

Report of Investigation

Concerning Irregularities in Respect of the Construction of a Residential Development, Located at 2 Weycliffe Close, Beverly Hills, Kingston 6, Contrary to the Terms of the Building Permit Issued to Estatebridge Holdings Limited by the KSAMC.

INTEGRITY COMMISSION
DECEMBER 2024



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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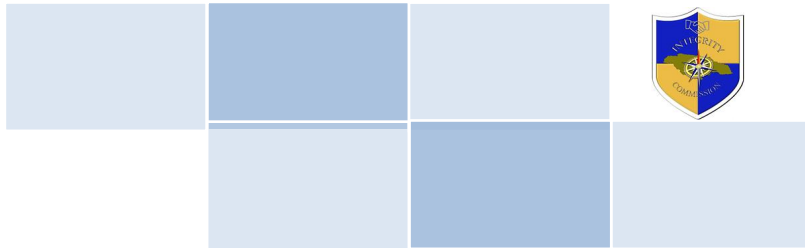
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Chapter 1 – Executive Summary

- 1.1 This Investigation Report was commenced following receipt of a report alleging irregularities in the development and building approval processes relating to property owned by the Most Honourable Dr. Andrew Michael Holness, ON, PC, MP, DHumLitt. (Hon.Causa) (hereinafter Dr. Holness). However, initial enquires led the investigation to focus on a residential development located at 2 Weycliffe Close, Beverly Hills, Kingston 6 (hereafter referred to as “the development”) which is owned by Estatebridge Holdings Limited (hereafter referred to as “Estatebridge”).
- 1.2 The investigation found that the development was being constructed contrary to the terms of the planning approval and building permit issued by the Kingston and St. Andrew Municipal Corporation (hereafter referred to as the KSAMC) and the Building Act. Whilst planning approval and the building permit were issued for the construction of four semi-detached townhouses in two two-storey buildings consisting of two-bedroom units, at the commencement of the investigation the erected development consisted of four four-bedroom units.
- 1.3 The DI concludes that the breaches were deliberate and that the Directors of Estatebridge, are liable. The DI also concludes that KSAMC failed to effectively discharge their responsibilities to ensure compliance with the terms of the approvals granted.



1.4 Recommendations are made which aim to improve accountability and prevent reoccurrence of the issues identified.



Chapter 2 – Background

2.1 This chapter sets out the background information concerning the allegations, initiation of the investigation and jurisdiction.

Allegations and initiation of investigation

2.2.1 On July 10, 2024 the following allegations were received:

“That Mr. Holness is the owner of property on which construction is being carried out, contrary to the terms of the planning approval and building permit granted by the Kingston and St. Andrew Municipal Corporation (KSAMC).

That Mr. Holness often requests the service from his architect to draw a Blue Print, that will be sent to KSAMC, however, a second Blue Print will be drawn, that will be used for the actual construction. It is said that this was done ... at one of his developments in Beverly Hills/Cherry Garden.”

2.2.2 On July 11, 2024 the DI undertook an unannounced visit to KSAMC to enquire as to whether Dr. Holness had, directly or indirectly, applied for a building permit/s for a development/s in Beverly Hills/Cherry Gardens. The DI’s enquiries revealed that the only development in this area that Dr. Holness was in some way connected with is a residential development located at 2 Weycliffe Close, Beverly Hills, Kingston 6, St. Andrew and that



this was owned by Estatebridge. Further enquiries were therefore made into this development and an investigation initiated.

Jurisdiction

2.2.3 **Sections 33** and **51** of the ***Integrity Commission Act*** empower the DI to investigate irregularities around prescribed licences and other matters connected thereto.

Individuals Pertinent to the Investigation

2.2.4 The following persons were deemed to be pertinent to the investigation:

- a) Mr. Xavier Chevannes, Chief Engineering Officer, KSAMC;
- b) Mr. Rochane Hamilton, Field Officer, KSAMC;
- c) Mr. Orion Brown, Field Officer, KSAMC;
- d) Mr. Shawn Martin, Field Officer, KSAMC;
- e) Mr. Kennado Nesbeth, KNN Designs and Consultants Limited;
- f) Mr. Norman Brown, Ms. Sydjea Anderson and Mr. Adam Holness, Directors and shareholders of Estatebridge;
- g) Mr. Donovan Williams, Company Secretary, Estatebridge; and
- h) Dr. Holness, the legal and beneficial owner of Imperium Investments Holdings Limited, which is a former shareholder of Estatebridge.



Chapter 3 – Terms of Reference

- 3.1 This chapter outlines the scope of the investigation and the issues that were explored.
- 3.2 The DI sought to establish, *inter alia*, the following:
 - 3.2.1 whether there exists any development/s in Beverly Hills/Cherry Gardens that was/were connected to Dr. Holness and, if so, whether the requisite approvals were obtained for their construction;
 - 3.2.2 whether the terms and conditions of any approvals and/or permits issued to the Permittee(s) were adhered to;
 - 3.2.3 whether there were any breach(es) of the **Building Act**, the **Town and Country Planning Act**, the **Integrity Commission Act**, and any other relevant legislation; and
 - 3.2.4 whether recommendations ought to be made in respect of the subject matter.



Chapter 4 – The Investigation

- 4.1 This chapter provides a summary of the investigative actions that were undertaken throughout the investigation.
- 4.2 The following actions were conducted during the course of the investigation:
- 4.2.1 the period July 11, 2024 to October 10, 2024, four (4) Notices were served on individuals, who were deemed to be pertinent to the investigation, to provide written statements;
- 4.2.2 During the period July 11, 2024 to November 12, 2024, ten (10) Witness Statements were recorded and/or obtained;
- 4.2.3 Three (3) unannounced visits were conducted on Thursday, July 11, 2024, Friday, July 12, 2024 and Tuesday, July 23, 2024 once at the offices of the KSAMC and twice at the site of the development, respectively;
- 4.2.4 Two (2) Judges' Rules Interviews were conducted on October 31, 2024 and November 15, 2024, pursuant to **Rule 2** of the **Judges' Rules Administrative Directives**;
- 4.2.5 The **Building Act**, the **Town and Country Planning (Kingston & St. Andrew and Pedro Cays) Provisional Development Order**, **Natural Resources**



Conservation Authority Act, Integrity Commission Act and other relevant legislation and policies were reviewed; and

4.2.6 A review and cross-referencing of the statements and supporting documentation was conducted.



Chapter 5 – Law, Policy, Evidence and Discussion of the Findings

5.1 This chapter sets out the applicable law, policies, evidence, findings and discussion in respect of the investigation.

5.1.1 As set out in Chapter 2 on the background, the DI's enquiries of KSAMC revealed that the only development in Beverly Hills/Cherry Gardens area that Dr. Holness was in some way connected with is 2 Weycliffe Close, Beverly Hills, Kingston 6, St. Andrew and that this was owned by Estatebridge. The DI therefore sought to establish the nature of the connection.

5.1.2 Initially the DI sought to ascertain the identities of the Directors and Shareholders of Estatebridge at the material time. By way of a statement dated September 18, 2024, the duly authorized officer at the Companies Office of Jamaica (hereafter referred to as "COJ") stated that "*Estatebridge Holdings Limited had been incorporated on the 22nd of July 2020...The total number of authorized shares for the company is 10,000 ordinary shares.*"¹ The duly authorized officer at COJ also provided the following information in respect of the Directors and Shareholders of Estatebridge:

¹ Witness Statement of the Duly Authorized Officer at the Companies Office of Jamaica dated September 18, 2024.



Table 1: Directors of Estatebridge

NAME OF DIRECTORS	DATE OF APPOINTMENT
Sydjea Anderson	22 nd of July 2020
Norman Brown	22 nd of July 2020
Adam Holness	29 th of March 2021

Table 2: Shareholders of Estatebridge

NAME OF SHAREHOLDERS	TYPE OF SHARES	TOTAL SHARES	SHARE TRANSFER HISTORY
Sydjea Anderson	Ordinary	2000	No transfers made.
Norman Brown	Ordinary	1000	2000 ordinary shares were issued at incorporation. 1000 ordinary shares were forfeited on 29 th of March 2021.
Imperium Investments Holding Limited	Ordinary	0	1000 of the 5001 ordinary shares held at incorporation were forfeited on 28 th of January 2021. The remaining 4001 shares were surrendered on 20 th of October 2022.
Adam Holness	Ordinary	2000	1000 ordinary shares were acquired on 28 th of January 2021. A further 1000 ordinary shares were acquired on 29 th of March, 2021.



5.1.3 The DI observed that one of the company's shareholders, Imperium Investments Holdings Limited (hereafter referred to as "Imperium") is an entity that is familiar to him by virtue of a recently concluded investigation into the statutory declarations of Dr. Holness.²

5.1.4 As part of enquiries relating to this investigation into the statutory declarations of Dr. Holness, he explained the following to the DI:

"Question 69: Please explain the nature of the operations/business activities of Imperium Investments Limited.

Answer: Imperium Investments Holding Limited is a company in which I am the sole director and shareholder. In 2020 I wound-up Admat Incorporated, an International Business Company incorporated in St Lucia, in which my sons and I were shareholders and directors. Admat's assets were transferred to Imperium Investments Holdings Limited, a locally registered company."

5.1.5 The DI's enquiries confirmed that this correlates with information held by the COJ.

²"Investigation Report into the KSLarations submitted by The Most Honourable Mr. Andrew Holness, Prime Minister, for the years 2019-2022, in respect of concerns that he owns assets disproportionate to his lawful earnings, and that he made false statements in his Statutory Declarations, by way of omissions, contrary to law." This can be found at <https://integrity.gov.jm/sites/default/files/Investigation%20Report%20%28Version%203%29.pdf>



5.1.6 In a letter to the Commission dated April 4, 2023, Dr. Holness also indicated, *inter alia*, the following:

“Estatebridge entered into a Land Development Agreement to develop property owned by Admat at 2 Weycliffe Close (Weycliffe Development). Before the Agreement, the principals of Admat Incorporated intended to wind up the company and transfer its business to a locally registered company. In anticipation of the winding up process, Admat liquidated and/or transferred its assets to Imperium, except in the case of 2 Weycliffe Close, which was considered more economical to transfer directly to Estatebridge, being the entity that will develop the land and ultimately subdivided and sell the units.

The property at 2 Weycliffe Close was therefore, transferred to Estatebridge free and clear. Imperium, and Adam Holness (subsequent on attaining the age of majority), held shares in Estatebridge to secure interest in 2 Weycliffe Close which was then the main asset of Estatebridge.

5.1.7 The DI therefore established that Dr. Holness is connected to the development at 2 Weycliffe Close by virtue of Admat Incorporated, of which Dr. Holness and his sons were shareholders and directors, having initially owned the land that was developed and his roles as sole director, shareholder and beneficial owner of Imperium, which had shares in



Estatebridge at the time that the planning and/or building permit was issued to them on July 12, 2021. Whilst the DI notes that Imperium surrendered its shares in Estatebridge on October 20, 2022, the DI considers it highly likely that the development at 2 Weycliffe Close is the subject of the allegations herein. Enquiries were therefore made into the particulars of this development.

Legislation and Administrative Processes Governing the Issuance of Planning and Building Permits

5.2 Before proceeding further, it is necessary to examine, albeit briefly, the law germane to the planning approval and building permit obtained by Estatebridge as well as the planning and building approval processes, these will be examined seriatim below.

The Building Act

5.2.1 The memorandum of objects and purpose of the ***Building Act***, which came into force on January 15, 2019, reads, ***“An Act to Repeal the Kingston and St. Andrew Building Act and the Parish Councils Building Act and make new provisions for the regulation of the building industry; to facilitate the adoption and efficient application of national building standards to be called the National Building Code of Jamaica for ensuring safety in the built***



environment, enhancing amenities and promoting sustainable development; and for connected matters.”³

5.2.2 Section 17 of the **Building Act** provides as follows:

“17(1) A person shall not carry out building work unless –

(a) a building permit in respect of the building work has been issued to him;

(b) where applicable, a planning permit has been issued to him under the Town and Country Planning Act; and

(c) The building work is carried out in accordance with the building permit, this Act, the National Building Code or of any other regulations made under this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to the penalty specified in relation to that offence in the First Schedule.

(3) In addition to any penalty that is imposed under section (1), the court may, under subsection (2), issue any order that the Local Authority

³ The Building Act (2018)



could make for the remedy of the breach giving rise to the conviction, including an order for the taking down or alteration of a building or part of a building, so as to conform with the requirements of the building permit, this Act, the National Building Code and any other regulations made under this Act.”⁴

The KSAMC’s Planning and Building Approval Processes

5.2.3 Based on the abovementioned legal provisions which govern the construction of developments, a building and/or planning from the KSAMC was required in relation to the development in question. KSAMC’s planning and building approval processes are outlined below.

Building Permit Approval Process:

5.2.4 By way of a statement dated July 17, 2024, Mr. Xavier Chevannes, Chief Engineering Officer, KSAMC outlined the process to be followed upon receipt of an application for building permit. The process is summarized below:

- a) When applying for a building permit, the following documents are required: (i) Proof of Ownership such as Title of Property; (ii) Surveyor’s ID Report; (iii) Up-to-date Property Tax Certificate; (iv) Properly filled out Application form; (v) Drawings – An applicant is required to submit at least four sets of drawings; (vi)

⁴ Section 17 of the Building Act



Copy of the Tax Registration Number (TRN) of the owner, however, a copy of the Driver's License is acceptable; (vii) a copy of the TRN for any agent serving on behalf of the owner/s; and (viii) the payment of the requisite fees.

- b) Once the Building Application has been properly filled out, a Building Officer assesses the building drawings and works out the fees.
- c) Upon payment of fees, the application is accepted and a reference number is assigned. Subsequently, the Building Registry sends one set of drawings to the Building Department and one set of drawings to the Planning Department.
- d) The KSAMC geographical area is divided into six zones. Each zone is assigned a Field Officer. The Field Officer with responsibility of the zone the application falls within will conduct an assessment of the proposal, which includes a mandatory site visit, which may be conducted by a Building Officer, a Planning Officer or both.
- e) The file is then reviewed by a Senior Field Officer/Building Inspector.
- f) For single family developments, the Senior Officer, on behalf of the Chief Engineering Officer makes recommendation to the Building



and Town Planning Committee for consideration. If, however, a drawing has been submitted with issues, the Senior Officer will notify the applicant to address the issue;⁵

Planning Approval Process:

5.2.5 As it relates to the process utilized by the KSAMC in respect of planning permission, by way of a statement dated August 28, 2024, Ms. Andrine McLaren, former Director of Planning at the KSAMC (Director of Planning at the material time), outlined the process to be followed upon receipt of an application. The process is summarised below:

- a) When applying for a planning permit, the following documents are required, (i) Proof of Ownership – Certified Copy of the Registered Title; (ii) Current Surveyor's ID Report; (iii) Current Property Tax Certificate; and (iv) Copy of the TRN of the owner. In the event, however, that the application is not submitted by the owners, written consent from the Owners must be provided and it should be witnessed by a Justice of the Peace. Further, a copy of the TRN for any agents serving on behalf of the owner must be obtained. Additionally, approval from the Jamaica Fire Brigade and National Water Commission may be required.

⁵ Witness Statement of Mr. Xavier Chevannes, Chief Engineering Officer, KSAMC dated July 17, 2024



- b) Once the requisite documents are obtained, an assessment is conducted by the Registry (Ground Floor) and the fees are calculated.
- c) When the applicant pays the fees, the application is accepted.
- d) The physical file is then generated by the Registry. Two files are created: one goes to the Planning Department and the other to the Building Registry.
- e) When the file comes to the Planning Department, the Secretary assigns the file to an officer.
- f) The Planning Officer, once in receipt of the file, does a site inspection. The site inspection includes checking the area to see what it looks like, (example, is the area commercial, residential or a mixture of both). A site inspection report is then generated by the Planning Officer. On the site inspection report, the relevant agencies from which recommendations are required are also included.
- g) The file then goes back to the Building Registry and they also handle the referrals to the relevant agencies. In the case of ten (10) units or more, an environmental permit from Natural Resources Conservation Authority (NRCA) is required before planning approval can be granted. The applicant applies to NRCA to



obtain the environmental permit. National Environment and Planning Agency (NEPA) will consult the National Works Agency (NWA) as part of that process. NEPA and NWA then send to KSAMC their recommendations in relation to the planning/building of the particular development.

- h) Once the recommendations are obtained, the file comes back to the Planning Department. The Planning Officer reviews to see that the recommendations for approval from the relevant agencies are all present. The Officer also ensures that all planning issues have been addressed and forwards the file to the Director of Planning.
- i) The Director of Planning, reviews and prepares a document called 'Recommendation from the Director of Planning.' This details all the planning recommendations which were obtained by the relevant bodies. The document also entails the Director's recommendation for approval, inclusive of the conditions to be met by the applicant.
- j) The file then goes back to the Building Registry and is then sent to the Administrator for the decision to be made by the Building and Town Planning Committee.⁶

⁶ Witness Statement of Ms. Andrine McLaren, former Director of Planning, KSAMC dated August 28, 2024



5.2.6 As it relates to the process that was followed by the KSAMC and the applicant, Estatebridge, the DI recorded a statement from Mr. Shawn Martin, Field Officer at the KSAMC. In his statement, Mr. Martin, asserted, *inter alia*, the following:

"I am currently employed to the Kingston and St. Andrew Municipal Corporation (KSAMC) since about October 2003 as a Field Officer..."

As it relates to a development located at 2 Wycliffe [Sic] Close, Beverly Hills, Kingston 6, the application for Building and Planning Permission was submitted to the KSAMC on May 07, 2021 by Damar King, on behalf of Estatebridge Holdings Limited. The application was for the development of residential buildings. Specifically, the applicant was seeking Planning Permission to construct a multi-family residential development consisting of four townhouses on 1897 square meters of land. I am the Planning Officer who was assigned this particular development. I made an initial assessment of the file and the standard procedures as outlined above were followed. I conducted a site inspection and completed my planning report with the necessary recommendations. This development did not require any comment from any external agency on the basis of the size of the development containing four



townhouses, there was already sub divisional approval granted by the Building and Town Planning Committee, the Development was not on a main road, the height of the proposed construction conformed to the area and required no approval from NEPA because the development was for less than ten units, and there are similar developments within the area”

5.2.7 Based on the foregoing, the DI has seen no evidence to suggest that the established planning and building approval processes of the KSAMC were not complied with.

The approvals granted by the KSAMC in respect of the Development

5.2.8 On July 12, 2021, the KSAMC granted planning and building permission to the applicant, Estatebridge, to erect a multifamily development comprising of four (4) townhouse units on 1897 square metres of land. The approvals were for the erection of four (4) semi-detached units in two (2) two-storey buildings with basement level. The permit issued by the KSAMC indicate that the floor area of a typical unit **“will consist of; two (2) bedrooms, living, dining, kitchen, swimming pool, multipurpose area, laundry and other**



ancillary spaces, totalling 1571 square meters at the above address in accordance with plans submitted.⁷

5.2.9 The referenced permit outlined several “general conditions” by which the permittee was bound. These conditions included:

“...c) That construction must conform to the approved plans and Building Regulations.

...

*r) That failure to comply with the conditions as listed herein and the approved will be considered a breach and will render this approval **NULL and VOID.**”⁸*

Compliance with the approvals granted by KSAMC

The DI’s Inspections

5.2.10 The DI executed a Warrant on July 12, 2024 at the site of said development. During the course of the DI’s inspection, the layout of units was checked against the building permit granted to Estatebridge, inclusive of the architectural drawings.

⁷ Approved Planning and Building Permission dated July 12, 2021, issued by the Kingston and St. Andrew Municipal Corporation (KSAMC)

⁸ Approved Planning and Building Permission dated July 12, 2021, issued by the Kingston and St. Andrew Municipal Corporation (KSAMC)



5.2.11 The DI found that the development was constructed as four semi-detached town houses in two two-storey buildings, but that there were significant deviations in the construction of the townhouses when juxtaposed with the building plan approved by the KSAMC (see inspection report at appendix 1).

5.2.12 The following deviations were observed:

1. **“An additional concrete partition wall was constructed in the area labelled as Laundry on the Split-Level Floor Plan (Appendix #1);**
2. **Two additional concrete partition walls were constructed resulting in the conversion of a powder room to a bathroom and an additional bedroom in the area labelled as Dining/Living Room and Terrace on the Ground Floor Plan. This also resulted in a reduction in the space approved for the Dining/ Living room and Terrace (Appendix #3);**
3. **An additional concrete partition wall in the area labelled as Balcony on the First Floor Plan. This resulted in a reduction of the approved balcony square foot and the construction of an additional bedroom and a en suite bathroom (Appendix #4);**
4. **All the required electrical, plumbing, tiling and painting works to facilitate modification were also executed (Appendix #2); and**



5. In total, two (2) en suite bathrooms (Appendix #5 and #6) were added, while a powder room was removed.”

5.2.13 Consequently, each townhouse consisted of four-bedroom units instead of two-bedroom townhouses as was approved by way of the Building and/ or Planning permits issued by the KSAMC. It was noted that the required electrical, plumbing, tiling and painting works for four-bedroom units were in place.

5.2.14 The DI also observed that demolition activities were underway at the development, where a number of the partition walls, which constituted deviations from the approved building plan, were being removed. Upon close inspection of the partition walls that were being demolished, the steel work seemed to have formed part of the original construction. The photographs below, taken on July 12, 2024, evince the observations of the DI.



Figure 1 depicting the demolition of an additional concrete partition wall in the laundry room at split level.



Figure 2 depicting the demolition of an additional concrete wall in the living/dining area on the ground floor

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5.2.15 Given the findings of the first inspection, The DI sought to determine whether an application for amendment to the approved building plan had been submitted by Estatebridge to the KSAMC. Mr. Xavier Chevannes, Chief Engineering Officer, KSAMC, in his statement dated July 17, 2024, indicated that **“No application for amendment was made for this application located at 2 Wycliffe [Sic] Close, Beverly Hills, Kingston 6”.**

5.2.16 On July 23, 2024, the DI executed a second Warrant at the site of the development for the purpose of conducting a further inspection. It was observed that the partition walls that were being demolished during the DI’s first inspection appeared to have been completely demolished.

5.2.17 In light of the issues highlighted by the DI’s first inspection and the demolition work that was undertaken, he sought the accounts of individuals responsible for the development and those at KSAMC charged with overseeing compliance with the permissions granted.

The accounts of individuals responsible for the development

5.2.18 In establishing who bears responsibility for the development, the DI notes guidance from the Companies Office of Jamaica titled ‘Who is a Director?’⁹. This defines a Director as “A person who, either by himself or

⁹ <https://www.orcjamaica.com/FAQ/DIRECTOR%20DUTIES.pdf>



with others forming a board of directors controls the affairs of a company and carries out the company's various obligations". Importantly, it also states "As a director, you are obliged to know what is happening in your company, and to make decisions carefully, even if this means seeking expert advice." Consequently, the DI considers it to be the responsibility of the Directors of Estatebridge to ensure compliance with the terms of the approvals granted by the KSAMC for the development.

Norman Brown, Director of Estatebridge:

5.2.19 The DI, during the conduct of a recently concluded investigation into Dr. Holness' statutory declarations (previously referenced), obtained a statement from Mr. Norman Brown dated December 4, 2023, some of which is relevant here. When asked about the development in question, Mr. Brown indicated the following:

"The project consists of four (4), four-bedroom townhouses and it is located at Weycleff Close, Beverly Hills, Kingston 6, St. Andrew. I am unsure of the exact date it started, it may have been sometime in 2020, however the project is 75% complete. Based on my investment I have assumed a Supervisory role however the project is managed by Mr. Kennedo Nesbeth of KNN Design and Construction Limited. This is the arrangement that existed prior to my involvement in the project. At the end of the project, the shareholders would each get a townhouse if the numbers can account for that and the fourth one



would be sold to recoup the cost of construction and operational cost associated with the project.”¹⁰

5.2.20 On October 31, 2024, Mr. Norman Brown was interviewed pursuant to **Rule 2** of the **Judges’ Rules Administrative Directives**. When asked, **“... What is the composition and layout of the proposal submitted to the KSAMC in respect of the development located at 2 Weycliffe Close, Beverley Hills, Kingston 6?”** he indicated the following **“... I was not involved then in terms of the application. I became aware of the scope of the thing when I became an investor in the project, as far as I know the scope of the [projects] is four town houses consisting of four habitable rooms which would include two (2) bedrooms in each [units]”**. The DI also highlights the following questions and answers put to and given, respectively by Mr. Brown in the referenced Judges’ Rules interview:

“... ”

¹⁰ Statement of Mr. Norman Brown, Director and Shareholder, Estatebridge Holdings Limited dated December 4, 2023



39. Officers from the Integrity Commission visited the development at 2 Weycliffe Close, Beverly Hills, Kingston 6, Friday July 12, 2024, and observed the construction. The units consisted of 4 bedrooms and 4 bathrooms each. Are you aware that the development consisted of 4 bedrooms and four bathrooms at any point?

Answer: No

Document handed to Mr. Brown through his Attorneys-at-Law

40. Do you recognize the document that was handed to you?

Answer: Yes

41. How do you recognize the document that was handed to you?

Answer: It is a copy of a statement that I gave and it has my signature on it.

42. Can you read the first two lines of paragraph four?

Answer: The project consists of four (4) four bedroom townhouse and it is located at 2 Weycliffe close Beverly Hills, Kingston 6, St. Andrew.

43. During the interview, you said that the project consisted of 2 bedroom units, however your statement says that the project is four, four bedroom units and officers of the Integrity commission observed that four four bedroom units were constructed. Which of the 2 statement is true?

Answer: First of all, I said in this interview four habitable rooms including two bedrooms. I gave this statement dated the 4th of December 2023, as a witness without the guidance of counsel, this statement should have read four habitable rooms, not four bedrooms.

...”

5.2.21 Having regard to the foregoing, the DI provides hereunder a declaration made by Mr. Brown at the time of the making of his witness statement:

“PART D: WITNESS’ STATEMENT DECLARATION

This statement (consisting of ... pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.”

Sydjea Anderson, Director of Estatebridge:

5.2.22 The DI’s enquiries revealed that Ms. Anderson resides overseas. Contact with her was therefore made via electronic mail on October 24, 2024 with

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a view to obtaining an account from her. On November 2, 2024, Ms. Anderson's Attorney acknowledged the request and advised that she would 'take instructions' and revert on her behalf by the week following, however, up to the date of this report nothing further has been received from either Ms. Anderson or her Attorney.

5.2.23 Notwithstanding the foregoing, the DI is in possession of a witness statement dated January 30, 2024, which was obtained from Ms. Anderson in the course of the investigation into Dr. Holness' statutory declarations (previously referenced), which includes relevant material on the operations of Estatebridge. This is as follows:

1. A brief description of your association with:
 - a) The Most Honorable, Prime Minister Andrew Holness;
Ans: Andrew Holness is my sibling.
 - b) Estatebridge Development Company Limited;
Ans: I am a shareholder and director of Estatebridge Development Limited.
2. The nature of the business or operations of:
 - a) Estatebridge Development Company Limited;
Ans: Estatebridge Development Limited was established to pursue business in real estate including development, investment, and rental.
4. Who manages the day-to-day operations of:
 - a) Estatebridge Development Company Limited;
Ans: The business operations are few and generally managed by Director Norman Brown. Day-to-day real estate development/construction at 2 Weycliffe Close has been outsourced to a building contractor and rentals are managed through real estate and property management agents.
5. Who maintains the accounting and other records of:
 - a) Estatebridge Development Company Limited;
Ans: The directors of Estatebridge Development Company Limited are responsible for maintaining its accounting records. However, as its day-to-day



operations are generally managed by Director Norman Brown, he retains primary control over the accounting records. The other records are maintained by the Company Secretary.

8. Whether amounts invested in Estatebridge Development Company Limited were made in accordance with a Shareholder Agreement. If yes, please provide a copy of the said Shareholder Agreement;

Ans: As shareholders, we entered into a Land Development Agreement at the start of the Weycliffe Close Project, which establishes the obligation of each shareholder to use their best efforts to finance the Weycliffe Close Project and share in the returns therefrom. There is no written shareholder agreement, however, based on the understanding from the Land Development Agreement, the shareholders are each entitled to one of the four units in the Weycliffe Close development upon completion. It was also agreed that the unassigned unit will be sold on the open market and the proceeds distributed among the shareholders according to their contribution or any other consideration the parties may agree to.

9. As it relates to Estatebridge Development Company Limited’s development project at 2 Weycliffe Close, Beverly Hills, please provide details concerning:

a) When the project commenced;

Ans: Planning commenced in July 2020, and construction commenced in July 2021.

ALLY SEELENA
NOTARY PUBLIC-STATE OF NEW YORK
... 00110002700

...”

Mr. Adam Holness:

5.2.24 Though Mr. Donovan Williams, Estatebridge’s Company Secretary, stated in his evidence¹¹ that the day-to-day operations of Estatebridge were “pretty much...shared among the directors”, in line with Mr. Brown’s evidence, Ms. Anderson stated that “...business operations are...generally

¹¹ On November 15, 2024, Mr. Donovan Williams, Estatebridge’s Company Secretary was interviewed pursuant to Rule 2 of the Judges’ Rules Administrative Directives.



managed by Director Norman Brown.” The DI, therefore, did not deem it necessary to speak to the third Director, Mr. Adam Holness.

KNN Designs and Construction Ltd:

5.2.25 Conversely, the DI deemed it pertinent to speak with the building contractor as the evidence of both Ms. Anderson and Mr. Brown indicated that they played a significant role in the management of the construction of the development.

5.2.26 The DI is in possession of a contract which was entered into on July 17, 2021 between Estatebridge and KNN Designs & Construction Ltd (hereafter referred to as “KNN”). In broad terms, *inter alia*, the contract formally engaged KNN to construct the development in question and sets out the terms of the engagement. The DI having perused the contract, highlights following paragraphs:

“ The Contractor shall use his best efforts to supervise the works and maintain strict compliance with all terms and conditions of the building approvals granted by the relevant authorities. The Contractor shall provide a report at each stage of the project outlining compliance with all terms and conditions of the building approvals. Where potential breaches, or risk of breaches are assessed, the contractor must immediately inform the Owner.



The Owner may cancel this contract, if the contractor fails to immediately perform his obligations under this agreement which include, but not limited to, unreasonable delays in carrying out building works, poor workmanship, failing to exercise reasonable skill and care, breaches of the Building Act where applicable, non-adherence to conditions of the building permit/approval, permanently or equivocally abandoning the project.”

Kennado Nesbeth, Building Contractor:

5.2.27 Mr. Nesbeth, owner of KNN, was personally involved in the construction of the development. During the DI's first inspection of the site on July 12, 2024, the DI's investigators enquired of Mr. Nesbeth, who was on site at the time, the reason for removing the partition walls. He verbally stated that a previous foreman on the project had conducted some additional works which his team was now in the process of correcting, in order to comply with the approved three (3) bedroom townhouses.

5.2.28 On October 16, 2024, Mr. Nesbeth was interviewed and a witness statement recorded from him. The relevant paragraphs of the referenced statement are provided below:

“I am a contractor and architectural designer and owner of KNN Designs and construction Limited. I officially started my



business in 2015 but before 2015, I was an Architectural Assistant at the Urban Development Corporation (UDC).

I am the Designer and Contractor for the development located at 2 Wycliffe [Sic] Close, Beverly Hills, Kingston 6. I was approached by a young lady by the name of Sydjea Anderson on my company's Instagram Page. The page showcases some of the constructions undertaken by my company and based on this, I have had clients reach out to me. She said she had land in Beverly Hills and she wanted to do a development on the land. I made an assessment and advised her that based on the size of the land, it can accommodate four (4) townhouses with sixteen habitable rooms. She advised she was interested in the project and I sent her a quotation. When it comes on Architectural works we provide an invoice for works to be done, the client agrees and make a deposit and we will commence the works. There is no formal agreement with clients. We work only with invoices. What I did was to send them an invoice with all the details of the project in relation to the design of the project requested for the development.

I designed the Building plan for the development for submission to the KSAMC. Each unit would consist of four habitable rooms, a pool on the split level, four bathrooms, a



laundry and storage area. I wish to state that a habitable room is any space that can be inhabited by a person such as a living room, dining room, bedrooms. In the development at 2 Wycliffe [Sic] Close, there are four habitable rooms per unit, one is located at the split level, one is on the ground level which is the living and dining area and two are on the first floor which are the two bedrooms. Each unit consist of a total of four habitable rooms which two of the four habitable rooms are bedrooms, which equates to the total number of bedrooms per unit is two.

We broke ground for the development in the third week of July in 2021 where excavation work commenced. Throughout construction I was present at the development. There are times when the project was paused about three or four times. There are times I am not there consistently throughout construction however I am present at the embryotic stages of construction to the point where the walls go up.

I do not normally hire a Foreman on the project however, a competent carpenter was selected to take charge of the project during the time I was absent. During one of my absence there was a major mishap in terms of plumbing and I had to



get rid of him. I do not know the persons name, I only know him as Blacks.

Blacks was working off my instructions and was not familiar with the building plan. There was a copy of the approved building plans kept on the site. At no point during construction was there a deviation from the approved building plan.

There was no breach of the construction. Deviations from the plan such as size of bathrooms and door locations may have shifted or changed, which may have occurred during construction, but at the end of the project, would be brought to the attention of the KSAMC and/or by an amended plan, if so needed. The construction maintained the approved four habitable rooms approved by the KSAMC.

At some point in the construction, major plumbing issues were discovered after putting water in the building. Water was coming through conduit pipes located in the walls and we had a back fall of sewage in most of the slabs and as such major adjustments of these plumbing issues were needed which entails major digging of walls and slabs.



I can say that at no point was the construction in breach. I can strongly and blatantly deny that at no point was an explanation given to officers of the integrity commission that there was a construction of four bedrooms and the walls were being removed to conform to an approved plan of three bedrooms. I also did not give an explanation that the walls were being removed to comply with the approved plan of 3 bedrooms. Inspectors from the KSAMC visited the development about three or four times. They visited at the pouring of the foundation and also to inspect the slabs at different intervals. I was there on one occasion when the inspectors from the KSAMC visited. At no point in time throughout the construction was I ever informed that there was a breach of the approved building plan by officers of the KSAMC.

The Development was approved for four townhouse units consisting of 2 bedrooms and four bathrooms. There was no agreement between me and the clients to construct units consisting of four bedrooms and four bathrooms, at no point. Regarding the four bathrooms, each bedroom has a bathroom, one bathroom is located on the split level and one on the ground level.



No application for an extension of the construction or amendment to the approved building plan was made to the KSAMC. At the end of construction, if necessary, amendments will be submitted to the KSAMC.

...

I cannot recall exactly how much my company has been paid so far towards labour only, in relation to the construction project so far but I can say its just over one hundred million Jamaican dollars. It was never my responsibility to purchase material. Any payment received was only in relation to labour.

5.2.29 The DI highlights that the representations made by Mr. Nesbeth to his investigators on July 12, 2024 and those made in his witness statement on October 16, 2024 concerning the number of bedrooms contained in the development. Moreover, the reason Mr. Nesbeth gave in his witness statement for the walls being demolished would suggest they would be reconstructed rather than simply removed. To probe the discrepancies further, the DI sought a witness statement from 'Blacks', the carpenter Mr. Nesbeth referred to in his witness statement as having been responsible for the plumbing error which led to major adjustments being required. It was, however, not possible to identify his full name nor to locate him.



5.2.30 The DI highlights that a declaration similar to the one made by Mr. Brown was made by Mr. Nesbeth at the time he gave his witness statement.

The Inspection and Monitoring Activities Executed by the KSAMC during the Construction of the Development

5.3 Based on the DI's findings above, enquiries were made as to the nature and extent of KSAMC's post permit monitoring activities and the findings made in respect of same. **Section 33** of the **Building Act** stipulates that the inspection and monitoring of developments for which permits have been granted are to be executed by the Local Authority (the Municipal Corporation). **Section 33** of the referenced Act states the following:

"The Local Authority shall monitor the progress of building work permitted under this Act, as often as may be necessary to cause the Local Authority to-

(a) Secure the due observance of this Act, the National Building Code or any other regulations made under this Act or any term or condition subject to which the building permit is issued;

(b) Survey any building or building work placed under its supervision;
and



(c) Issue certificates of stage of construction compliance under section 34 at any stage of the building work.¹²

5.3.1 It is also important to note the functions of the Chief Engineering Officer, which are outlined under **section 10** of the **Building Act**. The referenced provision, *inter alia*, stipulates the following:

“10 (1) For the purposes of this Act, a Chief Engineering Officer shall –

(a) Have superintendence over all buildings and building work within the area of jurisdiction of the Local Authority in which he holds office;

(b) Ensure that building work is undertaken in accordance with this Act, the National Building Code and any other regulations made under this Act;

(c) ...

(d) Take appropriate action to –

i. Identify any breach of this Act, the National Building Code and any other regulations made under this Act;

¹² Section 33 of the Building Act (2018)



- ii. have the breach duly remedied in a timely manner;
and
- iii. ensure that relevant sanctions for the breach are applied;

(e) ...

(f) ...

(g) Ensure that compliance certificates of stage of construction are issued in a timely manner and in accordance with such guidelines as are established by the Local Authority, from time to time, where the building work has been inspected and found to be in compliance with the relevant building permit;

...

(2) The Chief Engineering Officer may refuse to approve building work or, as the case may require, order that the building work be discontinued on the ground that upon his inspection of the building work or any building material or product, construction method, design, building component or building system connected with the building work, he has determined that it is not in accordance with the building



permit, this Act, the National Building Code and any other regulations made under this Act."¹³

5.3.2 Pursuant to the aforementioned provisions of the **Building Act**, the DI sought to obtain from the Chief Engineering Officer at the KSAMC the inspection reports and certificates of compliance for each stage of construction in respect of the development.

5.3.3 In this regard, Mr. Xavier Chevannes, Chief Engineering Officer, KSAMC indicated in his statement dated July 17, 2024, that, "*Several site visits were conducted at the construction of the development located at 2 Wycliffe [Sic] Close, Beverly Hills, Kingston 6. Three site visits were conducted on the request of the applicant and three reports prepared accordingly. The site visits conducted would have indicated that no breach was detected on any of the visits at the development...*"¹⁴

5.3.4 The DI is in possession of the findings of the inspections documented by the KSAMC. The details are tabulated below.

¹³ Section 10 of the Building Act (2018)

¹⁴ Witness Statement of Mr. Xavier Chevannes, Chief Engineering Officer, Kingston & St. Andrew Municipal Corporation, dated July 17, 2024.



Table 3: Inspections executed by the KSAMC for the development located at 2 Wycliffe Close, Beverly Hills, Kingston 6

Date of Inspection	Name of Inspector	Comments of Inspector
18.04.2022	Orion Brown	Steel works are in order. Pouring advised.
09.05.2022	Rochane Hamilton	Steelworks satisfactory. Pouring is advised with the condition that all setbacks are adhered to.
Date unclear on form	Rochane Hamilton	Steelworks [to roof slabs] satisfactory and timber members are in order. Pouring is advised.

5.3.5 No further details were included in the KSAMC documentation relating to the inspections.

5.3.6 By way of statement dated August 19, 2024, Mr. Orion Brown, Field Officer at the KSAMC, *inter alia*, indicated the following:

“...I do not recall making any assessment on the proposed Building Application located at 2 Wycliffe [Sic] Close, Beverly Hills. If my memory serves me correct, I visited the location only once to do an inspection. This was at the foundation stage of the development where I conducted an inspection of the steel



work to ensure that it complies with the approved plan. By this I mean that I assess whether the foundation outline conforms to the foundation approved. I also inspect the steelwork to ensure that the steels are laid according to the approved building plan. On the day of my inspection, I relied on the building plan approved by the KSAMC that was onsite to inform my inspection. What I observed on the site conformed to what was on the approved building plan. This was the only site visit I conducted in respect of this development. I do not recall if I had any internal interaction with the application.”

5.3.7 By way of a statement dated July 24, 2024, Mr. Rochane Hamilton, Field Officer employed to the KSAMC, indicated, “On all my visits to 2 Wycliffe [Sic] Close, Beverley Hills, I observed that the construction was in structural conformity with what was approved on the Building Plan. At no point did I observe any deviation or irregularity in what was being constructed on the site”.¹⁵

5.3.8 Mr. Rochane Hamilton further indicated, “I recall doing the roofing inspection for the development and the fact that another inspection was not requested, it is safe to say this was the final inspection”.

¹⁵ Witness Statement of Mr. Rochane Hamilton, Field Officer, KSAMC dated July 24, 2024.



Chapter 6 – Conclusions

- 6.0 This chapter outlines the conclusions drawn by the DI.
- 6.1 The DI concludes that the requisite planning approval and building permit required for the construction of a development, consisting of four (4) two (2) bedroom units, located at 2 Weycliffe Close, Beverly Hills, Kingston 6, were properly issued by the KSAMC, to Estatebridge on July 12, 2021.
- 6.2 The DI finds that the terms and conditions of the building permit which was issued by the KSAMC for the development were breached. The DI's conclusion is premised on the fact that at the time of the DI's first inspection, the referenced development consisted of four (4) *four (4) bedroom* townhouses instead of four (4) *two (2) bedroom* townhouses, as approved by the KSAMC. The DI finds that, in failing to comply with the terms and conditions of the building permit, **section 17 (1)** of the ***Building Act*** was breached.
- 6.3 The DI concludes that the inconsistent representations made by Messrs. Brown and Nesbeth in respect of the layout and composition of the development, were blatant attempts to mislead the Commission. The DI's conclusion is premised on the following:
- (a) Mr. Brown indicated in a witness statement, which he signed and in respect of which he made a declaration of truth on December



4, 2023, that the development consisted of four (4) *four (4)* bedroom townhouses. This statement was made at a time when the DI was not investigating any breaches of the building permit issued to Estatebridge by the KSAMC, and under circumstances where Mr. Brown was not a suspect. Mr. Brown later made contrary representations in a Judges' Rules interview convened on October 31, 2024 after he had been informed that the DI was investigating alleged breaches of the **Building Act** and the referenced permit and that he was a suspect;

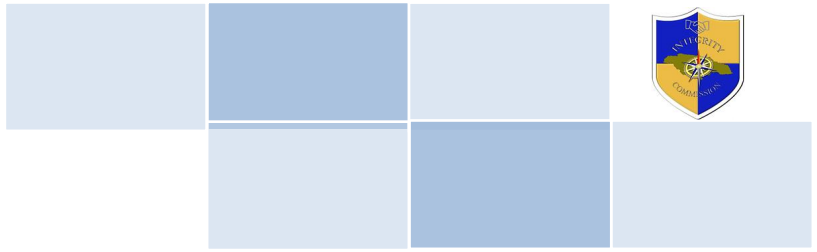
(b) Mr. Nesbeth's, contemporaneous, verbal statement to the DI's investigators on July 12, 2024, that there were departures from the building permit issued by the KSAMC and that efforts were being made to remedy the breaches. He later denied making this statement; and

(c) the DI's inspection on July 12, 2024 revealed that the development, as constructed, consisted of four(4) *four (4)* bedroom townhouses. The DI's findings are consistent with Mr. Brown's indication on December 4, 2023 as to the number of bedrooms contained in the development.



6.4 The DI therefore further concludes that the breaches identified of the building permit on the part of Estatebridge were deliberate. The DI's conclusion is made on the basis that at least one director, Mr. Norman Brown, had knowledge prior to December 4, 2023, when he gave a statement to the Commission, that the development consisted of four (4) *four (4) bedroom townhouses*. It is to be noted that Mr. Brown himself stated that he has a supervisory function in relation to the development and Ms. Anderson indicated that Mr. Brown is the director that is generally responsible for Estatebridge's business operations.

6.5 The DI also finds that Mr. Nesbeth, either conspired with, or aided and abetted, the directors of Estatebridge, in the commission of the foregoing breach and is thereby equally liable for said breach. The DI's conclusion is premised on the fact that by virtue of Mr. Nesbeth's role as contractor, it is reasonable to infer that he must have been cognizant of the terms and conditions of the permit granted by the KSAMC. Furthermore, Mr. Nesbeth's company is party to a construction contract with Estatebridge which requires him, as contractor, to construct the development in accordance with the building permit, and in his statement dated October 16, 2024, Mr. Nesbeth indicated that, **"I designed the Building plan for the development for submission to the KSAMC. Each unit would consist of four habitable rooms, a pool on the split level, four bathrooms, a laundry and storage area"**.



6.6 The DI concludes that KSAMC failed in their duty to ensure compliance with the terms and conditions of the building permit issued to Estatebridge for the development. Though their paperwork relating to the three inspections they conducted suggest that the development was compliant at all stages, the DI's inspections of the development belie this.



Chapter 7 – Recommendations

- 7.0 This chapter outlines the DI's recommendations having regard to the findings made herein.
- 7.1 The DI recommends that the Chief Executive Officer of the KSAMC implements additional measures to ensure adherence to the provisions outlined in **sections 33** and **34** of the **Building Act**, in relation to its inspection and post permit-monitoring responsibilities/functions.
- 7.2 The DI recommends that the KSAMC conduct an administrative review of its existing compliance regime with respect to building permits issued by that entity. This review should include a capacity assessment, both of the adequacy of the human resources available to the KSAMC for post-permit monitoring of building developments within the municipality's jurisdiction as well as the technical competencies of the officers responsible for enforcement and compliance. Serious consideration should be given to ensuring that the relevant processes are 'corruption proof'.
- 7.3 Given the breaches identified in respect of the development, the DI recommends that the KSAMC make their own assessment of same and thereafter take any actions as are necessary and appropriate to achieve compliance with the **Building Act**.



7.4 Notwithstanding Dr. Holness' connection to the development in question, having regard to the fact that the issues identified in this matter are similar to those identified by the DI in one of his 2023 investigation reports entitled,

“Report of Investigation Concerning Allegations of Irregularities in the Approval Processes which resulted in the Construction of a Residential Development, located at #11 Charlemont Drive, Kingston 6, contrary to, inter alia, the permits issued by the KSAMC and NEPA and the Building Act.”

the DI reiterates the recommendations made generally in that report. In particular, the DI highlights the following recommendations from the referenced report (see paragraph 7.1.8 thereof):

“The Most Honourable Prime Minister and the Honourable Minister of Local Government and Community Development

In light of the breaches found herein, and the need to ensure that development occurs within the built environment in a sustainable manner, the DI recommends the introduction of legislation, which:

(a) Imposes pecuniary penalties on developers who willfully violate building and development permits for financial gain. More particularly, profits attributable to breaches should be forfeited. Additionally, developers should also face debarment in respect



of planning and development approval for an appropriate time period post breach; and

(b) Require collaboration and coordination between the Registrar of Titles, Local Authorities and other germane entities in a way which ensures that titles are not issued for developments which are constructed in breach of planning, building and development permits."

7.5 Additionally, the DI would ordinarily refer this matter to the Director of Public Prosecutions (DPP), however, given the ruling of the DPP in the matter mentioned at paragraph 7.4 above (hereafter referred to as the "Charlemont matter"), the DI recommends that this report be referred to the KSAMC for appropriate action. In a ruling by the DPP dated January 10, 2024, *inter alia*, the following was indicated:

"...

RULING

2. It is the considered view of the Office of the Director of Public Prosecutions (ODPP) that:



b. the matter be referred to the Kingston and St. Andrew Municipal Corporation (KSAMC) to conduct an administrative review in accordance with the provisions of the Building Act. Consequent upon the result of this administrative review, it would be a matter purely within the remit of the KSAMC to decide whether an invitation is to be issued to the Jamaica Constabulary Force (JCF) to conduct an investigation into possible breaches of the said Building Act.

14. Section 78 would oblige the KSAMC to spearhead the investigative process and make a determination whether they will follow up on the fruits of the investigation such that they are further mobilized to initiate prosecution in what would be a viable case. If they take the view that they are not minded to issue a fixed penalty notice, they may then invite the JCF to assist them in the administration of their investigative functions and place the matter before the court so the ingredients of the offence can be proved to the requisite standard.

15. It would therefore be open to the KSAMC and they alone, depending on the result of their administrative review, to initiate criminal proceedings or activate the fixed penalty regime in accordance with section 78 of the Building Act.

...”

The Charlemont matter was referred to the DPP after consultation with the Director of Corruption Prosecution who had indicated that her prosecutorial remit does not extend to such matters.

Kevon A. Stephenson, J.P
Director of Investigation

December 3, 2024
Date



Appendices

Appendix 1



WITNESS STATEMENT

<u>PART A:</u> STATEMENT OF: [REDACTED]		
<u>PART B:</u>		
EMAIL ADDRESS: [REDACTED]	OCCUPATION: Inspector, Contract Monitoring	
DATE: July 23, 2024	TIME STARTED: 9:00 a.m	LOCATION: [REDACTED]
<u>PART C:</u> STATEMENT		
<u>[REDACTED]</u> STATES:		
<p>I am currently employed to the Integrity Commission [REDACTED] I hold an Upper-Class Bachelor of Engineering in Construction Engineering Degree from [REDACTED]. In my role as an Inspector for the Commission, I am tasked with the monitoring of assigned government construction related projects island wide. This includes but is not limited to, attending site meetings, conducting site visits and inspections and participating in the Practical Completion and Final Completion inspections for projects monitored.</p> <p>On Friday July 12, 2024 at approximately 2:06 p.m. I, along with a team from the Integrity Commission made a site visit to 2 Weycliffe Close, Kingston 6. The team comprised of [REDACTED]</p>		



Access to the general property and access to all four town house units was provided by the foreman Mr Demechai Watt, after receiving clarification on the warrant prepared by the Integrity Commission. The team after gaining access conducted a walkthrough of all four (4) units of Block A and B. Throughout all units, I observed that modifications to the approved layout was executed and the workmen on site were in the process of demolishing the concrete wall modifications. The approved layout consisted of two (2) bedrooms and two and half bathrooms (2.5) with one (1) bathroom been en suite. These modifications included:

1. An additional concrete partition wall was constructed in the area labelled as Laundry on the Split-Level Floor Plan (Appendix #1);
2. Two additional concrete partition walls were constructed resulting in the conversion of a powder room to a bathroom and an additional bedroom in the area labelled as Dining/Living Room and Terrace on the Ground Floor Plan. This also resulted in a reduction in the space approved for the Dining/ Living room and Terrace (Appendix #3);
3. An additional concrete partition wall in the area labelled as Balcony on the First Floor Plan. This resulted in a reduction of the approved balcony square foot and the construction of an additional bedroom and a en suite bathroom (Appendix #4);
4. All the required electrical, plumbing, tiling and painting works to facilitate modification were also executed (Appendix #2); and
5. In total, two (2) en suite bathrooms (Appendix #5 and #6) were added, while a powder room was removed.

The modifications observed resulted in a breach of the approval by the Kingston and St. Andrew Municipal Corporation (KSAMC) [REDACTED] for four (4) Town House Units of two (2) bedrooms each on the First Floor. The Town Houses in their current layout comprises of two additional bedrooms and two bathrooms which would increase the parking space allocation, sewage system requirements and the



application cost for the Building Permit. The sewage system would have been designed and approved for a set specification of two (2.5) bedrooms per unit, at this point the system would be inadequate for the demand. Other impacts are noted in Appendix #7.

The project Manager, Mr. Kennado Nesbeth arrived on the site during the inspection and informed the team that a previous foreman on the project had conducted some additional works which his team is now making corrections to. He also stated that he has been on the project since it commenced two (2) years ago. He stated that the corrections are to make good to the approved three (3) bedroom Town House units.

I also observed that these modifications commenced from the split level which should have been inspected by the Municipal officer assigned [REDACTED]

PART D: STATEMENT DECLARATION

This statement (consisting of ____ page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

NAME OF WITNESS:	SIGNATURE:	TIME FINISHED:
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Appendices for Visit to 2 Weycliffe Close, Kingston 6



Appendix #1 – Demolition of Concrete partition wall in Laundry Room at Split Level.



Appendix #2 – Additional concrete wall on Ground Floor, with electrical, painting and tiling works ongoing.



Appendix #3 – Demolition of additional concrete wall in Living/Dining Area on Ground Floor



Appendix #4 – Additional concrete wall in area labelled as Balcony on First floor



Appendix #5 – En Suite bathroom on ground floor with plumbing works ongoing



Appendix #6 – Additional en suite bathroom on first floor with standing shower toe wall constructed and provision for plumbing works ongoing.



Appendix #7 - Impact due to unauthorized modifications

- Addition and removal of load bearing walls which have not been reviewed by the necessary agency;
- Increase demand on the NWC and JPS system;
- Additional load on electrical components which would have been designed for an eight (8) bedroom complex rather than sixteen (16) bedrooms;
- Additional demand on the sewage system which would have been designed for four (4) units comprising of two and a half (2.5) bathrooms each rather than sixteen (16) bathrooms in total; and
- Inadequate parking space allotment.