of the Member of Parliament for the constituency, Mr. JC Hutchinson.”*

1.2.2 That *“the contract may not be upfront and that there may be another contractor “fronting” for the Member of Parliament’s son.”*

1.2.3 The assertion that one *“Michael Ledgister”* was awarded a contract for the painting of the Community Centre in the constituency and that all payments were made out in cash to the person(s) engaged.

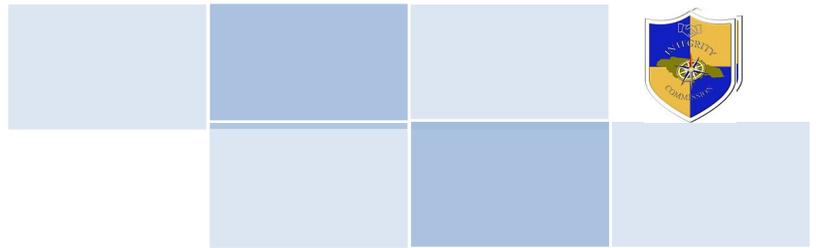


1.2.4 The claim that *“Mr. JC Hutchinson has taken over the Community Centre in Lacovia and that he has moved his Constituency Office there, with the result that the people within the constituency have no access.”*

1.2.5 The assertion that *“...the keys for the Community Centre are kept by the Member of Parliament and that [the complainant] believes that rent is being collected by Mr. Hutchinson for the use of the Community Centre.”*

1.2.6 The claim that *“...the Member of Parliament’s Constituency Office was previously located on the same premises as that of a Farm Store, which is owned by a woman who it is believed Mr. Hutchinson has a personal relationship [with] and that Mr. Hutchinson has placed the woman, identified as Ms. Williams” on a number of boards including RADA, and all school boards within the constituency.”* The complainant specifically named the Lacovia High School and the Holland Primary School.

1.3 The aforementioned allegations and inferences raised several concerns, regarding the exercise of the powers and functions of the Member of Parliament in the recommendation of contractors for the award of government contracts and the recommendation of individuals for appointment to School Boards of publicly funded institutions, and whether the



actions of any individuals pertinent to the investigation breached any applicable policies, regulations and/or legislation.

#### 1.4 Summary of Key Findings

- 1.4.1 The North Western St. Elizabeth Constituency Office is located at the Lacovia Community Centre on Main Street, Lacovia in the parish of St. Elizabeth. The office began operating from that location on July 1, 2017.
- 1.4.2 Mr. Jason Hutchinson is the proprietor of the entity known as Prostar Electrical and Construction. He is also the son of Mr. William" J.C." Hutchinson, Member of Parliament for North Western St. Elizabeth and Mrs. Lola Marshall Williams. All three parties reside at the same location in the parish of St. Elizabeth.
- 1.4.3 Three (3) cheques were made out to Prostar Electrical and Construction by the St. Elizabeth Municipal Corporation between March and August 2018, amounting to a total of \$713, 512.35, for work undertaken at the Lacovia Community Centre and the Lacovia Training Centre, in North Western St. Elizabeth.



- 1.4.4 Mr. William “J.C.” Hutchinson directly and/or ostensibly recommended Prostar Electrical and Construction to the St. Elizabeth Municipal Corporation for the award of contracts for the supply of electrical material for electrical installation work at the Lacovia Training Centre and the Lacovia Community Centre.
- 1.4.5 Mrs. Claudette Baker-Archer, Administrative Assistant and CDF Coordinator acting on behalf of Mr. William “J.C.” Hutchinson, requested payment from the St. Elizabeth Municipal Corporation on behalf of Prostar Electrical and Construction, in the amount of \$342,675.49 for the provision of electrical material for work done at the Lacovia Community Centre.
- 1.4.6 Mrs. Lola Marshall-Williams was the intimate partner of Mr. William “J.C.” Hutchinson and he has known her for over thirty-two (32) years.
- 1.4.7 The appointment of Mrs. Lola Marshall-Williams to the Board of Directors of five (5) schools within the constituency of North Western St. Elizabeth on at least eleven (11) occasions between 2008 and 2021, resulted in a conflict of interest in light of her intimate relationship with Mr. William “J.C.” Hutchinson.



## Chapter 1 – Background

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1.1 This chapter sets out the background information concerning the investigation.

### Initiation of the Investigation

1.2 On January 26, 2021, the referenced investigation was initiated by the Director of Investigation (DI).

### Jurisdiction

1.3 Section 33(1) of the Integrity Commission Act empowers the Director of Investigation (DI) to investigate any allegation involving an act of corruption or non-compliance with the provisions of the legislation, as well as the award, implementation or termination of any government contract. The referenced section further empowers the Director of Investigation to initiate investigations on his own initiative, or on the basis of a complaint referred by the Commission or the Director of Information and Complaints. The referenced section is outlined in greater detail in **Appendix 1**, attached hereto.



## The Investigation

- 1.4 During the course of the investigation, an analysis of the sworn statements, supporting documents and records provided by the Respondents was conducted.

## Individuals Pertinent to the Investigation

- 1.5 The following individuals were required to provide sworn written responses:
- a) Mr. William James Charles Hutchinson, Member of Parliament, North Western St. Elizabeth;
  - b) Ms. Merris Murray, Executive Director, National Council on Education;
  - c) Ms. Kedesha Campbell, CDF Director, Office of the Prime Minister (OPM);
  - d) Mrs. Claudette Baker-Archer, CDF Coordinator, North Western St. Elizabeth Constituency Office; and
  - e) Mr. Jason Hutchinson, Proprietor, Prostar Electrical and Construction.



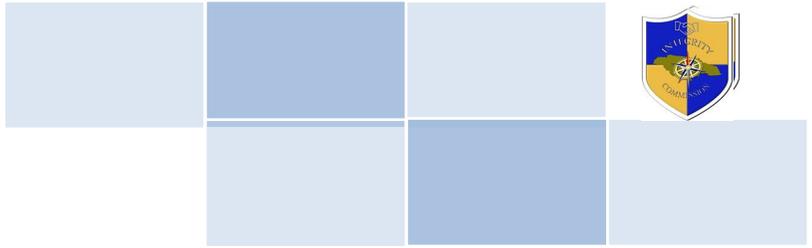
## Chapter 2 – Terms of Reference

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- 2.1 This chapter sets out the scope of the investigation and the issues that were explored. In conducting this investigation, the DI sought to establish the following:
- 2.1.1 To determine whether a contract was awarded to Mr. Jason Hutchinson, the son of Mr. William “J.C.” Hutchinson, Member of Parliament (MP), North West St. Elizabeth, and/or any person or entity acting on his behalf, by the St. Elizabeth Municipal Corporation;
  - 2.1.2 To determine the circumstances surrounding the alleged award of a contract to the son of Mr. William “J.C.” Hutchinson, Member of Parliament (MP), North West St. Elizabeth (and/or any person or entity acting on behalf of the MP’s son), for electrical installation works at the Lacovia Training Centre in the North West St. Elizabeth constituency;
  - 2.1.3 To determine whether the circumstances which led to the alleged award of contract to Mr. Jason Hutchinson, (the son of Mr. William “J.C.” Hutchinson, Member of Parliament, North West St. Elizabeth) and/or any person or entity acting on his behalf, by the St. Elizabeth Municipal Corporation, amounted to nepotism, conflict of interest, impropriety and/or irregularity;



- 2.1.4 To determine the circumstances surrounding allegations that cash payments were made to one Michael Ledgister, pursuant to a contract for painting of the Lacovia Community Centre in the North West St. Elizabeth constituency;
- 2.1.5 To determine the veracity of the allegation that Mr. JC Hutchinson, MP has *"...taken over the Community Centre in Lacovia and that he has moved his Constituency Office there, with the result that the people within the constituency have no access."*;
- 2.1.6 To determine the veracity of the claim that Mr. JC Hutchinson, MP is *"collecting rent for the use of the Community Centre in Lacovia"*;
- 2.1.7 To determine the circumstances surrounding the alleged appointment of one *"Ms. Williams"* to the Board of Directors of the Rural Agricultural Development Authority (RADA) as well as all school boards within the constituency of North West St. Elizabeth;
- 2.1.8 To determine whether the circumstances which led to the alleged appointments of the aforesaid *"Ms. Williams"* involved and/or amounted to nepotism, conflict of interest, impropriety and/or irregularity;
- 2.1.9 To determine whether recommendation(s) ought to be made to the Director of Corruption Prosecution (DCP); and



2.1.10 To determine whether recommendations ought to be made in respect of Anti-Corruption initiatives.



## Chapter 3 –Discussion of the Findings, Evidence and the Law

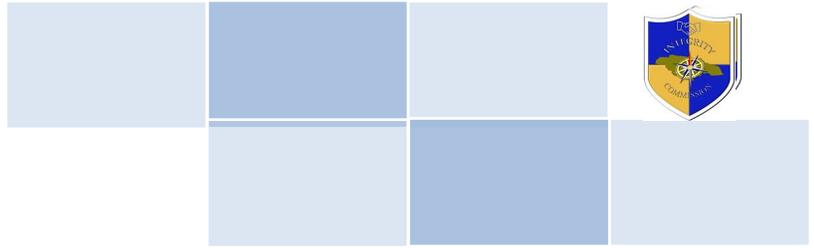
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3.1 The chapter sets out the relevant laws, inclusive of rules, regulations and other policy directives in respect of the investigation, the evidence gathered and the discussion of the findings.

### **The Circumstances Surrounding the Recommendation of Contractors to the St. Elizabeth Municipal Corporation by the Member of Parliament for North Western St. Elizabeth**

3.1.1 In interrogating the source of the authority of a Member of Parliament to recommend contractors to Implementing Agencies for the execution of work within their constituency, the DI consulted various policy documents, including The Senate and House of Representatives (Powers and Privileges) Act, 1945, Ministry Paper No. 19/2002 Conduct of Ministers, Houses of Parliament Jamaica Handbook for Parliamentarians, January 2012 and the Revised Constituency Development Fund (CDF) Operational Procedures, March 2019.

3.1.2 The DI notes that of the referenced authorities, only Ministry Paper No. 19/2002 Conduct of Ministers refers to the authority of a Member of Government to make recommendations for the award of contracts, “...*In carrying out public business, including making public appointments,*



*awarding contracts or recommending individuals for rewards and benefits, holders of public office, should make choices on merit..."<sup>1</sup>*

- 3.1.3 It should be noted that the document is silent on the specific administrative or legislative source of the authority of a Member of Parliament to exercise the referenced function.
- 3.1.4 With regard to the process, Mr. Errol Lebert, Chief Executive Officer, St. Elizabeth Municipal Corporation outlined the procedure employed by the St. Elizabeth Municipal Corporation upon receipt of a recommendation by a Member of Parliament, for a contract to be awarded in relation to work to be executed within the Member's constituency.
- 3.1.5 Mr. Lebert stated that once the document is received and recorded by the Corporation's administrative arm, it is reviewed by him and instructions are directed to the Corporation's Superintendent/Chief Engineering Officer for his action and/or attention.
- 3.1.6 Mr. Lebert added that service requests regarding the supply of material, goods and services are coordinated by the Roads and Works Department under the direction of the Chief Engineering Officer. Depending on the nature of the request or contract, Technical Officers responsible for specific geographical divisions or functional areas of the municipality would be assigned.

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<sup>1</sup> Government of Jamaica Ministry Paper No. 19/2002 Conduct of Ministers dated April 29, 2022.



3.1.7 Mr. Lebert further stated that *“All contracts relating to works below \$500,000.00 are coordinated through the Roads and Works Department. While expenditure exceeding Five Hundred Thousand Dollars (\$500,000.00) is referred to the Procurement Committee for approval and approval by the Chief Executive Officer as head of entity.”*<sup>2</sup>

3.1.8 With regard to the procedure observed under the Revised Constituency Development Fund (CDF) Operational Procedures, March 2019, Ms. Kedesha Campbell, CDF Director, OPM advised that:

*“The authority of the MP to recommend contractors to implementing agencies is not something that is recognized within the guidelines. However, recommendations are not necessarily outside of their scope...  
...Only the MP is authorized to make recommendations to the implementing agency for a contractor to be selected. There is nothing in the guidelines that says an MP cannot recommend, recommending is just saying or referring. Recommendation is not approval.”*<sup>3</sup>

3.1.9 In light of the foregoing, the DI sought clarity from Mr. William James Charles “J.C.” Hutchinson, Member of Parliament (MP), North Western St. Elizabeth (hereinafter Mr. Hutchinson), in relation to allegations that he recommended his son, Mr. Jason Hutchinson (and/or an individual or entity

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<sup>2</sup> Statement of Mr. Errol Lebert, Chief Executive Officer, St. Elizabeth Municipal Corporation, dated August 18, 2022.

<sup>3</sup> Statement of Ms. Kedesha Campbell, CDF Director, Office of the Prime Minister (OPM), dated June 2, 2021.



acting on his behalf) to the St. Elizabeth Municipal Corporation for the award of a government contract.

3.1.10 The DI also sought to determine the nature and extent of Mr. Hutchinson's role as a Member of Parliament, in the recommendation of contractors to the St. Elizabeth Municipal Corporation for the award of contracts, in relation to work to be executed within the constituency.

3.1.11 Mr. Hutchinson outlined what he referred to as a "*structured approach*" to the selection of individuals to be recommended for the award of contracts.<sup>4</sup>

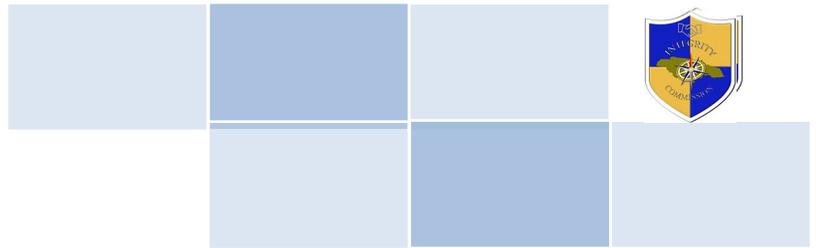
3.1.12 Mr. Hutchinson stated that each district in his constituency had an entity known as a Production and Marketing Organization (PMO), from which persons were selected to represent the district at meetings of the "*umbrella organization*" known as the St. Elizabeth Agricultural Development Society (SEADO).<sup>5</sup>

3.1.13 He added that at SEADO meetings, the organization discussed constituency matters which included "*projects or the development of the respective areas, persons to be awarded contracts, and board members... The political representatives in the constituency then discuss the recommendations/suggestions and arrive at a majority decision which is*

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<sup>4</sup> Response #1 from the Requisition Response of Mr. William James Charles Hutchinson, MP, North Western St. Elizabeth, dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.

<sup>5</sup> Ibid.



*communicated to me. I in turn act on the recommendations to the various entities.”<sup>6</sup>*

3.1.14 Mr. Hutchinson further advised that in his capacity as Member of Parliament, his “*only involvement*” in the recommendation process was, “*to facilitate the recommendations to the implementing agency once the decision is made by the political representatives after recommendations at the SEADO meetings.*”<sup>7</sup>

3.1.15 With regard to projects funded by the Constituency Development Fund (CDF) specifically, Mr. Hutchinson stated that the CDF operated independently of the SEADO, and that, “*The CDF Coordinator makes all recommendations for projects funded through the CDF.*”<sup>8</sup>

3.1.16 In an effort to determine the veracity of representations made by Mr. Hutchinson, with regard to the involvement of the Member of Parliament in the recommendation of contractors for work to be executed, the DI sought clarification from Ms. Kedesha Campbell, CDF Director, Office of the Prime Minister (OPM).

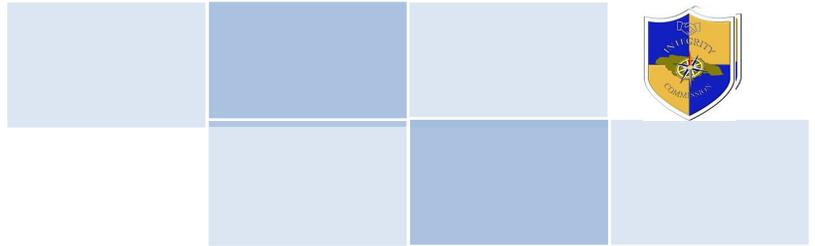
3.1.17 Ms. Campbell advised that the specific role of the Member of Parliament was to identify projects, in consultation with constituents, in an effort to

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<sup>6</sup> Response #1 from the Requisition Response of Mr. William James Charles Hutchinson, MP, North Western St. Elizabeth, dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.



respond to critical needs within the constituency, in accordance with the Revised Constituency Development Fund (CDF) Operational Procedures (March, 2014).

3.1.18 Ms. Campbell further stated that in the execution of this function, *“There is no other person or entity within the constituency, other than the Member of Parliament who can make a recommendation for funds to be applied or allocated to a project using CDF funding.”*<sup>9</sup>

3.1.19 With regard to a Member of Parliament's capacity to delegate his authority to recommend contractors Ms. Campbell further stated, *“In terms of recommending contractors and projects, final authority has to come from the MP... ...Only the MP is authorized to make recommendations to the implementing agency for a contractor to be selected...”*<sup>10</sup>

3.1.20 In relation to whether he had any affiliation and/or association with any individual or entity, on whose behalf he facilitated a recommendation to the St. Elizabeth Municipal Corporation, for the award of a contract between January 2016 and January 2021, Mr. Hutchinson replied as follows:

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<sup>9</sup> Statement of Ms. Kedesha Campbell, CDF Director, Office of the Prime Minister (OPM), dated June 2, 2021.

<sup>10</sup> Ibid.



*"I am not affiliated or associated in any way with any individual or entity on whose behalf I facilitated a recommendation to the Municipal Corporation for the award of a Government Contract."<sup>11</sup>*

3.1.21 Mr. Hutchinson went on to state that he was familiar with an entity known as Prostar Electrical and Construction, which was owned by his son, Mr. Jason Hutchinson.

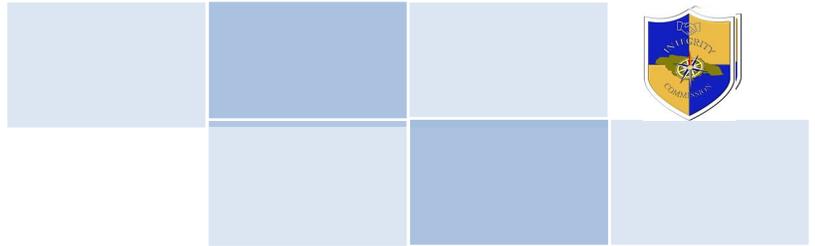
3.1.22 However, Mr. Hutchinson expressed that he had never recommended the referenced entity to the St. Elizabeth Municipal Corporation for the award of a government contract and that he was unaware of any contract awarded by the Corporation to the entity for electrical installation work at the Lacovia Training Centre, the Lacovia Community Centre and/or the Lacovia Playfield.

3.1.23 In light of the foregoing, the DI then made inquiries of Mr. Jason Hutchinson, to verify the nature of his affiliation to Mr. William "J.C." Hutchinson, whether he had ever been recommended for, or awarded a contract by the St. Elizabeth Municipal Corporation, and the circumstances surrounding any such recommendation or award of contract.

3.1.24 Mr. Jason Hutchinson confirmed that he was the son of Mr. William "J.C." Hutchinson, Member of Parliament, North Western St. Elizabeth and Ms. Lola

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<sup>11</sup> Response #2 from the Requisition Response of Mr. William James Charles Hutchinson, MP, North Western St. Elizabeth, dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.



Marshall Williams. He also confirmed that he owned the entity known as Prostar Electrical and Construction, with which he has been affiliated since its registration under the Business Names Act in May, 2016<sup>12</sup>.

3.1.25 In response to whether Prostar Electrical and Construction had ever been awarded a contract by the St. Elizabeth Municipal Corporation between January 2016 and May 2021, Mr. Jason Hutchinson responded in the negative.

3.1.26 Mr. Jason Hutchinson also indicated that Prostar Electrical and Construction had not been the recipient of any contracts from the Municipal Corporation in relation to electrical installation work undertaken at the Lacovia Training Center, the Lacovia Community Centre or the Lacovia Playfield.

3.1.27 In light of the foregoing representations, the DI conducted an unannounced visit at the St. Elizabeth Municipal Corporation, on January 7, 2021, to ascertain the content, nature and extent of recommendations received from the Member of Parliament for North Western St. Elizabeth, if any, on behalf of Prostar Electrical and Construction and the details of any contracts awarded to the entity, on the basis of same.

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<sup>12</sup> Response #5 of the Statement of Jason Hutchinson, Owner, Prostar Electrical and Construction, dated May 13, 2021.



3.1.28 Mrs. Diana Stephens-Sutherland, Director of Finance, St. Elizabeth Municipal Corporation provided a Statement in which she exhibited original payment documents including payment vouchers, invoices, copy cheques and cheque stubs, for payments made by the Corporation to Prostar Electrical & Construction regarding projects undertaken at the Lacovia Training Centre, the Lacovia Community Centre and the Lacovia Playfield between 2017 and 2019.

3.1.29 The DI is in possession of payment documents which contain evidence of three (3) cheque payments made out to Prostar Electrical and Construction by the St. Elizabeth Municipal Corporation. The details are as follows:

<b>Payee</b>	<b>Invoice Number</b>	<b>Invoice Amount</b>	<b>GCT Withheld</b>	<b>Cheque Amount</b>	<b>Cheque Date</b>
Prostar Electrical and Construction	10029	\$342,675.49	\$46,307.81	\$296,367.68	April 12, 2018
Prostar Electrical and Construction	10031	\$362,743.77	\$46,311.43	\$316,432.34	May, 11, 2018
Prostar Electrical and Construction	10063	\$114,708.01	\$13,995.68	\$100,712.33	October 5, 2018
				<b>Total: 713,512.35</b>	

3.1.30 The payment vouchers indicate that all three payments, amounting to \$713,512.35, were made for the provision of electrical material and supplies,



for work undertaken at the Lacovia Community Centre and the Lacovia Training Centre.<sup>13</sup>

3.1.31 It should also be noted that all three (3) invoices, bear the following notation on the first page, “...Bill to: Hon. J.C. Hutchinson, M.P. N.W. St. Elizabeth...” along with the following notation on the final page, “...Authorized by: Jason Hutchinson Manager”.<sup>14</sup>

3.1.32 The DI highlights that Mr. Jason Hutchinson confirmed that his signature was affixed to an invoice from Prostar Electrical and Construction dated January 3, 2018, which was attached to the March 2018 payment in the amount of \$296,367.68. However, Mr. Jason Hutchinson denied that the signatures which appeared on the other invoices, which were attached to the May and October 2018 payment documents belonged to him.<sup>15</sup>

3.1.33 In relation to the cheques generated by the St. Elizabeth Municipal Corporation in the name of Prostar Electrical and Construction, Mr. Jason Hutchinson confirmed that he collected cheques from the Municipal Corporation for the supply of electrical material but could not indicate the number of cheques collected from the Corporation on his behalf between 2016 and 2021.

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Statement of Mr. Jason Hutchinson dated July 12, 2021.



3.1.34 The DI is also in possession of a letter sequestered from the Roads and Works Department of the St. Elizabeth Municipal Corporation. The correspondence is dated February 28, 2018 and bears a dated stamp indicating that it was received by the St. Elizabeth Municipal Corporation on March 9, 2018. The correspondence reads as follows,

*"...Dear Sir,*

*I am kindly requesting the council's permission to undertake refurbishing work [sic] Lacovia Community Centre Restroom/Changing Room project in-house as we continue to **employ skilled workers and labourers in the community.**"<sup>16</sup>*

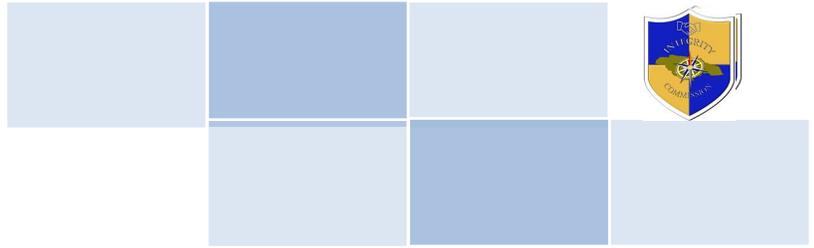
3.1.35 The referenced correspondence, which was addressed to the Secretary Manager of the St. Elizabeth Municipal Corporation, bears an unidentified signature above the name "*...Hon. W.J.C. Hutchinson C.D. M.P. North West St. Elizabeth.*"<sup>17</sup>

3.1.36 During the course of a Judicial Hearing convened by the Commission, Mr. William "J.C." Hutchinson confirmed that he signed the referenced February 28, 2018 correspondence and that the refurbishing project to which it referred was Constituency Development Fund (CDF) funded. He further advised that his request for the project to be done "*in-house*" meant that, "*In other words, it would not be given out to a contractor, the*

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<sup>16</sup> Letter dated February 28, 2018 addressed to the Secretary Manager, St. Elizabeth Municipal Corporation.

<sup>17</sup> Ibid.



*Municipal Corporation would undertake the refurbishing of the Community Centre.”<sup>18</sup>*

3.1.37 It should be noted that the payment documents sequestered from the St. Elizabeth Municipal Corporation include an October 2018 cheque in the amount of \$100,712.33, which was made out to Prostar Electrical and Construction. Also included in the documents, was a payment voucher containing the following inscription at the top of the document, *“TEF Allocation NW MP Hutchinson Lacovia Community Centre Restroom/Changing Room”<sup>19</sup>*

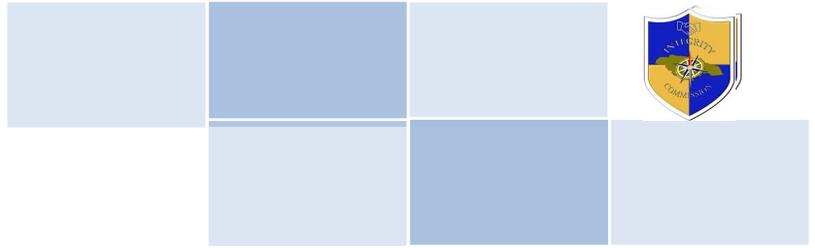
3.1.38 At this juncture, the DI notes that Mr. William “J.C” Hutchinson’s request for skilled workers and labourers in the community to be employed to execute the referenced work at the Lacovia Community Centre, resulted in the award of a contract to Prostar Electrical and Construction, a private entity owned and/or operated by his son, Mr. Jason Hutchinson.

3.1.39 In light of the foregoing representations, the DI conducted an Open Source media search on January 8, 2021, in relation to Prostar Electrical and Construction and the provision of electrical installation material and/or services at the Lacovia Community Centre, Training Centre or Playing Field.

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<sup>18</sup> Page 53-56 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>19</sup> Copy St. Elizabeth Municipal Corporation Payment Voucher dated August 14, 2018 provided within the Statement of Mrs. Diana Stephens Sutherland, Director of Finance, St. Elizabeth Municipal Corporation



3.1.40 The referenced search revealed a facebook page, in the name of “Prostar Electrical and Construction” which contained, *inter alia*, two photo albums which appeared to have been uploaded in June 2018. The albums contained photos of unidentified individuals conducting what appeared to be electrical installation work at the Lacovia Playing Field, the Lacovia Training Centre and the Lacovia Community Centre.

3.1.41 The DI notes that in several of the photos contained in the referenced album, unidentified individuals were seen wearing neon green vests with the words “*Prostar Electrical and Construction*” emblazoned across the back.

3.1.42 When questioned in relation to the photos, Mr. Jason Hutchinson provided the following response, “...*On the image marked JH 4A am [sic] seeing an image of what appears to be two persons doing electrical work. I am familiar with the persons... I know them because they do work with me sometimes. This location that they are working at would seem like the Lacovia Community Centre. I cannot recall if this work was done on my behalf. I cannot remember paying them for doing any work at the Community Centre. I cannot recall who did the flood light installation work at the Community Centre. I was there but I don't recall who worked with me to install the flood lights...*”<sup>20</sup>

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<sup>20</sup> Statement of Jason Hutchinson dated July 12, 2021.



3.1.43 Mr. Jason Hutchinson later confirmed that he installed the flood lights at the Lacovia Playing Field, *"...I am looking at the image marked JH 4E which shows the lights installed at the Lacovia Community Centre. These lights were installed by me and this was voluntary work. I cannot recall what the value of the work provided was."*<sup>21</sup>

3.1.44 At this juncture, the DI highlights that the aforementioned representations made by Mr. Jason Hutchinson regarding his execution of "voluntary work" at the Lacovia Community Centre and Playing Field directly contradicted previous utterances made by him in this regard:

*"...we haven't done any electrical installation at the Lacovia Community Centre or the Lacovia Training Centre. I cannot recall ever conducting any electrical installation work at the Lacovia Training Centre..."*<sup>22</sup>

3.1.45 The DI also made inquiries regarding the neon green vests worn by the individuals in the photos, which bore the name of the entity owned by Mr. Jason Hutchinson. The following response was provided:

*"I am looking at the document marked JH 5A. I am seeing someone using a jackhammer... I am seeing in the photo that the individual is wearing a vest marked Prostar Electrical and Construction. It is possible that this photo was in relation to work being done for the business... We sell them to our employees. But if somebody comes and they want to help promote the*

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.



*business and they want to purchase a vest we can help them... The person in the image marked JH 5A appears to be me but I cannot recall where the work was done..."<sup>23</sup>*

3.1.46 In response to allegations that he was the individual seen in the exhibit marked JH 5B, Mr. Jason Hutchinson had the following response, "... I am looking at the imaged [sic] marked JH 5B. I see two persons talking, I am not sure who those individuals are. I am seeing an individual in a Prostar Electrical vest. I cannot say that I am that individual... I cannot say for sure which building this is or where it was located. It looks like the Lacovia Training Centre but I can't say for sure."

3.1.47 In light of representations made by Mr. Jason Hutchinson that he conducted voluntary electrical installation work at the Lacovia Community Centre, the DI made inquiries of Mr. William "J.C" Hutchinson regarding his knowledge of same, given that his constituency office occupied the said location.

3.1.48 Mr. William "JC" Hutchinson indicated, *inter alia*, that while he signed the document in relation to the refurbishing project at the Community Centre, he was not aware of any of the persons who performed the work or supplied material for the said project.

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<sup>23</sup> Statement of Jason Hutchinson dated July 12, 2021. Page 4.



3.1.49 The DI is also in possession of another letter sequestered from the Roads and Works Department of the St. Elizabeth Municipal Corporation. The referenced correspondence is dated March 22, 2018 and is addressed to the Secretary Manager of the Municipal Corporation. The document bears the following information in the signature block, "Hon. W.J.C. Hutchinson C.D. M.P. North West St. Elizabeth" and contains an unidentified signature followed by the word "for" in parentheses.

3.1.50 The referenced correspondence, read as follows:

*"Dear Sir,*

*I am requesting that an amount of \$342,675.49 be taken from the Lacovia community Centre allocation and made out to Prostar Electrical and Construction... for providing electrical material for work done at the community centre...*

*Attached is the relevant document."*<sup>24</sup>

3.1.51 The document attached is Prostar Electrical and Construction Invoice No. 10029 in the amount of \$342,675.49, which was billed to "Hon. J.C. Hutchinson, M.P. N.W. St. Elizabeth..." and appears to be signed by Jason Hutchinson in the capacity of Manager, Prostar Electrical and Construction.

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<sup>24</sup> Letter dated March 22, 2018 addressed to the Secretary Manager, St. Elizabeth Municipal Corporation



3.1.52 At a Judicial Hearing convened by the DI, Mr. William “J.C.” Hutchinson indicated that he was not aware of the letter dated March 22, 2018, that he did not see his signature on the said letter and that the signature thereon “...could be...” that of his CDF Coordinator, Mrs. Claudette Baker-Archer.<sup>25</sup>

3.1.53 Notwithstanding the foregoing, Mr. Hutchinson confirmed that his name and title appeared on the document and that the word “for” appeared beside the signature that was above his name.

3.1.54 It should be noted that the DI is in possession of a copy cheque made out to Prostar Electrical & Construction by the St. Elizabeth Municipal Corporation, in the amount of \$296,367.68 dated April 2018 for the provision of electrical material and supplies at the Lacovia Community Centre. The payment documents include a Certificate for General Consumption Tax Withheld, in the amount of \$46,307.81.

3.1.55 The DI highlights that the amount drawn on the copy cheque and the sum withheld by the Municipal Corporation for General Consumption Tax amount to \$342,675.49. This figure was identical to the sum requested on behalf of Prostar Electrical and Construction, by way of the letter dated March 22, 2018 which was signed on behalf of Mr. William “J.C.” Hutchinson.

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<sup>25</sup> Page 43-45 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.



3.1.56 In response to whether he, Mr. William “J.C.” Hutchinson authorized any person to make recommendations for contract awards or to sign correspondence in relation to such recommendations or contracts on his behalf, he responded as follows,

*“...Well, there is one Miss Claudette Baker who is the CDF Coordinator has the authority to carry out whatever, to include the CDF on behalf of the Constituency.”<sup>26</sup>*

3.1.57 Mr. Hutchinson further stated that Mrs. Claudette Baker-Archer was employed to the CDF and that, *“...she is responsible for carrying out all my CDF's [sic] projects independently.”<sup>27</sup>*

3.1.58 In response to whether the letter dated March 22, 2018 was drafted in relation to a project that was implemented through CDF funding, Mr. Hutchinson provided the following response:

*“I am not aware... I know that work was done at the Community Centre, that is what I am aware of... I don't know who they were executed through or where funds came from”<sup>28</sup>*

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<sup>26</sup> Page 46 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>27</sup> Page 45 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>28</sup> Page 47 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.



3.1.59 At this juncture, the DI highlights representations made by Ms. Kedesha Campbell, CDF Director, OPM in relation to the capacity of a Member of Parliament to delegate or otherwise transfer the authority to recommend contractors or projects to a third party, such as a CDF Coordinator. Ms. Campbell made the following statements:

*“From the inception of the process, the MP becomes involved by affixing his/her signature to the project proposal. So they are aware of every project. When correspondence is sent to the CDF Office, it has to be signed by the MP. The MP cannot delegate authority to his/her Administrative Assistant to formally communicate any request for changes; it has to come from the Member of Parliament or on their authority.”<sup>29</sup>*

3.1.60 The DI then sought clarity from Mrs. Claudette Baker-Archer, CDF Coordinator at the North West St. Elizabeth Constituency Office in relation to the circumstances surrounding the letter dated March 22, 2018.

3.1.61 Mrs. Baker-Archer confirmed her role as the CDF Coordinator for the constituency represented by Mr. William “J.C.” Hutchinson and indicated that she had been affiliated with the Office of the Member of Parliament for North Western St. Elizabeth since 2007.<sup>30</sup>

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<sup>29</sup> Statement of Kedesha Campbell, CDF Director, OPM, dated June 2, 2021.

<sup>30</sup> Response #1 of the Statement of Claudette Baker-Archer, CDF Coordinator, North Western St. Elizabeth Constituency Office dated May 29, 2021.



3.1.62 In relation to the letter dated March 22, 2018, Mrs. Baker-Archer confirmed that she prepared and signed the referenced correspondence and indicated the circumstances surrounding that endorsement as follows:

*"In keeping with best practices, I double check all payments made or due at the Municipal Corporation. I realized that this invoice for the electrical materials was outstanding and therefore, initiated request for settlement.<sup>31</sup>"*

3.1.63 Mrs. Baker-Archer also stated that she signed the referenced correspondence on behalf of the Member of Parliament, but indicated that, *"...he was unaware of the payee once a project is approved, I normally sign all requests for payment."<sup>32</sup>*

3.1.64 In response to whether she had ever signed other similar documents on behalf of the Member of Parliament, Mrs. Baker-Archer responded, *"Yes – the working relationship with the Member of Parliament allows me to sign all letters of expenditure once a project is approved."<sup>33</sup>*

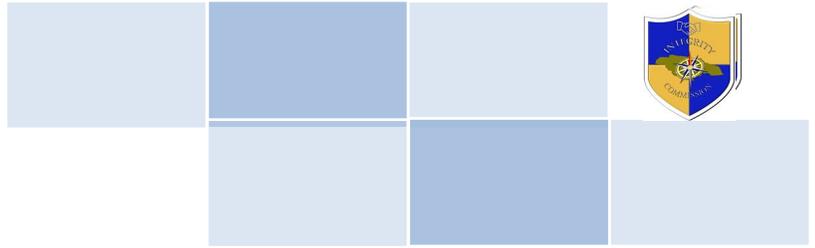
3.1.65 The DI reiterates the statements made by Ms. Kedesha Campbell, CDF Director, OPM that, *"the relationship is with the CDF, the MP and the*

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<sup>31</sup> Response #7(b) of the Statement of Claudette Baker-Archer, CDF Coordinator, North Western St. Elizabeth Constituency Office dated May 29, 2021.

<sup>32</sup> Response #7(e) of the Statement of Claudette Baker-Archer, CDF Coordinator, North Western St. Elizabeth Constituency Office dated May 29, 2021.

<sup>33</sup> Response #9(f) of the Statement of Claudette Baker-Archer, CDF Coordinator, North Western St. Elizabeth Constituency Office dated May 29, 2021.



*implementing agencies. Outside of that, no-one else has the authority to sign the project proposal or recommend contractors.”<sup>34</sup>*

3.1.66 During the course of a Judicial Hearing, Mr. William “J.C.” Hutchinson provided the following response in relation to queries regarding the authority of the CDF Coordinator to sign correspondence on his behalf:

*“... As I say, my CDF Coordinator is the one who is in charge of the whole of these projects coming through the CDF... I don’t usually sign those [letters] coming through the CDF, from the CDF funds.”<sup>35</sup>*

3.1.67 In response to whether the CDF Coordinator had the authority to issue correspondence to the Municipal Corporation on his behalf, Mr. Hutchinson further stated, *“The CDF Coordinator is at times given recommendations from [sic] SEADO and that is the organization through which I work, I operate and I presume at times they would give her recommendations which she would carry out based on their recommendations which I might not be aware of.”<sup>36</sup>*

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<sup>34</sup> Statement of Kedesha Campbell, CDF Director, OPM, dated June 2, 2021.

<sup>35</sup> Page 60-64 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>36</sup> Page 63 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.



3.1.68 In relation to whether the CDF Coordinator was authorized to take recommendations solely from the SEADO without his knowledge, Mr. Hutchinson stated, *“In some instances, yes.”*<sup>37</sup>

3.1.69 The DI notes the foregoing representations made by Mr. Hutchinson regarding the degree of autonomy exercised by Mrs. Baker-Archer to include; executing CDF projects independently, accepting and acting on recommendations regarding CDF funded projects from third parties, recommending contractors to Implementing Agencies and requesting payment from Implementing Agencies on behalf of contractors, all without the Member of Parliament's knowledge and/or awareness.

3.1.70 The DI highlights the legal concept of ostensible or apparent authority. Ostensible authority is the authority an agent is assumed to have been given by a principal in the eyes of a reasonable third party, as a result of the principal's conduct, omissions and/or representations.

3.1.71 The legal relationship is defined in the judgment of Lord Justice Diplock in the seminal decision of **Freeman & Lockyer v Buckhurst Park Properties (Mangal) Limited [1964] 2 QB 480** which was affirmed in the Privy Council decision of **New Falmouth Resorts Limited v International Hotels Jamaica Limited [2013] UKPC 11**:

*“‘apparent’ or ‘ostensible’ authority ... is a legal relationship between the principal and the contractor created by a representation, made by the*

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<sup>37</sup> Ibid.



*principal to the contractor, intended to be and in fact acted upon by the contractor, that the agent has authority to enter on behalf of the principal into a contract of a kind within the scope of the 'apparent' authority, so as to render the principal liable to perform any obligations imposed upon him by such contract.*

*...The representation which creates 'apparent' authority may take a variety of forms of which the commonest is representation by conduct, that is, by permitting the agent to act in some way in the conduct of the principal's business with other persons. By so doing the principal represents to anyone who becomes aware that the agent is so acting that the agent has authority to enter on behalf of the principal into contracts with other persons of the kind which an agent so acting in the conduct of his principal's business has usually 'actual' authority to enter into."<sup>38</sup>*

3.1.72 In the present circumstances, Mr. Hutchinson permitted and encouraged Mrs. Baker-Archer to sign correspondence on his behalf regarding the identification and funding of projects, the recommendation of contractors, and the submission of payment requests on behalf of contractors. His conduct in this regard, was likely to create in the mind of a reasonable third party, the impression that Mrs. Baker-Archer had actual authority to act and was doing so on his instructions and with his knowledge and consent. Therefore, her endorsement of the letters addressed to the St. Elizabeth

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<sup>38</sup> New Falmouth Resorts Limited v International Hotels Jamaica Limited [2013] UKPC 11, Privy Council Appeal No. 0031 of 2012, pgs. 11-12



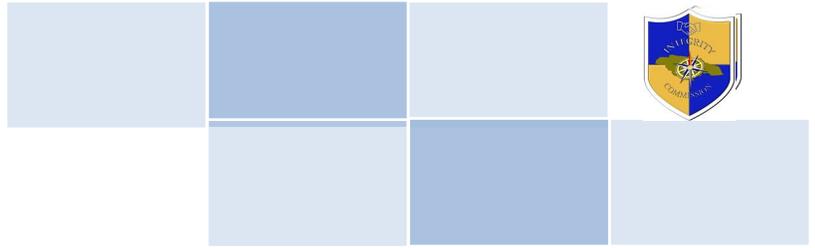
Municipal Corporation, requesting payment on behalf of Prostar Electrical and Construction for government contracts awarded to the entity fall within the scope of the apparent authority granted to Mrs. Baker-Archer by Mr. William “J.C.” Hutchinson. The application of this legal principle renders the Mr. Hutchinson liable to perform any obligations or to accept any liability imposed upon him as a result of Mrs. Baker-Archer's actions.

3.1.73 To provide further clarity, the following representations were made by Ms. Kedesha Campbell, CDF Director, Office of the Prime Minister (OPM), regarding the contractual role of a CDF Coordinator/Secretary:

*“I just want to clarify. An Administrative Assistant or CDF Coordinator/Secretary is the person who works with the MP... I know of Ms. Claudette Baker-Archer... She is the CDF Administrative Assistant employed to the Member of Parliament for St. Elizabeth North Western and is paid from his constituency allocation...”*

...

*The role of the Administrative Assistant includes submitting reports to the MP regarding projects. Administrative Assistants cannot sign off on projects. There is a responsibility on the MP to remain visible, while he/she can delegate, there is a professional responsibility to ensure that he/she remains integral in the process... it cannot be that the Administrative Assistant is taking over the role of the MP... There shouldn't be a project*



*being undertaken in the constituency, using CDF funding that the MP is unaware of..."<sup>39</sup>*

3.1.74 The DI highlights that the role of the Administrative Assistant to the Member of Parliament is outlined within the Revised Constituency Development Fund (CDF) Operational Procedures, May 2019, which governs the application and allocation of CDF funding.<sup>40</sup>

3.1.75 The DI is in possession of copies of Mrs. Claudette Baker-Archer's contracts of employment for the periods between May 2016 to March 2017 and April 2017 to March 2018.

3.1.76 It should be noted that both contracts were executed by Mrs. Claudette Baker-Archer and Mr. William "J.C" Hutchinson, in his capacity as Member of Parliament for North Western St. Elizabeth. The referenced contracts also contained variations of the following statement:

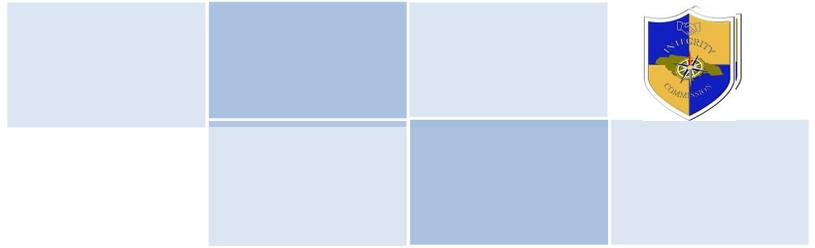
*"...You shall make no decision on any project or on any constituency matters without my knowledge and prior approval unless it is a matter for which I have delegated to you the authority to make decision."<sup>41</sup>*

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<sup>39</sup> Statement of Kedesha Campbell, CDF Director, OPM, dated June 2, 2021.

<sup>40</sup> Revised Constituency Development Fund (CDF) Operational Procedures, May 2019, pg. 14

<sup>41</sup> Contract of Employment (April 2017 to March 2018) of Claudette Baker-Archer exhibited to the Statement of Ms. Kedesha Campbell, CDF Director, OPM.



3.1.77 At this juncture, the DI considers it prudent to note that during the course of the Judicial Hearing, Mr. William “J.C.” Hutchinson also stated that he had never formally or informally delegated his authority to make recommendations to implementing bodies, for the award of government contracts.<sup>42</sup>

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<sup>42</sup> Page 64 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.



### **Allegations Regarding Cash Payments to Mr. Michael Ledgister in Relation to a Painting Contract**

3.2 As it relates to the allegations that cash payments were made to Mr. Michael Ledgister in relation to a contract for the painting of the Lacovia Community Centre, the DI also made inquiries of Mr. Hutchinson regarding same.

3.2.1 Mr. Hutchinson described Mr. Ledgister as “... a constituent and part time employee.” He added that Mr. Ledgister was recommended to him by residents of Lacovia to be the caretaker of the Community Centre.

3.2.2 Mr. Hutchinson further stated that it was suggested that Mr. Ledgister be paid a stipend of \$15,000.00 monthly, which is paid from “...my personal funds, in cash.”<sup>43</sup>

3.2.3 A review of financial documents sequestered from the St. Elizabeth Municipal Corporation in relation to contracts awarded and/or payments made for work undertaken within the constituency of North Western St. Elizabeth did not reveal a record of the award of a contract or a payment to Mr. Michael Ledgister.

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<sup>43</sup> Response #4 from the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission’s Requisition dated January 26, 2021.



### **Allegations regarding Usage of and Access to the Lacovia Community Centre by the Member of Parliament for North Western St. Elizabeth**

3.3 In an effort to determine the veracity of allegations regarding access to the Lacovia Community Centre by residents and the location of the Constituency Office for North Western St. Elizabeth, the DI made inquiries of Mr. William “J.C.” Hutchinson, in his capacity as Member of Parliament for the referenced constituency.

3.3.1 In his response, Mr. Hutchinson confirmed that the North Western St. Elizabeth Constituency Office was located at the Lacovia Community Centre on Main Street, Lacovia in the parish of St. Elizabeth and that the office began operating from that location on July 1, 2017.<sup>44</sup>

3.3.2 Mr. Hutchinson further stated that the relocation of his constituency office to the Community Centre was due to a suggestion made by his constituents which was, *“also in keeping with a directive from former Prime Minister, the Honourable Bruce Golding who proposed that Parliamentarians should try to establish constituency offices [sic] unutilized government buildings.”*<sup>45</sup>

3.3.3 In response to the terms under which he entered possession of the premises, Mr. Hutchinson advised that Mr. Andrew Morris, President of the Lacovia Community Development Committee, gave permission for the

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<sup>44</sup> Response #3 from the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.

<sup>45</sup> Ibid.



Constituency Office to be operated from a small unused room on the property.

3.3.4 In relation to the terms of the agreement between himself and the Lacovia Community Development Committee, Mr. Hutchinson also stated that, *"It was agreed that I would pay the monthly Jamaica Public Service (JPS) bill and would maintain the building and the surrounding area in good order... The electricity bill fluctuates between \$6,000. And [sic] \$10,000. per month depending on usage by community members."*<sup>46</sup>

3.3.5 It should be noted that the DI has seen no documentary evidence regarding the terms on which Mr. William "J.C." Hutchinson operated his constituency office from the Lacovia Community Centre, as Mr. Hutchinson indicated that, *"All arrangements were done orally."*<sup>47</sup>

3.3.6 In light of the informal nature of the arrangement regarding the use of the Lacovia Community Centre outlined by Mr. Hutchinson, the DI sought clarity from Dr. Alwin Hales, Permanent Secretary in the Ministry of Housing, Urban Renewal, Environment and Climate Change (MHURECC). The DI made inquiries regarding the ownership of the premises and the Ministry's awareness of the purported arrangement between Mr. Hutchinson and the Lacovia Community Development Committee.

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<sup>46</sup> Response #3 from the Requisition Response of Mr. William "J.C." Hutchinson dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.

<sup>47</sup> Ibid.



3.3.7 Dr. Hales confirmed that the Lacovia Community Center was owned by the Minister of Housing and stated that, *"The Ministry has no knowledge that the Constituency Office for the North Western St. Elizabeth Member of Parliament is located within the Lacovia Community Center in the parish of St. Elizabeth."*<sup>48</sup>

3.3.8 In relation to the management of the Community Center, Dr. Hales also confirmed that, *"The Ministry gave permission to the Lacovia Community Development Committee to manage the community center. The Permanent Secretary, Mrs. Audrey Sewell in the Ministry of Economic Growth and Job Creation, under whose portfolio the Housing portfolio resided in 2018, was in receipt of a letter dated June 20, 2018, under the letterhead of Ministry of Industry, Commerce, Agriculture and Fisheries signed by J.C. Hutchinson, Member of Parliament for North West St. Elizabeth, requesting that the Lacovia Community Center and the Lacovia Training Center be handed over to the Lacovia Community Development Committee which was managing both facilities at the time."*<sup>49</sup>

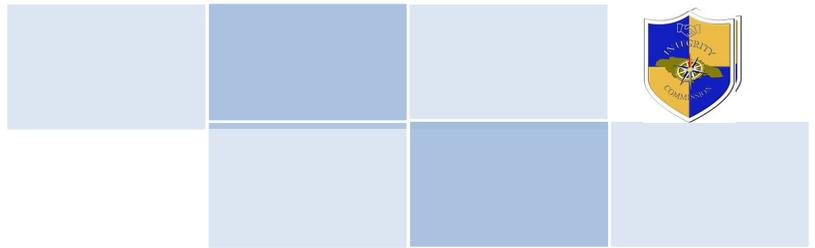
3.3.9 Dr. Hales outlined the following as the basis upon which the aforementioned request was approved on June 27, 2018:

*"...Community Centers are not managed by the Ministry and are managed by community groups. This community group was recommended by the*

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<sup>48</sup> Response #1 (a) from the Statement of Dr. Alwin Hales, Permanent Secretary, Ministry of Housing, Urban Renewal, Environment and Climate Change dated October 15, 2021.

<sup>49</sup> Response #1 (d) from the Statement of Dr. Alwin Hales, Permanent Secretary, Ministry of Housing, Urban Renewal, Environment and Climate Change dated October 15, 2021.



*Member of Parliament who had indicated on his June 20, 2018 letter, that it had been managing the facility for eight (8) years at that time."*<sup>50</sup>

3.3.10 The DI notes the following response provided by Dr. Hales in relation to the Ministry's position on the propriety of the operation of political offices from community centres and other similar spaces designated for non-partisan public use and access:

*"...The Ministry is only aware of one community center and other similar spaces designated for public use and access owned by the Minister of Housing that is being used for [sic] Constituency Office... This is 3 Smatt Road, Part of Titchfield Trust Land, Port Antonio, Portland which has been taken over by political caretaker Mr. Damion Crawford, however, no permission was granted for the use of the space and a Notice to Vacate is being prepared by the Ministry's Legal Department."*<sup>51</sup>

3.3.11 The DI also made inquiries of several residents of communities in the vicinity of the Lacovia Community Centre regarding their access to the premises, however the residents declined to provide details regarding same.

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<sup>50</sup> Ibid.

<sup>51</sup> Response #2(d) from the Statement of Dr. Alwin Hales, Permanent Secretary, Ministry of Housing, Urban Renewal, Environment and Climate Change dated October 15, 2021.



### **Allegations regarding Nepotism in relation to Board Appointments made by the Member of Parliament for North Western St. Elizabeth**

3.4 The DI also made inquiries regarding allegations that Mr. William “J.C.” Hutchinson had a personal relationship with one “Ms. Williams”, whom he placed on a number of School Boards within his constituency as well as the Rural Agricultural Development Authority (RADA) Parish Advisory Board.

3.4.1 Mr. Hutchinson gave the following response in relation to the nature of his association with a woman by the name of “Ms. Williams” and identified her as Mrs. Lola Marshall-Williams. He specifically stated that “...I have a relationship with Mrs. Lola Marshall-Williams. She has been known to me for over thirty-two (32) years... She is the mother of my son and resides at my house.”<sup>52</sup>

3.4.2 The DI sought the assistance of the National Council on Education (NCE) regarding the general procedure governing School Board appointments and the specific circumstances surrounding the appointment and subsequent reappointment(s), if any, of Mrs. Lola Marshall-Williams to the Board of Directors of any publicly funded educational institution in St. Elizabeth.

3.4.3 The National Council on Education is a statutory body established in March, 1993 under the Ministry of Education. The entity is responsible for managing

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<sup>52</sup> Response #5 from the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission’s Requisition dated January 26, 2021.



the process regarding the recommendation, nomination and appointment of candidates to the Boards of Management of public educational institutions.

3.4.4 Ms. Merris Murray, Executive Director, National Council on Education (NCE) advised that in accepting recommendations and/or making appointments to the Board of Directors of publicly funded educational institutions, the NCE was guided by the Education Act, 1965 and attendant Education Regulations, 1980 (Regulation 42 and 70-91), Section 4(1)(b) of the National Council on Education Act, 1993 and the Revised Procedures for School Board Appointment, 2009 (further amended in 2014).

3.4.5 Ms. Murray confirmed that Members of Parliament were among the pool of individuals and/or entities from whom recommendations could be accepted for the appointment of candidates to School Boards. She outlined the following procedure:

*"...Traditionally, members of parliament are asked to assist in identifying Council Nominees. This is a practice based on tradition and not law. Firstly, the MPs are sensitized about their role and responsibilities in the appointment process. This is followed by meetings which are scheduled with each MP, the Regional Director and a representative from the NCE, to review the names of the nominees as part of the due diligence exercise. The names are then entered on to a form, which is signed by the Regional Director and the MP and submitted to the NCE for processing.*



*This process has had many challenges, as the MPs are rarely available for the meetings. They often resort to submitting the names on the forms with little supporting information. This has resulted in significant delays in the appointment process. Consequently, a system for the submission of a no-objection by the Regional Director was established.*

*Once the names of the nominees are finalized, a list of names, along with the positions in which the nominees will serve, is prepared and submitted to the Chair and co-chair of the Governance Committee for review and approval. The instruments of appointment are then prepared and submitted to the Ministry for processing and appointment by the Minister of Education, Youth and Information.”<sup>53</sup>*

3.4.6 With regard to conflicts of interest, Ms. Murray stated that *“Individuals and/or entities are encouraged to disclose conflicts of interests at the beginning of the process. Conflict of interests or objections are required to be in writing to facilitate a thorough review by the School Board Review Committee and the Council.”<sup>54</sup>*

3.4.7 Ms. Murray, provided a detailed Statement regarding Mrs. Marshall-Williams' tenure on school boards within the North Western St. Elizabeth constituency, the circumstances surrounding her appointment in each

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<sup>53</sup> Response #3(a) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.

<sup>54</sup> Response #3(b) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.



instance and the extent of the involvement of the Mr. William “J.C” Hutchinson, Member of Parliament, North West St. Elizabeth.

3.4.8 Ms. Murray advised that Mrs. Lola Marshall Williams had served on the Board of Directors for five (5) schools within the constituency of North Western St. Elizabeth; Maggoty High School, Lacovia High School, Lewisville High School, Newton Primary School and Holland Primary School.<sup>55</sup>

3.4.9 In relation to Mrs. Marshall-Williams’ tenure on the Board of Directors of Maggoty High School, Ms. Murray stated the following, *“For the four periods in which Mrs. Marshall-Williams was appointed on the Board of Directors of Maggoty High School, Mr. J.C. Hutchinson, MP for the St. Elizabeth North West Constituency, recommended her to serve...”*<sup>56</sup>

3.4.10 By way of letter dated May 2, 2019, addressed to Ms. Merris Murray, Mr. Sean Graham, Principal, Maggoty High School raised an objection to the appointment of Mrs. Marshall-Williams as Chairman of the Board of Directors. Mr. Graham objected on the ground that Mrs. Marshall-Williams had served on the Board of Directors of the institution for three consecutive terms and that the institution needed *“an infusion of newness”*.

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<sup>55</sup> Response #4(b(i) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.

<sup>56</sup> Ibid.



3.4.11 Mr. Graham recommended another candidate to be appointed as Chairman and further outlined the following concern, in support of his objection:

*“Additionally, members of staff and other stakeholders are of the view that the institution is tainted politically and this is creating a negative perception of the school operations and stifling broad based support.”<sup>57</sup>*

3.4.12 By way of email dated May 2, 2019, Dr. Ivoline Fletcher, then Acting Regional Director, Ministry of Education supported Mr. Graham's recommendation for a different Chairman to be appointed.

3.4.13 The objection was referred to Dr. Grace McLean, then Acting Permanent Secretary, Ministry of Education and a meeting was convened on June 25, 2019. Ms. Murray advised the DI of the outcome of the meeting:

*“The outcome of the meeting was that a principal had no authority to recommend a Chairman of the institution. The principal's proposal was not accepted, and Mrs. Marshall-Williams was recommended to be the Chairman. Mrs. Marshall-Williams was appointed with effect from July 22, 2019.”<sup>58</sup>*

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<sup>57</sup> Letter dated May 2, 2019 from Sean Graham, Principal, Maggoty High School addressed to Ms. Merris Murray, Executive Director of the National Council on Education (NCE).

<sup>58</sup> Response #4(b(I) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.



3.4.14 In relation to the Lacovia High School, Ms. Murray advised that, “... *On the three occasions that Mrs. Marshall-Williams was appointed to the Board of Directors of Lacovia High School, the Hon. J.C. Hutchinson recommended her appointment...*”<sup>59</sup>

3.4.15 By way of letter dated May 12, 2016, addressed to Ms. Merris Murray, Dr. Nadine Leachman, Regional Director, Ministry of Education objected to the appointment of Mrs. Marshall-Williams to the Board of Directors of the Lacovia High School:

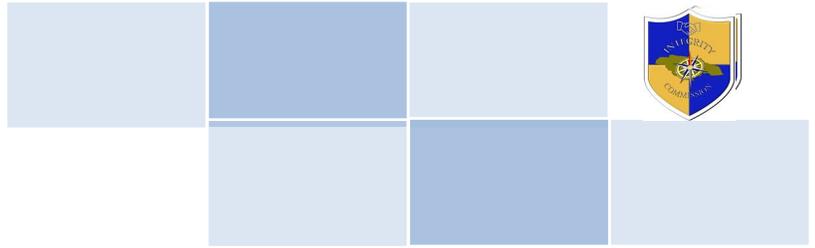
*“...Miss Williams is recommended to serve as Chairman for [sic] all three or two of the three high schools in the constituency and that should not be. That is bordering on manipulation of the governance [sic] of the high schools.*

...

*...Fourthly MP [Member of Parliament] and RD [Regional Director] agreed in office on the recommendations to which I signed. It is not principled then for the [sic] MP to make changes at the office of the NCE without even indicating to me his intention, [sic] worse yet, it is a matter for which there was much dissonance [sic] until we took a principled position; as a result I strongly object. The Council must give some serious thought as to why one*

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<sup>59</sup> Response #4(b)(II) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.



*member is being recommended to chair more than one high school in the said constituency.*"<sup>60</sup>

3.4.16 Dr. Leachman's objection was raised on the basis that she and Mr. Hutchinson deliberated and agreed on a candidate to be selected, however the agreed candidate was later removed and replaced with Mrs. Lola Marshall Williams, without her knowledge and/or consent.

3.4.17 Ms. Merris Murray, Executive Director, NCE indicated the following reason for the NCE's intervention, "*...both parties had agreed on whom should serve, however, the MP went ahead and selected someone else without discussing the matter with the Regional Director, hence the reason for the Committee's intervention.*"<sup>61</sup>

3.4.18 Ms. Murray advised that the NCE's School Governance Committee intervened in the matter and supported the appointment of the candidate that the parties originally agreed on. That candidate was later appointed to the post.

3.4.19 In relation to the Lewisville High School, Ms. Murray stated that, "*... On the three occasions in which Mrs. Marshall Williams was appointed to the Board*

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<sup>60</sup> Response #4(b)(II ii) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.

<sup>61</sup> Ibid.



*Management of Lewisville High School, the Hon. J.C. Hutchinson recommended her to serve..."*<sup>62</sup>

3.4.20 By way of an email dated December 7, 2018, addressed to Ms. Merris Murray, Dr. Leachman raised an objection to Mrs. Marshall-Williams' appointment as Chairman of the Board of Directors of Lewisville High School.

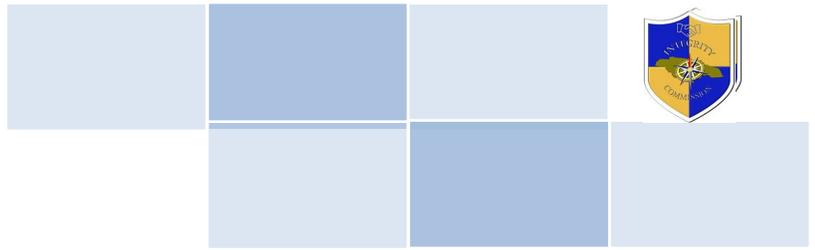
3.4.21 Dr. Leachman objected on the ground that Mrs. Marshall-Williams was the Chairman of Maggotty High School at the time, and that there were concerns regarding her capacity to effectively manage both roles. The matter was referred to Senator the Honorable Mr. Ruel Reid, then Minister of Education, Youth and Information (MoEYI) and Dr. Grace McLean, then Acting Permanent Secretary, MoEYI. Subsequently, Mrs. Marshall-Williams was appointed for the period March 12, 2019 to March 31, 2019.

3.4.22 Ms. Murray also confirmed that Mrs. Marshall-Williams' appointments as Chairman of the Boards of Newton Primary School and Holland Primary School, were also pursuant to recommendations provided by Mr. William "J.C." Hutchinson, Member of Parliament for North Western St. Elizabeth.

3.4.23 The DI then sought to determine the position of the National Council on Education (NCE) in relation to whether a recommendation by a Member of Parliament, for the appointment of an individual with whom that Member

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<sup>62</sup> Response #4(b)(II) of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.



had a personal and/or intimate relationship, constituted an actual or potential conflict of interest.

3.4.24 Ms. Merris Murray, Executive Director, NCE gave the following response:

*“The Council has no policy on this matter at this time. The Education Regulations, 1980, do not prevent family members from serving on the Board of Directors of a publicly funded educational institution.”<sup>63</sup>*

3.4.25 The DI then sought to determine from Mr. William “J.C.” Hutchinson, the basis on which he repeatedly recommended his intimate partner, Mrs. Lola Marshall-Williams for appointment to the Board of Directors of publicly funded institutions within his constituency.

3.4.26 Mr. Hutchinson advised that while he encouraged persons within his constituency to serve on Boards, *“The challenge is that there are only a few persons in my constituency who have the capacity, availability and willingness to serve on these boards. The few persons who satisfy the criteria, in most cases have to serve on more than one Boards [sic].”<sup>64</sup>*

3.4.27 During the course of a Judicial Hearing convened by the DI, Mr. Hutchinson further stated that while he was aware of guidelines issued by the Ministry

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<sup>63</sup> Response #6 of the Statement of Merris Murray, Executive Director, National Council on Education (NCE) dated April 23, 2021.

<sup>64</sup> Response 6 of the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission's Requisition dated January 26, 2021.



of Education, regarding the criteria and process for appointment of candidates to School Boards, he was not able to indicate the specific content of the said guidelines. He stated, *inter alia*, as follows:

*“And I do follow those guidelines. I wouldn’t be able to tell you what they are now, but the guidelines are – to outline to you all of them, I wouldn’t be able to tell you...”<sup>65</sup>*

3.4.28 In relation to the nature and extent of the factors he considered, if any, in determining Mrs. Marshall-Williams’ suitability for appointment to school Boards, Mr. Hutchinson stated that, *“Mrs. Marshall-Williams has the time, capacity and willingness to serve. She is a business woman, farmer, Justice of the Peace, Social Worker and highly respected and well known throughout the community.”<sup>66</sup>*

3.4.29 He further advised that Mrs. Marshall-Williams was appointed in accordance with verbal recommendations made by the various Production and Marketing Organizations (PMO’s) operating within his constituency, *“I facilitated the recommendations made by the political directorate in my constituency for Mrs. Marshall-Williams’ appointment.”<sup>67</sup>*

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<sup>65</sup> Page 24 of the Transcript of the Judicial Hearing of William “J.C.” Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>66</sup> Response 6(e) of the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission’s Requisition dated January 26, 2021.

<sup>67</sup> Response 6(g) of the Requisition Response of Mr. William “J.C.” Hutchinson dated January 29, 2021 in response to the Integrity Commission’s Requisition dated January 26, 2021.



3.4.30 Based upon Mr. Hutchinson's utterances regarding his facilitation of recommendations made by the "political directorate", the DI sought to determine specifically, whether Mrs. Marshall Williams was appointed, in each instance, solely or mainly on the basis of Mr. Hutchinson's recommendations. Mr. Hutchinson provided the following response, "*I wouldn't say it would have been on my recommendation, it would have been after the recommendation of the Regional Officer from the Ministry of Education...*"<sup>68</sup>

3.4.31 At this juncture, the DI sought to determine whether Mr. Hutchinson had ever formally or informally delegated his authority to recommend candidates for appointment to School Boards. Specifically, the DI inquired whether Mr. Hutchinson had delegated his authority to any of the referenced Production and Marketing Organizations (PMO's) within his constituency. Mr. Hutchinson responded, "*I have not delegated my authority.*"<sup>69</sup>

3.4.32 It is noted that Mr. Hutchinson confirmed that Mrs. Marshall-Williams was also appointed to the RADA Parish Advisory Board for St. Elizabeth. He advised that the political directorate in the constituency recommended three (3) persons to serve and Mrs. Marshall-Williams was recommended for the Lacovia Division. He stated, "*I accepted the recommendations.*"

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<sup>68</sup> Pages 34-35 of the Transcript of the Judicial Hearing of William "J.C." Hutchinson convened by the Integrity Commission on February 9, 2021.

<sup>69</sup> Pages 64-65 of the Transcript of the Judicial Hearing of William "J.C." Hutchinson convened by the Integrity Commission on February 9, 2021.



## Chapter 4 – Conclusions

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- 4.1 This chapter sets out the conclusions drawn from the investigation.
- 4.2 This investigation was initiated to examine allegations of nepotism, impropriety and irregularity in relation to recommendations made to the St. Elizabeth Municipal Corporation for the award of contracts to Prostar Electrical and Construction and recommendations made to the National Council on Education for the appointment of individuals to School Boards, by Member of Parliament for North Western St. Elizabeth, Mr. William “J.C.” Hutchinson.

### **The Circumstances Surrounding the Recommendation of Contractors to the St. Elizabeth Municipal Corporation by the Member of Parliament for North Western St. Elizabeth**

- 4.2.1 The DI concludes that Mr. Jason Hutchinson, who is the Proprietor of Prostar Electrical and Construction, is also the son of Mrs. Lola Marshall-Williams and Mr. William “J.C.” Hutchinson, Member of Parliament for North Western St. Elizabeth.
- 4.2.2 The DI concludes that the entity known as Prostar Electrical and Construction received three (3) payments amounting to \$713,512.35 from the St. Elizabeth Municipal Corporation, between March and August 2018.



The DI further concludes that the referenced payments were made under small contracts awarded by the Corporation, for the provision of electrical material and supplies, in relation to works executed at the Lacovia Community Centre and the Lacovia Training Centre, within the constituency of North Western St. Elizabeth.

- 4.2.3 The DI concludes that Mr. William “J.C.” Hutchinson deliberately attempted to divorce himself from the process of identifying projects and recommending contractors to the Municipal Corporation for the award of government contracts, by indicating that Mrs. Claudette Baker-Archer, CDF Coordinator within his constituency, acted independently of him and took directives from political organizations within his constituency without his knowledge.

The DI further concludes that based on statements made by Ms. Kedesha Campbell, CDF Director, OPM, Mr. Hutchinson's representations regarding the autonomous role of his Administrative Assistant (CDF Coordinator), his lack of involvement and awareness of the projects undertaken within his constituency and the source of funding for same, were misleading. The DI further concludes that the aforementioned statements were not congruent with the manner in which the process should be undertaken. This conclusion is premised upon the guidelines regarding CDF Project Initiation and Development, use of CDF funding and the role of the Administrative Assistant as outlined within the *Constituency Development Fund (CDF) Operational Procedures (October, 2015)*.

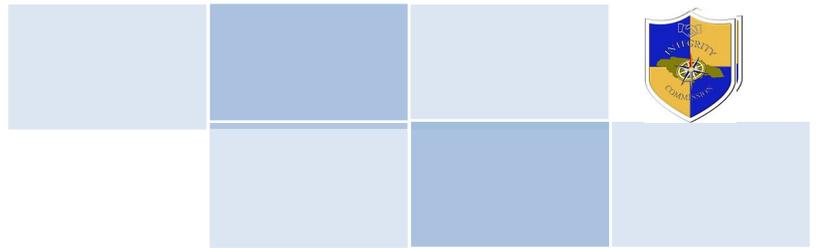


4.2.4 The DI concludes that Mr. William “J.C.” Hutchinson directly and/or ostensibly authorized Mrs. Claudette Baker-Archer, CDF Coordinator to recommend Prostar Electrical and Construction, a private entity owned by his son Mr. Jason Hutchinson, for the award of contracts by the St. Elizabeth Municipal Corporation, for the supply of electrical material and supplies.

4.2.5 The DI concludes that Mr. William “J.C.” Hutchinson directly and/or ostensibly authorized Mrs. Claudette Baker-Archer, CDF Coordinator to sign correspondence on his behalf, requesting payment on behalf of Prostar Electrical and Construction, in relation to electrical material and/or services supplied by the referenced entity at the Lacovia Community Centre.

4.2.6 The DI concludes that Mr. William “J.C.” Hutchinson’s direct and/or ostensible recommendation of Prostar Electrical and Construction for the award of contracts by the St. Elizabeth Municipal Corporation amounted to an actual conflict of interest, in light of the fact that the entity is owned by his son, Mr. Jason Hutchinson.

The DI further concludes that Mr. William “J.C.” Hutchinson’s actions were improper and irregular, given his role as a Public Servant and corresponding responsibility to act with fairness and transparency in discharging his obligations as a Member of Parliament.



## **The Allegations regarding Nepotism in relation to Board Appointments made by the Member of Parliament for North Western St. Elizabeth**

4.2.7 The DI concludes that Mr. William “J.C.” Hutchinson recommended Mrs. Lola Marshall Williams, with whom he has an intimate relationship and with whom he shares a child, for appointment to the Board of Directors of five (5) publicly funded schools within his constituency on at least eleven (11) occasions, despite multiple documented objections from other stakeholders, including the Ministry of Education's Regional Director and the Principal of one such institution.

The DI further concludes that Mr. William “J.C.” Hutchinson's repeated recommendation of Mrs. Lola Marshall Williams for appointment to the Board of Directors of publicly funded educational institutions in his constituency, amounted to nepotism and constituted an actual conflict of interest, in light of their intimate relationship. The DI further concludes that Mr. Hutchinson's actions in this regard were improper and irregular.

4.2.8 The DI concludes that the National Council on Education has no internal policy regarding conflicts of interest in relation to Members of Parliament and candidates recommended by them, for appointment to School Boards of publicly funded institutions.



### **The Allegations regarding Usage of and Access to the Lacovia Community Centre by the Member of Parliament for North Western St. Elizabeth**

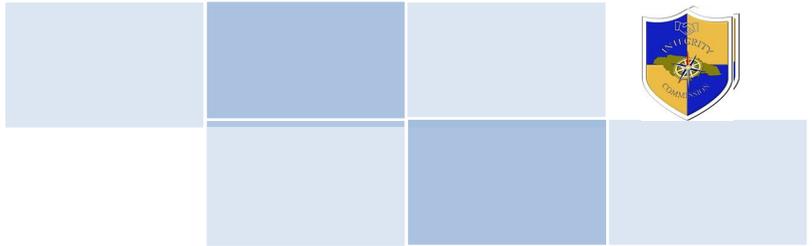
4.2.9 The DI concludes that the North Western St. Elizabeth Constituency Office is located within the Lacovia Community Centre, on Main Street, Lacovia in the parish of St. Elizabeth and that the office has operated from that location since July 1, 2017.

4.2.10 The DI concludes that, at this time, there is no evidentiary material to support a finding that Mr. William “J.C.” Hutchinson occupied the Lacovia Community Centre, to the exclusion of residents of surrounding communities.

4.2.11 The DI concludes that at this time, there is no evidentiary material to support a finding that Mr. William “J.C.” Hutchinson collected rent for the usage of the Lacovia Community Centre.

### **The Allegations Regarding Cash Payments to Mr. Michael Ledgister in Relation to a Painting Contract**

4.2.12 The DI concludes that Mr. Michael Ledgister was employed as Caretaker for the Lacovia Community Centre by Mr. William “J.C.” Hutchinson and that his compensation was not funded through the Constituency Development Fund (CDF).



4.2.13 The DI concludes that there is no evidentiary material to support a finding that Mr. Michael Ledgister was awarded a contract for the painting of the Lacovia Community Centre by the St. Elizabeth Municipal Corporation.



## Chapter 5 - Recommendations and Anti-Corruption Initiatives

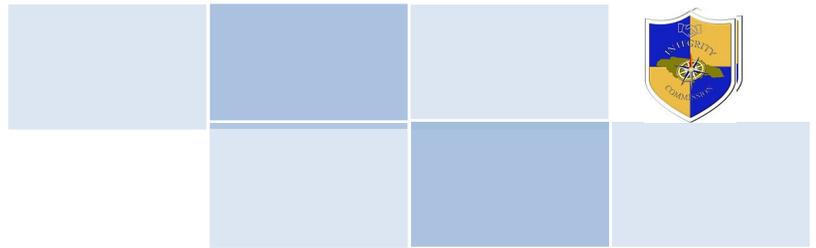
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5.1 This chapter outlines initiatives directed at minimizing the existence and perception of nepotism, conflict(s) of interest, irregularity and/or impropriety, and breaches of any applicable legislations, regulations and/or policies in the recommendation of contractors for the award of government contracts or recommendations for appointment to School Boards.

### **Recommendations to Members of Parliament and Cabinet Ministers**

5.1.1 It is recommended that Members of Parliament refrain from recommending individuals with whom they share personal/familial and/or intimate relationships for the award of government contracts, in the absence of disclosures regarding the specific nature of the relationship to Implementing Agencies. This recommendation is posited with the objective of eliminating the perception of political influence, nepotism and favoritism in the recommendation of contractors and the subsequent award of government contracts by Implementing Agencies.

It is further recommended that upon receipt of these disclosures, Implementing Agencies should conduct an independent and objective due diligence exercise, to determine whether the recommended individual is suitably qualified and experienced to execute the subject contract. The referenced due diligence exercise should also include a risk



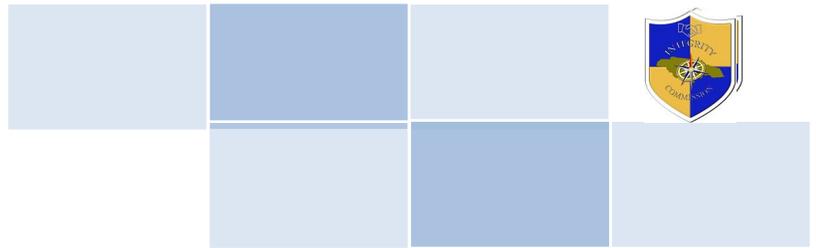
based assessment regarding the perception of nepotism, conflicts of interest and other similar deterrents to maintaining public confidence.

5.1.2 It is recommended that Mr. William “J.C.” Hutchinson and other Members of Parliament refrain from recommending individuals with whom they share personal and/or intimate relationships for appointment to School Boards, in an effort to avoid nepotism, cronyism and the creation of conflicts of interest, which operate to erode public confidence in the operation of the Executive arm of the arms of the Government of Jamaica.

5.1.3 It is recommended that Members of Parliament refrain from operating constituency offices or other politically affiliated offices within community centres and similar spaces, designated specifically for non-partisan public use and access. This recommendation is made in an effort to ensure that Government owned properties designed for the benefit of all citizens, maintain the appearance of impartiality and independence, while safeguarding the principle of free and unfettered access for all, irrespective of political affiliation.

### **Recommendations to the National Council on Education (NCE) and the Ministry of Education, Youth and Information (MOEYI)**

5.1.4 It is recommended that the National Council on Education and/or the Ministry of Education, Youth and Information create, implement and



enforce a documented policy regarding conflicts of interest involving Members of Parliament and candidates recommended by them, for appointment to School Boards of publicly funded institutions.

It is further recommended that the Education Regulations 1980, be revised to include strict guidelines regarding the management, disclosure and avoidance of conflicts of interest in the acceptance of recommendations for individuals to be appointed to School Boards.

5.1.5 It is recommended that the National Council on Education and/or the Ministry of Education, Youth and Information implement and promote a merit based system by which a qualified person may apply for and be appointed to serve on School Boards. It is further recommended that this system be supported by a training program, akin to the Justice of the Peace Training Program conducted prior to commission, with a view to preparing persons to serve on School Boards. This recommendation is posited in an effort to reduce the politicization of the process and to minimize the appearance of nepotism and conflicts of interest, which threaten the integrity of the appointment process and by extension, the governance of the public entities involved.



## **Recommendations to the Most Honourable Prime Minister and the Honourable Speaker of the House of Representatives**

5.1.6 Given the prevalence of conflicts of interests in Jamaica, and the detrimental impact they have on public confidence in government and good governance, it is recommended that the Most Honourable Prime Minister commissions a general review of this issue with a view to introducing legislation and/or regulations to clarify how these should be managed.

5.1.7 In light of the appalling conduct of Mr. Hutchinson and the damage this may have caused to public confidence in Jamaica's governance arrangements, the DI recommends that the Most Honourable Prime Minister and the Honourable Speaker of the House of Representatives implement such sanctions which are both commensurate with the seriousness of his conduct and inspire public confidence in government.

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Kevon A. Stephenson, JP  
Director of Investigation

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September 8, 2022

Date



## Appendices

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### Appendix 1

#### Section 33(1) of the Integrity Commission Act

*“33—(1) The Director of Investigation shall --*

*(a) without prejudice to the provisions of any other enactment, and subject to any general or specific direction of the Commission, investigate, in the manner specified by or under this Act, any allegation that involves or may involve an act of corruption or any allegation relating to non-compliance with the provisions of this Act, on the basis of any complaint, information or notification referred to him by the decision of the Commission or by the Director of Information and complaints;*

*(b) subject to section 52(2), monitor and where necessary, investigate, in the manner specified by or under this Act, the award, implementation or termination of any government contract, and the grant, issue, variation, suspension or revocation of any prescribed license, with a view to ensuring that—*

*(i) in the case of a government contract, it is awarded impartially, on merit and in a financially prudent manner and in circumstances which do not involve impropriety, breach of any applicable law relating to procurement or other irregularity, and that the implementation or termination of the contract conforms to the terms thereof, without prejudice to the functions of any public body in relation to the contract...”*