



Integrity Commission

Special Report of Investigation

Concerning Allegations of Lack of Transparency and Fairness in the Issuance of Import Permits by the Ministry of Agriculture and Fisheries for the Importation of ‘Chicken Backs and Chicken Necks’

Ministry of Agriculture & Fisheries

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PREFACE

In 2017, the Government of Jamaica enacted the Integrity Commission Act (ICA), which became effective on February 22, 2018, as per Gazette dated March 7, 2018. The enactment and subsequent gazette of the ICA repealed certain sections of the Contractor General Act (1983), and established the Integrity Commission (IC).

Consequently, Sections 1 and 5 of the Integrity Commission Act (ICA) fully subsumed the OCG, and its functions into the operations of the IC. Section 63(2) (b) of the ICA provides, *inter alia*, as follows:

“The Commission established under this Act may -

...

(b) continue to do any act, thing or investigation which was pending before the appointed day.”



EXECUTIVE SUMMARY

On March 6, 2015, the Office of the Contractor General (OCG), acting on behalf of the Contractor General, and pursuant to Sections 15(1) and 16 of the Contractor General Act, initiated an Investigation into matters concerning the issuance of import permits by the Ministry of Agriculture and Fisheries (hereinafter called the MoAF) for the importation of chicken back and other poultry products. The Investigation emanated from an anonymous written complaint which was received by the then OCG on February 23, 2015. The complaint alluded to allegations of unfair practices and a lack of transparency in the issuance of import permits issued by the MoAF for the importation of chicken back and other poultry products.

The anonymous complaint further detailed the following:

1. *“The country imports approximately US\$25 million of chicken necks and backs per annum”.*
This figure, according to the complaint, *“...represents over 1000 containers per year.”*;
2. That chicken necks and backs are Jamaican staples and companies with these products *“...enjoy a competitive advantage in the marketplace against those who are unable to get permits. However, only a few select companies are favoured with permits”*;
3. *“Please investigate, who has been granted permits, and who has been denied and why? Is the criteria, fair and transparent?”*;
4. *“There are several precooked chicken products available on the international market...However, before you can import any, you need a permit. The local chicken producers are given a veto power over these permits.”*
5. That the MoAF indicated that they are protecting the local industry, but it may go further, to provide a guaranteed profitability to these producers, at the expense of the Jamaican public.



During the course of the investigation, the then OCG dispatched Requisitions to and collected a Witness statement from public officers who were determined to be pertinent to the probe. Documents were also sequestered during the course of an announced visit by officers of the then OCG to the Ministry of Agriculture and Fisheries.

The Findings of the Investigation are premised primarily upon an analysis of documentary evidence sequestered from the MoAF, documentary evidence provided by respondents who were requisitioned by the then OCG and a Witness Statement, which was provided.

Summary of Key Findings

1. The Ministry of Agriculture & Fisheries and/or Ministry of Agriculture & Lands were responsible for the processing of applications and the issuance of permits for the importation of ‘chicken backs and necks’ into Jamaica for the period 2005-2015.
2. In relation to the poultry sector and the role of the Minister of Agriculture in the governance thereof, Section 25 of the Animals (Diseases and Importation) Act (1948) states that “*The Minister may by order apply, subject to such exceptions, adaptations and modifications as may be therein set out, the provisions of the Act, and of any regulations made thereunder, to poultry.*”
3. Mr. Sandor Pike, then Director of Agricultural Services Unit, advised the then OCG that “*a formal policy does not exist*”¹ as it relates to the importation of poultry products into Jamaica.
4. Mr. Donovan Stanberry, then Permanent Secretary, MoAF, advised the then OCG that “*prior to the implementation of the Ministry of Agriculture & Fisheries Electronic Trade System (MOATS), individuals applied in writing to the Ministry of Agriculture &*

¹ Mr. Sandor Pike’s July 3, 2015 response to the OCG’s requisition of June 11, 2015, response No. 2



Fisheries for permits for the importation of animals and products of animal origin, including chicken backs and parts.”²

5. The Ministry of Agriculture & Fisheries Electronic Trade System (MOATS) is managed and maintained by E-Gov Jamaica Limited.
6. All applicants applying for permits for the importation of chicken and other poultry products are required to utilize the MoAF Electronic Trade System.
7. The administrative processes in relation to the application and processing of applications for the importation of chicken and other poultry products are as follows:
 - (a) Applicants submit applications through the ‘MOATS’ to the Veterinary Services Division, MoAF;
 - (b) Receipt of application notification is sent to each applicant;
 - (c) Applications are compiled and submitted to the Marketing Division, MoAF;
 - (d) A demand and supply assessment is conducted by the Marketing Division, MoAF;
and
 - (e) Recommendations are made by the Marketing Division based on the list of Applicants submitted by the Veterinary Services Division, MoAF.
8. Mr. Donovan Stanberry, then Permanent Secretary, MoAF, advised the then OCG that each applicant applying for a permit for the importation of chicken back or other poultry products *“must be a registered taxpayer by possession of a valid TRN. Validation of this is done on-line by way of direct link with the MOATS and Tax Administration Jamaica.*

² Mr. Donovan Stanberry’s May 18, 2015 response to the OCG’s requisition of April 14, 2015, response no. 2



Secondly, individual applicants must comply with basic public health requirements which include access to or ownership of cold storage facilities to safeguard the cold chain.”³

9. The GoJ implemented a duty free regime for the importation of chicken backs and necks.
10. Applicants applying for permits for the importation of chicken backs and necks are also required to complete an official cold storage form, which is administered by the MoAF.
11. Dr. Simone Martin-Shaw, Senior Veterinary Officer, Veterinary Services Division, MoAF, advised the then OCG that *“ALL applications for chicken back, chicken neck and specific categories of poultry product including chicken breast (pre-cooked), chicken nuggets, chicken wings (pre-cooked), are placed on ‘HOLD’ and a comment is usually placed within the comment box to indicate that the item requires further approval from the Agricultural Services Unit (formerly the Marketing and Credit Division) at the Ministry of Agriculture and Fisheries Head Office.”⁴*
12. In circumstances where applications for permits to import chicken backs and necks are placed on ‘Hold’, Dr. Martin-Shaw advised the then OCG of the following as it regards such a classification:

“a permit is considered on ‘HOLD’ or HELD if further action outside of the MOATS is required.”
13. Mr. Sandor Pike advised the then OCG that the main requirement which determines the approval of permits to applicants for the importation of chicken back and other poultry products is the history of applicants, and specifically, the number of years that the applicant has been importing the product.

³ Mr. Donovan Stanberry’s May 18, 2015 response to the OCG’s requisition of April 14, 2015, response no. 2

⁴ Dr. Martin-Shaw’s July 28, 2015 response to the OCG’s requisition of July 17, 2015, response no. 1



14. Of the 116 importers of chicken backs and necks, during the period 2006-2013, seven (7) importers imported 46% of the total full container loads of the referenced chicken products. The referenced seven (7) importers are:

- i. Spanish Grain Store;
- ii. Transtrading Ltd.;
- iii. Master Mac Ltd.;
- iv. Triple M Ltd.;
- v. Chris Ryon;
- vi. Bran Lue Import Ltd.; and
- vii. Lillan Ltd.

15. The MoAF undertakes no formal due diligence in order to determine the legitimacy and authenticity of the information submitted by applicants who submit applications for the importation of chicken backs and necks.

16. The then OCG was advised by Mr. Sandor Pike that there were instances in which permit holders for the importation of chicken backs and necks were importing chicken leg quarters instead of chicken backs. The OCG was also advised of a practice where companies legitimately receive import permits for chicken backs and convert these benefits to other importers.

17. A Committee was established by the MoAF, to formulate a strategy to address the illegal importation of chicken leg quarters into Jamaica, under the guise of chicken backs and necks.

18. The MoAF advised that, for the period under review, only approximately five percent (5%) of the containers containing imported chicken backs and necks are inspected by the Jamaica Customs Department.



19. During the period 2006 to 2007, then Minister of Agriculture & Fisheries, the late Hon. Roger Clarke, gave instructions for the importation of 791 full container loads of chicken backs, 143 container loads of chicken necks and 2 full container loads of chicken leg quarters.
20. During the period 2007-2011, the then Minister, MoAF, the Hon. Christopher Tufton, gave instructions for the importation of 1,839 full container loads of chicken back and 605 full container loads of chicken neck.
21. For the period July-December 2011, the then Minister, MoAF, the Hon. Robert Montague, gave instructions for the importation of 803 full container loads of chicken backs and 220 full container loads of chicken necks.
22. For the period October-November 2013, Mr. Sandor Pike, then Director, Agricultural Services Unit, MoAF, signed letters of request for the importation of 272 full container loads of chicken backs and 42 containers of chicken necks.
23. During the period under review, it was observed that the following officials and officer(s) of the MoAF, played an integral role in the processing and issuance of permits for the importation of chicken backs and necks:
 - a) The late Hon. Roger Clarke, then Minister of Agriculture & Lands;
 - b) The Hon. Christopher Tufton, then Minister of Agriculture & Fisheries;
 - c) The Hon. Robert Montague, then Minister of Agriculture & Fisheries;
 - d) Dr. Simone Martin-Shaw, Senior Veterinary Officer, Veterinary Services Division, MoAF;
 - e) Ms. Patricia Lyttle, Acting Director, Agricultural Services Unit, MoAF; and
 - f) Mr. Sandor Pike, then Director, Agricultural Services Unit, MoAF.



JURISDICTION

The then OCG's decision to undertake an investigation into the circumstances surrounding the issuance of permits/licences for the importation of chicken back and other poultry products by the MoAF or any other authorized agent of the GoJ, was predicated on the jurisdiction provided in Sections 4 and 15 of the then applicable Contractor General Act.

Detailed below is the legal basis upon which the then OCG enquired into the issuance of the referenced import permits which were issued by the MoAF during the period 2005-2015.

By way of definition, Section 2 of the Act provides, *inter alia*, as follows:

"*prescribed licence*" means any licence, certificate, quota, permit or warrant issued or granted pursuant to any enactment by a public body or an officer thereof;

"*Public body*" means –

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

As defined by the then Contractor General Act, the MoAF is in fact a public body, which falls within the parameters of the then OCG's jurisdiction and the subject matter relates specifically to the issuance of a prescribed licence, within the meaning of the applicable law.



METHODOLOGY

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

Requisitions

Requisitions were dispatched to the following public officers during the period April 14, 2015 to July 17, 2015:

1. Mr. Donovan Stanberry, former Permanent Secretary, Ministry of Agriculture and Fisheries;
2. Mr. Sandor Pike, former Director, Agricultural Services Unit, Ministry of Agriculture and Fisheries; and
3. Dr. Simone Martin-Shaw, Senior Veterinary Officer, Veterinary Services Division, Ministry of Agriculture and Fisheries.

Witness Statement

A Witness Statement was provided by Mr. Sandor Pike, former Director, Agricultural Services Unit, MoAF, on July 29, 2016.

Unannounced Visit to the MoAF on May 28, 2015

Officers from the then OCG attended upon the office of the MoAF on May 28, 2015 and sequestered certain documents and correspondence which were deemed pertinent to the Investigation.

A comprehensive review and analysis of the statements and documents which were sequestered was undertaken.



Limitations

Notwithstanding the fact that the allegations which were received by the then OCG concerned impropriety and irregularity in the importation of poultry products, the OCG took the decision to restrict the scope of its Investigation to the processes and procedures which were applied in relation to applications for permits/licenses for the importation of ‘chicken backs’ and ‘chicken necks’.

In this regard, the term ‘certain chicken products’ as is used, hereinafter, refers to ‘chicken backs’ and ‘chicken necks’. The decision to restrict the scope of the Investigation was predicated on a document which was submitted to the then OCG, by Mr. Sandor Pike in his July 3, 2015 requisition response. The document stated, *inter alia*, that “...*chicken back is a ‘cost of living’ item and therefore attract a zero percent (0%) rate of duty [and] is a strong incentive for illegal importers to invoice leg quarters as chicken backs.*”⁵

⁵ Undated document entitled “*REGIME FOR IMPORTED CHICKEN BACKS*”, submitted by Mr. Sandor Pike in his July 3, 2015 requisition response.



TERMS OF REFERENCE

The primary objectives of the Investigation are set out hereunder:

1. To determine the overall process adopted by the MoAF in the issuance of permits/licences for the importation of chicken backs and necks;
2. To ascertain whether the overall process which led to the issuance of permits/licences for the importation of chicken backs and necks was fair, impartial, transparent and in keeping with the provisions of Section 4 of the then applicable Contractor General Act; and
3. To ascertain whether the approval process, which led the issuance of permits for the importation of chicken backs and necks into Jamaica was in keeping with the Animals (Diseases and Importation) Act and Regulations.

Specific Objectives

The specific objectives of the Investigation are as follows:

1. To determine whether the process which was undertaken by the MoAF for the receipt and processing of applications in relation to issuance of permits for the importation of chicken backs and necks was fair and transparent;
2. To determine whether there was any, *prima facie*, evidence of irregularities and/or impropriety in relation to the permits/licences that were issued by the MoAF for the importation of chicken backs and necks during the period under review; and
3. To determine whether there was, *prima facie*, evidence to substantiate the allegation that “*The local chicken producers are given a veto power over these permits* [for the importation



of chicken backs and necks]” and the reason(s), if any, which would validate same by the MoAF.



DISCUSSION OF FINDINGS

The Applicable Government of Jamaica Policies and Guidelines which govern the Importation of Certain Chicken Products

In an effort to determine the applicable GoJ policies and guidelines which had been established to govern the issuance of permits/licences for the importation of certain chicken products, the following question was directed to Mr. Donovan Stanberry, former Permanent Secretary, MoAF, in the then OCG's April 14, 2015 requisition:

“Please specify all applicable policy(ies) and/or procedural guideline(s) that the Government of Jamaica (GOJ) and/or the Ministry of Agriculture and Fisheries has implemented to guide the process regarding the issuance of permits and/or licences for the importation of chicken back/parts.”⁶

Having regard to the foregoing question, Mr. Donovan Stanberry in his May 18, 2015 response to the OCG stated, *inter alia*, the following:

“Generally the Animals (Diseases and Importation) Act of 1948 and its Regulations, govern the issuance of import permits as it relates to animals and products of animal origin ...

The Specific procedures in relation to the application for import permits for animals and products of animal origin including chicken backs/parts are outlined in the form of brochures/flyers and are also available on the Ministry of Agriculture and Fisheries website at

⁶ OCG's April 14, 2015 requisition directed to Mr. Donovan Stanberry, former Permanent Secretary, MoAF, question no. 1



moa.gov.jm, the Ministry's trade system website at moatrade.gov.jm as well as the Office of the Contractor General's website, under Prescribed Licences.⁷ (DI Emphasis)

Importantly, it has been noted that the Animals (Diseases and Importation) Act does not address, specifically, any particular procedural guidelines which address the importation of poultry products. However, the referenced Act, under Section 25, states as follows:

"The Minister may by order apply, subject to such exceptions, adaptations and modifications as may be therein set out, the provisions of this Act, and of any regulations made thereunder, to poultry."⁸

(DI Emphasis)

In addition, the then OCG directed the following question to Mr. Sandor Pike, former Director of Agricultural Services Unit, MoAF, in its June 11, 2015 requisition:

"With the exception of the established, Animal (Diseases and Importation) Act of 1948, please indicate whether there are any other policies or regulations that are utilized by the Government of Jamaica and/or the Ministry of Agriculture and Fisheries, which guide the operations of the Ministry or any other affiliate agency(ies) mandated to administer the process of application and issuance of

⁷ Mr. Donovan Stanberry's May 18, 2015 response to the OCG's April 14, 2015 requisition, response no. 1

⁸ Section 15, Animal (Diseases and Importation) Act



permits/licenses for the importation of chicken back and chicken products.”⁹

In response to the above mentioned question, Mr. Pike, in his response of July 3, 2015, indicated, *inter alia*, as follows:

*“**A formal policy does not exist.** However, please see appendix (C) and (D) with details related to the issues that prompted this ministry to implement a supply management regime that ensures growing space for local production.”¹⁰ (DI Emphasis)*

In relation to Appendix (C), referenced in the above response from Mr. Sandor Pike, Director, Agricultural Services Unit, MoAF, the following is being highlighted:

“Poultry Industry

During the latter part of 1998 and early 1999, the poultry industry experienced severe pressure occasioned by a massive increase in the volume of imported chicken meat. The main form of importation was ‘leg-quarters’, traded at unit prices below the cost of production. Also, given the relative ease with which the product could be obtained and imported, there was a proliferation of persons importing.

The local industry naturally experienced a reduction in sales of poultry meat and both the major industry players, Caribbean Broilers and Jamaica Broilers

⁹ OCG’s June 11, 2015 requisition to Mr. Sandor Pike, question No. 2

¹⁰ Mr. Sandor Pike’s July 3, 2015 response to the OCG’s requisition of June 11, 2015, response No. 2



reduced local production. These companies held excessive 'in' and 'outside' cold storage inventories at significant expense.

In responding to the concerns this ministry convened a meeting to formulate strategies to mitigate the threats. The outcome of that consultation was a determination that the ministry and the industry should work together to monitor demand, imports and production. Agreed on were the following:

- 1. Guide the variables that ensures the viability of the local industry*
- 2. Protect the interests of the consumers by allowing them affordable access to adequate quantities of chicken meat*
- 3. Ensure that the tourism sector was adequately supplied with chicken meat*
- 4. Guard the health of consumers and the local poultry flock from diseases etc, not presently affecting the country*
- 5. Accurately determine demand*
- 6. Develop and maintain a system for the accurate forecast of the volume of chicken meat available from local production*
- 7. Manage the amount of chicken imports to only satisfy the gap between forecasted local production and anticipated demand.*



The monitoring of the importation of chicken leg quarters was implemented subsequently. This decision has been so successful that the industry has grown from 72,095,301 kilograms in 1999 to 103,263,585 kg in 2013 ... Additionally no leg-quarters have been imported since 2008.

Chicken Backs

In February 2005, this Ministry received reports of imported leg-quarters in quantities far greater than permits issued. Immediately, leg-quarter import permits were curtailed and investigations engaged. A committee was established to devise a strategy to quell the illegal activities. The composition of the committee comprised Jamaica Customs, Financial Investigations Division (FID), United States Department of Agriculture (USDA) and the Ministry of Agriculture.

The findings of the investigation revealed that importers had invoiced leg quarters as chicken back, thereby impacting the local poultry industry and importantly evading government duties as chicken backs are duty free. Chicken back imports logically became an item of interest in support of the local poultry industry. A list of importers of chicken backs over the year 2004 was then used to create a master list of companies eligible to import chicken backs. The quantum of imports and their apportionment



*among companies was then pro-rated and releases
done on a monthly basis.”¹¹*

¹¹ Undated document prepared by Mr. Sandor Pike, Director, Agricultural Services Unit, MoAF, and submitted to the then OCG in his July 3, 2015, requisition response.



The Process Utilized by the Ministry of Agriculture and Fisheries in the Issuance of Permits to Individuals and/or Entities for the Importation of Certain Chicken Products

The process utilized by the Ministry of Agriculture and Fisheries in the issuance of permits to individuals and/or entities for the importation of certain chicken products was outlined by Mr. Donovan Stanberry in his May 18, 2015 response to the OCG's April 14, 2015 requisition. He stated, *inter alia*, as follows:

“2. a) Prior to the implementation of the Ministry of Agriculture & Fisheries Electronic Trade System (MOATS), individuals applied in writing to the Ministry of Agriculture and Fisheries for permits for the importation of animals and products of animal origin, including chicken backs and parts.

Since the implementation of the MOATS, all such applications and transactions relating to approval and payment for such permits are done on-line.

All applications are directed to the Veterinary Services Division.

b) Once an electronic application has been received, the applicant gets an automated electronic notification that the application has been received on the MOATS. Further, a list of the applicants is compiled and submitted to the Marketing Division of the Ministry of Agriculture and Fisheries for further review. A supply and demand assessment is done by the Marketing Division and a recommendation is made based on the list submitted. In making such recommendations the following are considered:



- 1) *Current supply and demand conditions;*
- 2) *History of importer involvement;*
- 3) *Level of investments in cold storage facilities;*
- 4) **Desirability of accommodating new entrants.**

The finalized list is transmitted in writing to the Director of Veterinary Services for issuance to the applicants, once all health and sanitary conditions can be satisfied.

c) The applicant must be a registered taxpayer by possession of a valid TRN. Validation of this is done on-line by way of direct link with the MOATS and Tax Administration Jamaica. Secondly, individual applicants must comply with basic public health requirements which include access to or ownership of cold storage facilities to safeguard the cold chain.”¹² (DI Emphasis)

Having regard to Mr. Stanberry’s response above and the examination of other documentary materials, the then OCG observed that with the exception of the Ministry of Agriculture Trade System (MOATS), which facilitates the on-line application process with regard to permits for the

¹² Mr. Donovan Stanberry’s May 18, 2015 response to the OCG’s requisition of April 14, 2015, response no. 2



importation of certain chicken products, there are no established procedures which coherently documents the application and award processes for the referenced permits.

The Director of Investigation's finding is premised upon Mr. Sandor Pike's indication that "*a formal policy does not exist*" which outlines the process regarding the application and issuance of permits/licences for the importation of certain chicken products.

With regard to the Ministry of Agriculture Trade System (MOATS), E-Gov JAMAICA LTD, the entity charged with the electronic management and maintenance of the MOATS, provides the following information:

*"The Ministry of Agriculture Trade System (MOATS) is an automated system, which facilitates the issuing of permits for the importation/exportation of agricultural products. The system facilitates the completion and submission of applications for permits online, submission of credit card payments for requisite fees and the electronic processing by the internal users."*¹³

As it relates to the submission of applications for permits/licences on the Ministry of Agriculture & Fisheries Trade System, the DI is in possession of two (2) brochures entitled:

1. "*Ministry of Agriculture & Fisheries - Applying for an Import Permit on the Ministry of Agriculture & Fisheries Trade System (MOA Trade)*". This brochure outlines a seven (7) step process, which applicants are required to complete when applying for an Import Permit.

¹³ EGov JAMAICA LTD, <http://www.egovja.com/content/ministry-agriculture-trade-system-moats>, retrieved February 8, 2015.



2. *“Ministry of Agriculture & Fisheries - A Guide to registering and updating your personal details on the Ministry of Agriculture & Fisheries Trade system (MOA Trade)”*. This brochure outlines a five (5) step process, which applicants are required to complete when registering to use the Ministry of Agriculture & Fisheries Trade system (MOATS).



The Process Utilised in the Review of Applications for Licenses/Permits for the Importation of Certain Chicken Products

As it relates to the process utilised in the review of applications for licenses/permits for the importation of certain chicken products, Dr. Martin-Shaw indicated the following, *inter alia*, in her July 28, 2015 response to the then OCG:

“ ...

- *ALL applications for chicken back, chicken neck and specific categories of poultry product including chicken breast (pre-cooked), chicken nuggets, chicken wings (pre-cooked), are placed on 'HOLD' and a comment is usually placed within the comment box to indicate that the item requires further approval from the Agricultural Services Unit (formerly the Marketing and Credit Division) at the Ministry of Agriculture and Fisheries Head Office.*
- *At the end of each month ALL applications for chicken back and neck placed on 'HOLD' within that month are retrieved in a tabular format by the secretaries within the Permit Office. This table is further attached in an internal memo to Mr. Sandor Pike, Director, Agricultural Services Unit, thru Dr. Osbil Watson, Director Veterinary Services Division for further approval. However for*



other Chicken products (chicken breast, wings etc.) memos of a similar format are sent to Mr. Sandor Pike, thru Dr Osbil Watson, for further approval on a weekly basis.”¹⁴

In relation to the approval process for the granting of permits/licences for the importation of chicken back and other poultry products, Dr. Martin-Shaw’s July 28, 2015 response to the then OCG’s requisition further indicated as follows:

- *“The Director, Veterinary Services Division, following the receipt of the approval letter from the Agricultural Services Unit and or the Minister’s Office of the Ministry of Agriculture and Fisheries, subsequently signs out the approval letter to the Senior Veterinary Officer or the veterinary officer, assigned to the Permit Unit for further processing and approval.*
- *All veterinary import permit applications for chicken back and neck for companies on the approval list are therefore PROCESSED. In some instances applicants initially placed on HOLD would be listed and those applications would be further approved. **In other cases applicants listed on the approval letter for which applications were not previously seen are***

¹⁴ Response of Dr. Martin-Shaw, to the OCG dated July 28, 2015, response no.1



advised via telephone that approval has been granted and the respective quantities for which approval was granted. Applicants not listed on the approval letter for which applications were made and placed on HOLD, are usually rejected or no action is taken and those applications remain in a HOLD state.

- All veterinary import permit applications once approved generates a unique ten (10) digit Veterinary Import Permit No. The format for the permit no. is as follows: the first four digits represent the current calendar year and the last 6 digits are generated by the system in numerical sequence. E.g. 2014123456. On approval of applications for chicken back and neck the permit nos. are manually recorded in tabulated form and attached to a copy of the approval letter as an additional means of verification. This is recorded by the veterinary officer at the time of approval.
- Once the application has been approved it becomes PAYABLE on the MOATS. The applicant is informed via email notification that the application has been approved and can be PAID for. Once the permit has been paid for by the applicant, the VETHELPDESK USER (the secretaries within the Permit Office) sees the



permit listed to be printed. The VETHELPDESK USER then prints the permit in triplicate. The veterinary officer then signs all three copies in blue ink pen. All copies are than (sic) sealed. In instances that the permit is printed as a one (1) page document the permit is sealed at the veterinary signature. In instances where the permit is a 2/ 3 page document the seal is placed at the veterinary signature and also on the front page of the permit below the permit no. on the right. Two (2) copies of the Permit are stamped as 'Importers Copy' and one (1) as 'Exporters Copy'.

- *On issuance of the Veterinary Import Permit for chicken back/ neck and other products, the applicant is required to demonstrate his/ her receipt of payment and a form of identification. The applicant then receives two (2) copies of the veterinary import permit one stamped importers copy and the other stamped exporters copy. The third copy is retained and the Veterinary Services Division and filed. All permits issued and signed are recorded in a Log book and signed for by the applicant/the applicant's bearer".¹⁵*

Further to the above mentioned issues, Mr. Sandor Pike stated the following in a witness statement, which was provided to the then OCG on July 29, 2016:

¹⁵ Dr. Martin-Shaw's July 28, 2015 response to the OCG's requisition dated July 17, 2015, response no.1



“In relation to the procedures utilised to select which requests will be approved, first case is that the historical ones are the ones that get the preference. In 2005 when we started the exercise we looked on the history and see who was importing and how much they were importing. We then looked at the total number that we thought would be necessary to support the increased production of the local broiler companies and that category that we call ‘Other Farmers’ because both JB and CB and JLA then, would sell day old chicks. JB and CB will not only sell day old chicks but they will place those chicks with their contract farmers. What we did is to look on how we can help to support those and that expansion by controlling the imports for two (2) reasons – illegal importation that was going on with the leg quarters and also the expansion for the local guys. That is how it started and so those guys are consistently on the list and the records I have given you there will show this. The inclusion of individuals over the years would be dependent on how we can grow the imports while not impacting the local growth. So it has moved. (DI Emphasis)

As it regards the selection of persons who are then incorporated along the way and who would not have necessarily formed a part of the history, I do not want to be exclusive and say first come first



serve because there are other important considerations such as the facilities to ensure that the cold chain is maintained. I sent a document to the OCG which speaks to this. The current application process is computerized. This is just one component of it. (DI Emphasis)

I would assume that there has to be a system in place that verifies the information that prospective importers record and submit with their applications. That component does not rest with the Ministry alone; it is with FISCAL. (DI Emphasis)

There are some requirements to satisfy before you can become a part of the process. If you do not submit certain things, I think a TRN, company registration, etc. Those have to be written off on.

In relation to any verification by the Ministry of Agriculture & Fisheries or any other agency, not necessarily to check that those things are ticked but to ensure that the requirements exist, I do not speak to those issues; [REDACTED]. However, it is a component that is critical. Everything that comes to me [REDACTED] I have to assume that [REDACTED]. I have never [REDACTED] I have never done that. (DI Emphasis)

As it regards the existence of a document which states that a verification of the premises was done, to my knowledge I don't check those things I'm



being honest, that is not a part of my exercise. Our facilities are separate. [REDACTED] That does not mean that we do not communicate [REDACTED]. I don't do that. I have to assume it's being done. If you're asking me if I have doubts that's another issue but I don't want to pronounce on that because I don't have any facts. It is for you to make those checks. Honestly, I have not seen any document as that is not within my purview.¹⁶ (DI Emphasis)

Having regard to Mr. Sandor Pike's July 29, 2016 Witness Statement, the DI emphasizes the following:

- 1) The issuance of permits to applicants, for the importation of certain chicken products is dependent on their 'history' as importers; and
- 2) There is no verification exercise conducted on the information presented to the MoAF Agricultural Services Unit, by the Veterinary Division of the said Ministry, in regard to the information which applicants submit to support their applications for permits in relation to the importation of certain chicken products.

¹⁶ Mr. Sandor Pike's Witness Statement to the OCG on July 29, 2016, paragraphs 25-30.



Functions and Roles Executed by Officials/Officers in the MoAF in Relation to the Issuance of Permits for the Importation of Chicken Back and other Poultry Products

In relation to roles and functions executed by officials and officers in the MoAF, in relation to the issuance of permits for the importation of chicken back and other poultry products, Mr. Donovan Stanberry, then Permanent Secretary, MoAF, provided, *inter alia*, the following in his requisition response of May 18, 2015:

Table No.1

<i>NAME OF OFFICERS</i>	<i>JOB TITLES OF OFFICERS</i>	<i>JOB FUNCTIONS OF OFFICERS</i>
<i>Dr. Osbil Watson</i>	<i>Director, Veterinary Services</i>	<i>Chief Veterinary Officer</i>
<i>Dr. Simone Martin</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Wintorph Marsden</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Nigel Elliot</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Trudi Stewart-Gaynor</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Gillian Taylor-Ellis</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Suzan McLennon-Miguel</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Kolyn Ricketts</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Gavin G.W. Bellamy</i>	<i>Senior Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Stacy-Ann Jackson</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Rayon Gregory</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Oliva Scott</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Dingle Foote</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Derrick Hendricks</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Kevin Walker</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Matthew Brown</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Dr. Roxanne Bennett</i>	<i>Veterinary Officer</i>	<i>Regulatory veterinarian</i>
<i>Mr. Sandor Pike</i>	<i>Director, Agricultural Services Unit</i>	<i>Agricultural marking expert</i>



The then OCG undertook a review of Dr. Simone Martin-Shaw's job description which was appended to her response of July 28, 2015 to the OCG's requisition. The following was outlined as her overall roles and functions:

"The functions and roles of the Senior Veterinary Officer as assigned to me in relation to job description is as follows:

- *Oversee the affairs of the Quarantine, Permit and licensing unit under the supervision of the Director, Veterinary Services Division."*¹⁷

The OCG's July 17, 2015 requisition further required that Dr. Martin-Shaw detail all functions performed by her within the Veterinary Service Division in relation to the issuance of permits for the importation of chicken back and chicken products. In this regard, the following details were provided:

"The specific functions of the Senior Veterinary Officer/ Veterinary Officer is intrinsically linked to the processes and functions of the ONLINE MINISTRY OF AGRICULTURE AND FISHERIES TRADE SYSTEM (MOATS) in relation to the issuance of Veterinary Import Permits in general inclusive of veterinary import permits for the importation of chicken back and chicken products. Please see outline of process and functions as follows:

¹⁷ Dr. Martin-Shaw's July 28, 2015 response to the OCG's requisition of July 17, 2015, response no.2



- *The Senior Veterinary Officer/ Veterinary Officer is required to review applications for chicken back and other related chicken products.”¹⁸*

Functions of Certain Officers of the MoAF Involved in the Acceptance and Evaluation of Applications and the Issuance of Import Permits

Dr. Martin-Shaw, Senior Veterinary Officer, Veterinary Services Division, Ministry of Agriculture and Fisheries, outlined the following as it regards the functions executed by veterinary officers in relation to applications for permits received online by way of the MOATS:

- *“All applications for veterinary import permits are received online using the MOATS.*
- *The Vet Officer USER (which includes all veterinary officers irrespective of senior/ veterinary officer status) is required to review ALL applications for veterinary import permits online.*
- *Applications can be placed in one (1) of three(3) states during the evaluation process:*
 - *APPROVED: once the products being applied for have met all the relevant legislative, regulatory and or sanitary standards*

¹⁸ Dr. Martin-Shaw’s July 28, 2015 response to the OCG’s requisition of July 17, 2015, response no.2



- *HOLD: once the products being applied for requires further risk assessment/ analysis, or requires further approval from the Agricultural Service Unit or any other government agency, e.g. Coffee Board/ Fisheries Division/ NEPA*

- *REJECTED: once the products has not met the relevant legislative, regulatory and or sanitary standards*

- *All veterinary import permit applications once approved generates a unique ten (10) digit Veterinary Import Permit No. the format for the permit no. is as follows: the first four digits represent the current calendar year and the last 6 digits is generated by the system in numerical sequence. E.g. 2014123456.*

- *Once the application has been approved it becomes PAYABLE on the MOAT. The applicant is informed via email notification that the application has been approved and can be PAID for. If the application has been placed on HOLD or is REJECTED the applicant receives an email indicating same and is further advised to contact the permit office for further information.*



- *Once the permit has been paid for by the applicant, the VETHELPDESK USER (the secretaries within the Permit Office) sees the permit listed to be printed. The VETHELPDESK USER then prints the permit in triplicate. The veterinary officer then signs all three copies in blue ink pen. All copies are then (sic) sealed. In instances that the permit is printed as a one (1) page document the permit is sealed at the veterinary signature. In instances where the permit is a 2/ 3 page document the seal is placed at the veterinary signature on the second or third page and also on the first page of the permit below the permit no. on the right. Two (2) copies of the Permit are stamped as 'Importers Copy' and one (1) as 'Exporters Copy'.*
- *On issuance of the Veterinary Import Permit, the applicant is required to demonstrate his/ her receipt of payment and a form of identification. The applicant then receives two (2) copies of the veterinary import permit one stamped importers copy and the other stamped exporters copy. The third copy is retained and the Veterinary Services Division and filed. All permits issued and signed are recorded in a Log book and signed for by the applicant / the applicant's bearer.”¹⁹*

¹⁹ Dr. Martin-Shaw's July 28, 2015 response to the OCG's requisition of July 17, 2015, response no.2



The MoAF's Monitoring and Compliance System for Recipients of Permits for the Importation of Certain Chicken Products

In order to ascertain whether the MoAF has a monitoring and compliance system which ensures that permit holders comply with the terms and conditions of permits granted, the then OCG in its July 17, 2015, requisition to Dr. Martin-Shaw required her to respond to the following question:

“Kindly state whether the Government of Jamaica and/or the Ministry of Agriculture and Fisheries has/have a monitoring and compliance system in place that is used to determine and/or verify whether a permit holder is in compliance with the terms and conditions of the specific permit/license that was granted for the importation of chicken back and chicken products. If your response to this question is yes, please provide the following:

- a. Full particulars of the monitoring and compliance system;*
- b. The name(s) and title(s) of the officer(s) who are involved in the monitoring and compliance system.*

Please provide documentary evidence, where possible to substantiate your assertions/responses.”²⁰

²⁰ OCG's requisition addressed to Dr. Martin-Shaw dated July 17, 2015, question no.4



Consequently, Dr. Martin-Shaw in her response dated July 28, 2015, documented the following:

“‘4’. YES

‘4a’. the terms / conditions of the permit also known as the import requirements specifically detail the sanitary measures that must be adhered to further facilitate importation of the product in this specific case chicken back and chicken products. The requirements make specific mention of An Official Export Health Certificate signed by the competent veterinary authority in the exporting country. The export health certificate is an international sanitary standard which speaks to the wholesomeness of foods, further reassuring the importing country that the products have met the local and internationally accepted legislative standards.

Importers of chicken back and chicken products are therefore required to import these items accompanied by an official export health certificate signed by the competent veterinary authority. This document is inspected at the port of entry by the veterinary officer.

All documents for inspection are submitted on a CUSTOMS C87 at the seaport and C78 for airport cargo shipments. The documents required for inspection are listed below:



1. *Original Veterinary import Permit- importer copy*
 - *No copies are accepted*
 - *Clients must have a valid import permit before goods are shipped from country of origin*
 - *Reference date- issue date*
2. *Copy of bill of lading*
 - *Indicates date and place where consignment was loaded*
3. *Original health certificate*
 - *Issued by the competent authority in the country of origin*
 - *Must be an original document*
 - *Cannot be dated after shipment has sailed*
 - *Cannot certify a product greater than 1 month before export*
 - *Speaks to the import condition of the veterinary health certificate*
4. *Invoice*
 - *List the name of each product, quantities and additional shipping*



Following document inspection the products are physically inspected at the cold storage facilities by the port animal health technicians.

Additionally the Ministry of Health facilitates physical inspection of chicken back and chicken products at the cold storage facilities as well.²¹ (DI Emphasis)

Having regard to the issue of monitoring and compliance, the then OCG in a June 11, 2015 requisition also directed the referenced question to Mr. Sandor Pike. In his response of July 3, 2015, Mr. Pike noted the following:

“7a) Yes, the Veterinary Division, Ministry of Agriculture and Fisheries; inspectors form (sic) the Ministry of Health; and Jamaica Customs Agency officers are responsible for ensuring compliance with permit requirements at the port of entry

b) I am not aware of the name and titles of the specific officers involved, however the entities are:

- 1) Veterinary Services Division*
- 2) Ministry of Health*
- 3) Jamaica Customs Agency”*²²

²¹ Dr. Martin-Shaw’s July 28, 2015, response to the OCG’s requisition of July 17, 2015, response no.4

²² Mr. Sandor Pike’s July 3, 2015 response to the OCG’s requisition of June 11, 2015, response No. 7



Rationale for the Placement of Applications on “HOLD”

Based upon the assertions made by Mr. Sandor Pike²³, it was observed that it was a practice of the MoAF to place some applications for which the applicant had applied for import permits on “HOLD”. As a result, the then OCG sought to determine the justification for such a practice. By way of requisition dated July 17, 2015, the then OCG required that Dr. Martin-Shaw respond to the following question:

“In relation to the Ministry of Agriculture and Fishers’ computerized Trade System and the various statuses that have been accorded to applicants who have applied for permits/licenses, please provide responses to the following:

- a) A definition for the term ‘HOLD’ as indicated on the referenced system;*
- b) The circumstances under which an application would be placed on ‘HOLD’; and*
- c) The duration for which applications are placed on ‘HOLD’, and whether this communicated to the applicants.”²⁴*

In response, Dr. Martin-Shaw in her July 28, 2015 response to the OCG’s question indicated the following:

“6 A permit is considered on ‘HOLD’ or HELD if further action outside of the MOATS is required.

²³ Witness Statement of Mr. Sandor Pike dated July 29, 2016.

²⁴ Dr. Martin-Shaw’s July 28, 2015, response to the OCG’s requisition dated July 17, 2015, response no.6



6 (b) A permit is considered to be placed on HOLD or held if:

- It requires further approval from:

- The Agricultural Services Unit

- NEPA

- Fisheries Division,

Or, any other government agency.

- If the product requires additional review/risk analysis/risk assessment/ verification

6 (c) There is no official established time for the HOLD status. Each situation is dealt with on a case by case basis.”²⁵

²⁵ Dr. Martin-Shaw's July 28, 2015, response to the OCG's requisition dated July 17, 2015, response no.6



Concerns Relating to the Verification of Information Submitted by Applicants in Relation to Import Permits

Having regard to the substantive allegations, the then OCG sought to determine whether the MoAF had a verification system to determine the veracity of information provided by applicants. In this regard, the OCG required that Dr. Martin-Shaw respond to the following questions:

“Please state whether the Ministry of Agriculture and Fisheries has a verification system in place that allows it to verify applicants’ information prior to the granting of permits/licenses for the importation of chicken back and chicken products? If your response to this question is yes, please provide the following information:

- a) Full details of the processes utilized in the verification exercise;*
- b) The manner in which the verification/due diligence is executed; and*
- c) The name(s) of the officer(s) involved in the verification/due diligence exercise.”²⁶*

In response to the aforementioned questions, Dr. Martin-Shaw, in her response of July 28, 2015, to the OCG stated as follows:

“7a I am unable to say with accuracy if the Agricultural Services Unit of the Ministry of Agriculture and Fisheries has verification systems in place to verify applicants information prior to giving further approval in order to facilitate the

²⁶ OCG’s July 17, 2015 requisition to Dr. Simone Martin-Shaw, question 7



granting of permits. However Veterinary Services Division has two (2) verification systems

- I. *The MOATS has a verification system that allows the veterinary system administrator to verify the applicant's information upon initial registration to use the system. When a new applicant registers to use the system, the system administrator is alerted through the new submissions list. On retrieval of the information submitted by the new registrant a split screen with data provided from the TRN office (taxpayer registration office) assists in verification of client information.*

- II. *Official cold storage registration form”.*²⁷
(DI Emphasis)

With regard to the manner in which the MoAF executes its verification process concerning the information provided by applicants for the attainment of import permits, Dr. Martin-Shaw noted as follows:

“7(b)

- I. **Verification is performed in the following manner. If the information provided by the registrant inclusive only of name and address correlates with the data provided by the TRN office, then approval is granted. If**

²⁷ Dr. Martin-Shaw's July 28, 2015, response to the OCG's requisition dated July 17, 2015, response no 7a



the information does not correlate the registration is placed on HOLD and the client notified. The registrant is further advised to update their information at the TRN office. Once this update is done, the TRN office usually updates the system within twenty-four (24) hours. Once this update is noted by the MOATS system administrator the registrant is removed from the HOLD state and approved.

II. The official cold storage form must be completed for all applicants wishing to import chicken back and neck.”²⁸

(DI Emphasis)

Dr. Martin-Shaw further advised the then OCG of the following MoAF officers who were involved in the ‘verification process’:

“7c

I. The current list of Officers involved in verification i.e. listed as veterinary system administrators are:

- *Dr Osbil Watson*
- *Dr Simone Martin-Shaw*

²⁸ Dr. Martin-Shaw’s July 28, 2015, response to the OCG’s requisition dated July 17, 2015, response 7b



- *Dr Trudi Stewart-Gaynor*

- *Dr Wintorphe Marsden*

II. The current list of officers involved in this verification method is Dr Suzan Miguel²⁹

²⁹ Dr. Martin-Shaw's July 28, 2015, response to the OCG's requisition dated July 17, 2015, response 7c



The Compliance of Licensees with the Terms and Conditions of Permits

In order to ascertain whether permit holders were in compliance with the terms and conditions of the permits which were granted by the MoAF, the then OCG directed the following question to Dr. Martin-Shaw in a July 17, 2015 requisition:

“In regard to the permits/licenses that have been granted by the Ministry of Agriculture and Fisheries for the importation of chicken back and chicken products, please state whether you are aware of any individual(s)/entity(ies) that has/have not acted in compliance with the terms of a referenced permit/license. If your response is ‘yes’, please provide responses to the following:

- a) Full particulars of the licensee(s) who was/were determined to be in breach; and*
- b) The action(s) and/or the decision(s) taken by the Ministry of Agriculture and Fisheries or any other entity directed by the MoAF, upon becoming aware of the breach.”³⁰*

Consequently, Dr. Martin-Shaw responded and stated as follows in her response to OCG on July 28, 2015:

“To my certain knowledge there is an ongoing investigation with the Jamaica Customs Agency looking into breaches carried out by the following company in relation to chicken back:

³⁰ OCG’s July 17, 2015 requisition to Dr. Simone Martin-Shaw, question 8



[REDACTED]

I cannot recall at this time any other company determined to be in breach.

‘8b’.The investigation is ongoing and to my certain knowledge I have not been formally advised by the Director Veterinary Services or from the Jamaica Customs Agency as to the action or decision taken. I have participated in the investigation conducted by the Jamaica Customs Agency and have submitted a copy of my signed statement based on specific questions asked.”³¹

In regard to the importation of certain chicken products and factors affecting same, the DI is in possession of a letter dated October 21, 2009, which was provided by Mr. Sandor Pike, former Director of Marketing Services, MoAF. The referenced letter was addressed to Mr. Charles Chen and stated as follows:

“In December 2007, the Government became increasingly concerned about the rising costs of food to the consumers. One of the strategic maneuvers was to ease the constraints on the importation of chicken backs. A more liberal approach was exercised in the issuing of health permits to ensure that cheap meat protein was widely available, especially to the poorer socio-economic sectors of the society.”

³¹ Response of Dr. Martin-Shaw, to the OCG dated July 28, 2015, response no.8



In the ensuing period since this change in strategy, we became concerned on a number of issues. The first worrying factor is that of maintaining the safety of the product to ensure the health of the consumers. Consequently, the Veterinary Division was instructed to register all importers of chilled and frozen meats. An important element of this registration was the certification of the importers refrigerated 'holding' capacities. This exercise is vital in ensuring that constant temperatures are maintained thus ensuring the safety of the product.

The second concern is historical and we sincerely hope this activity will not find renewed interest among the importers. The 'art' of invoicing chicken leg quarters as chicken backs should not be encouraged. This practice has put the domestic broiler industry under severe pressure in the past.

The final concern relates to companies legitimately receiving import permits for chicken backs and converting these benefits to other importers. This 'margin gathering' exercise is not in the interest of the consumers. This Ministry would prefer to issue the permits to importers with established distribution channels to create efficiencies. The practice of 'selling' permits to other importers should not be encouraged.



Given the above, the Ministry of Agriculture & Fisheries is in the process of reviewing the issuing of health permits to ensure that the consumers are afforded the best possible price and importantly that the health and safety issues are observed. Also, of extreme importance is the viability of the local broiler industry.

Be advised, non-observance of the necessary conditions related to the above three (3) concerns will constitute a breach and a subsequent discontinuation of the present benefit received.”³²
(DI Emphasis)

The DI has in his possession, letters with similar content to the aforementioned letter, which were addressed to the following individuals/entities on May 28, 2008 and October 22, 2009, respectively:

1. [REDACTED]; and
2. [REDACTED].

In addition to the concerns regarding the management and administrative challenges experienced by the MoAF in relation to the importation of certain chicken products, Mr. Pike in his Witness Statement to the then OCG noted the following:

“In relation to the phrase stated by myself that “the system needs to be cleaned up” during the OCG’s visit to my office on May 28, 2015, I meant that there are not enough or sufficient steps to accommodate

³² Letter dated October 21, 2009, from Mr. Sandor Pike and addressed to Mr. Charles Chen, which was provided by way of Mr. Sandor Pike’s response dated July 3, 2015.



the total importation in terms of who is included or who is excluded. I once again state that the OCG can make some suggestions along that line which will make the system a little more acceptable and the complaints that we get of exclusions will be a thing of the past.

There is a standard that one would use to determine who gets a permit as opposed to who does not. There is a mechanism in place but it can be supported with the intervention of the OCG.

The mere fact that we get consistent complaints means that the system is looked at as an incomplete system. I would not say I disagree with these complaints. I am suggesting that in the OCG's exercise, recommendations are made as to how the present system operates and how we are to improve it.

As it relates to the importation of chicken back being duty free, the fact that it is duty free means that it can facilitate/support illegal importation of other frozen meat products. What we have found in our interaction with the Jamaica Customs Department is that people will apply for a permit and misuse/abuse it by bringing in other frozen meat items. Because of that issue it was a concern. Things are much cleaner now as for the last three years we have not had much of a concern there.



The risk assessment exercise that now exists at customs has helped considerably. They are targeting people now at Customs and you are hearing less and less of issues related to illegal imports.

...

In relation to the concerns of persons who wish to import into the market and whether there are things which are unfair that obtain to those class of persons, I would say it is a difficult exercise when you have the requests being greater than what has to be released into the market to support the local industry. What we have is not perfection and again I repeat, any suggestions that the OCG has to mitigate these things would go a far way because I do not foresee it stopping when the requests are going to be greater than what it (sic) being released. It will continue.

In relation to the procedures utilised to select which requests will be approved, first case is that the historical ones are the ones that get the preference.

In 2005 when we started the exercise we looked on the history and see who was importing and how much they were importing. We then looked at the total number that we thought would be necessary to support the increased production of the local broiler companies and that category that we call 'Other



Farmers’ because both JB and CB and JLA then, would sell day old chicks. JB and CB will not only sell day old chicks but they will place those chicks with their contract farmers. What we did is to look on how we can help and support those and that expansion by controlling the imports for two (2) reasons – illegal importation that was going on with the leg quarters and also the expansion for the local guys. That is how it started and so those guys are consistently on the list and the records I have given you there will show this. The inclusion of individuals over the years would be dependent on how we can grow the imports while not impacting the local growth. So it has moved.”³³ (DI Emphasis)

Having regard to issues relating to the illegal importation of leg quarters, the then OCG was provided with a document entitled “**REGIME FOR IMPORTED CHICKEN BACKS**”. The information contained in the referenced document reads as follows:

“In February 2005, this Ministry received reports that a fair quantity of imported leg quarters were in the island. We were skeptical of the information received since no import permits were granted during the months of the reported imports.

The Hon. Minister of Agriculture, Mr. Roger Clarke was quite dismayed when the reports of illegal imports continued through to March of the said year. He immediately put a ban on the importation of all

³³ Mr. Sandor Pike’s Witness Statement dated July 29, 2016, paragraphs 15-18, 24-25.



chicken parts. A Committee was created to establish, with certainty, that illegal imports were coming in and also to devise a strategy to quell the said illicit act. The Committee comprised representative from Jamaica Customs, Financial Investigations Division (former Revenue Protection Division), United States Department of Agriculture (USDA) and the Ministry of Agriculture.

One of the first strategies was to solicit from the USDA the quantum of leg quarters and chicken backs that were exported from the U.S.A. from January 2004. Secondly, the Financial Investigations Division (FID) summated the number of containers of leg quarters and chicken backs that were reported as entering over 'custom area' over the same period. When the Jamaican import figures were compared with the USA export figures, the committee was shocked. The USA export figures for chicken leg quarters was much greater than the recorded entries at Jamaica Customs. Obviously, these unrecorded entries were illegal imports.

The fact that chicken back is a 'cost of living' item and therefore attract a zero percent (0%) rate of duty is a strong incentive for illegal importers to invoice leg quarters as chicken backs. Also given the selling price of illegal imports it was clear that no import duties were paid.



The Hon. Minister, on receiving this report, called a meeting with the Committee members. During the meeting he asked the Jamaica Customs representatives if they could do a one hundred percent (100%) check on the containers of chicken backs. They indicated that given the number of containers to be inspected on a daily basis, a 100% check would be impossible, moreover, internationally, a 100% check is not normal. The Hon. Minister then enquired what is the average percentage check normally done. The answer was 5%. This was not acceptable to the Hon. Minister. The Hon. Minister then enquired of the if could do a higher than 5% check of the number of imported containers was reduced. This was agreed on.

The Committee then agreed that the list of importers of chicken back for the year 2004 would be used as a master list to determine the importers and the quantum to be imported. Since its inception in 2005 we have not had any alarming reports of illegal importation of leg quarters. If it is still happening it must be at a significantly reduced level.

The system allows this Ministry to identify and monitor the importers. Also, copies of import permits are sent to the Financial Investigations Division. If the FID observes questionable issues, this Ministry



is immediately contacted for assistance in the investigation.”³⁴

Instructions Made by Officials/Officers of the MoAF for the Granting of Permits for the Importation of Certain Chicken Products

Notwithstanding the absence of a formal policy document outlining the role(s) of the Minister³⁵ in relation to the issuance of permits for the importation of certain chicken products, the DI has observed several instances in which Ministers have issued authorisation for the importation of the product. The following table was constructed by the DI upon a review of the documentation provided by Mr. Sandor Pike:

Table 2

No.	Official/Officer who issued instructions and /or made recommendations for the issuance of permits.	Date of Request	Type of Products to be imported	Quantity of Products to be imported. Full Container Load (FCL)	Other Observations
1.	Roger Clarke	February 2006	Chicken Neck	2	Letter of request was signed

³⁴ Document labelled as Appendix (d) received from Mr. Sandor Pike in his July 3, 2015 response to the OCG’s requisition of June 11, 2015.

³⁵ Ministers refers to the then Minister of Agriculture and Lands and/or Minister of Agriculture and Fisheries.



				by Sandor Pike on behalf of the Director, Marketing & Credit Division
	March 2006	Chicken Neck	2	Letter of request was signed by Sandor Pike on behalf of the Director, Marketing & Credit Division
	April 2006	Chicken Neck	6	Letter of request was signed by Sandor Pike on behalf of the Director, Marketing & Credit Division
	July 2006	Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back Chicken Neck	11 9 7 1 33 2	Letter of request was signed by Sandor Pike on behalf of the Director, Marketing & Credit Division
	August 2006	Chicken Back Chicken Back Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Neck	16 1 8 37 25,000 kg 10 8	Letter of request was signed off by Patricia Lyttle on behalf of the Director, Marketing & Credit Division
	September 2006	Chicken Back Chicken Back Chicken Neck Chicken Back	13 28 1 14	Letter of request was signed off by Sandor Pike on behalf of the Director, Marketing & Credit Division
	October 2006	Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Back Chicken Neck	4 4 15 13 7 2 19 1 1	Letter of request was signed by Sandor Pike on behalf of the Director, Marketing & Credit Division
	November 2006	Chicken Back Chicken Back Chicken Back Chicken Back	14 3 3 11	Letter of request was signed by Sandor Pike, for Director, Marketing & Credit Division



			Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Neck Chicken Neck Chicken Back	6 4 17 1 2 4 21	Letter of request was signed by Sandor Pike, as Director (Actg) Marketing & Credit Division
		December 2006	Chicken Back Chicken Back Chicken Neck Chicken Neck Chicken Leg Quarters Chicken Back	17 21 1 1 2 8	Letter of request was signed by Sandor Pike, for Director, Marketing & Credit Division
Total quantity summary for 2006: Imported Chicken Neck - 55 Containers and an additional 25,000kg, Imported Chicken Back – 354 Containers Imported Chicken Leg Quarters - 2 Containers					
2.	Roger Clarke	January 2007	Chicken Neck Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back	2 3 2 1 16 3 8 3 14 6 12	Letter of request was signed by Sandor Pike for Director, Marketing & Credit Division
		February 2007	Chicken Back Chicken Neck Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back	6 2 3 6 4 1 6	Letter of request was signed by Sandor Pike for Director, Marketing & Credit Division
		March 2007	Chicken Neck Chicken Neck Chicken Back Chicken Back Chicken Neck Chicken Back	1 2 6 4 23 11 6	Letter of request was signed by Sandor Pike for Director, Marketing & Credit Division



		April 2007	Chicken Back Chicken Back Chicken Back Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back	4 1 4 4 12 2 17 1 8	Letter of request signed by Sandor Pike, for Director, Marketing & Credit Division
		May 2007	Chicken Back Chicken Neck Chicken Neck Chicken Neck Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back	4 4 2 5 8 9 24 6 3	Letter of request signed by Sandor Pike, for Director, Marketing & Credit Division
		June 2007	Chicken Back Chicken Back Chicken Neck Chicken Back Chicken Back Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Neck	15 9 6 7 8 2 15 4 10 1	Letter of request was signed off by Sandor Pike, for Director, Marketing & Credit Division
		July 2007	Chicken Back Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Neck Chicken Back Chicken Neck Chicken Back Chicken Back Chicken Back Chicken Neck Chicken Back	21 7 2 7 2 3 14 2 7 10 3 7 6	Letter of request signed by Sandor Pike, for Director, Marketing & Credit Division
		August 2007	Chicken Back Chicken Neck Chicken Neck Chicken Back Chicken Back Chicken Neck Chicken Neck Chicken Back	16 4 1 37 23 2 2 1	Letter of request signed by Sandor Pike, for Director, Marketing & Credit Division



			Chicken Neck	2	
Total quantity summary for 2007: Imported Chicken Neck - 88 Containers , Imported Chicken Back – 437 Containers					
3.	Marketing And Credit Division	September 2007	Chicken Neck Chicken Neck	2 2	Letters of request signed by Patricia Lyttle, for Director, Marketing & Credit Division
		October 2007	Chicken Neck	2	Letter of request signed by Sandor Pike, for Director, Marketing & Credit Division
Total quantity summary for 2007: Imported Chicken Neck - 6 Containers					
4.	Patricia Lyttle	September and October 2007	Chicken Back	13	Letters of request signed by Patricia Lyttle, for Director, Marketing & Credit Division No indication of the individual who requested the required imports.
			Chicken Back	6	
Total quantity summary for 2007: Imported Chicken Back - 19 Containers					
5.	Christopher Tufton	September 2007	Chicken Back	35	Letter of request signed by Patricia Lyttle, for Director, Marketing & Credit Division
			Chicken Neck	4	
		October 2007	Chicken Neck	6	Letter of request signed by the Hon. Christopher Tufton
		November 2007	Chicken Back	62	Letter of request signed by the Hon. Christopher Tufton
			Chicken Neck	2	
			Chicken Neck	8	
			Chicken Neck	2	
			Chicken Neck	2	
			Chicken Back	3	
			Chicken Back	2	
			Chicken Neck	1	
		Chicken Back	10		
		December 2007	Chicken Neck	4	Letter of request signed by the Hon. Christopher Tufton
			Chicken Back	63	
			Chicken Neck	16	
			Chicken Back	7	
			Chicken Neck	3	



Total quantity summary for September – December 2007: Imported Chicken Neck - 48 Containers Imported Chicken Back – 182 Containers					
6.	Christopher Tufton	January 2008	Chicken Back Chicken Neck	64 24	
		February 2008	Chicken Back Chicken Back Chicken Neck	68 5 33	Letter of request signed by the Hon. Christopher Tufton
Total quantity summary for January – December 2008: Imported Chicken Neck - 57 Containers Imported Chicken Back – 137 Containers					
7.	Christopher Tufton	May 2010	Chicken Neck Chicken Back	39 91	Letter of request signed by the Hon. Christopher Tufton
		June 2010	Chicken Neck Chicken Back Chicken Back	39 102 1	Letter of request signed by the Hon. Christopher Tufton
		July 2010	Chicken Neck Chicken Back	39 102	Letter of request signed by the Hon. Christopher Tufton
		August 2010	Chicken Back Chicken Neck	105 39	Letter of request signed by the Hon. Christopher Tufton
		September 2010	Chicken Neck Chicken Back	38 123	Letter of request signed by the Hon. Christopher Tufton
		October 2010	Chicken Neck	38	Letter of request signed by the Hon. Christopher Tufton
		November 2010	Chicken Back Chicken Neck Chicken Back	133 38 133	Letter of request signed by the Hon. Christopher Tufton
		December 2010	Chicken Back Chicken Neck	131 38	Letter of request signed by the Hon. Christopher Tufton
Total quantity summary for 2010: Imported Chicken Neck - 308 Containers Imported Chicken Back – 921 Containers					
8.	Christopher Tufton	February 2011	Chicken Back Chicken Neck	110 38	Letter of request signed by the Hon. Christopher Tufton
		March 2011	Chicken Back Chicken Neck	111 38	Letter of request signed by the Hon. Christopher Tufton



		April 2011	Chicken Back Chicken Neck	121 38	Letter of request signed by the Hon. Christopher Tufton
		May 2011	Chicken Back Chicken Neck	123 38	Letter of request signed by the Hon. Christopher Tufton
		June 2011	Chicken Back Chicken Neck	130 40	Letter of request signed by the Hon. Christopher Tufton
			Chicken Back	2	Letter dated June 24, 2011, signed by Sandor Pike, for the Hon. Christopher Tufton
			Chicken Back	2	Letter of request signed by the Hon. Christopher Tufton
Total quantity summary for 2011: Imported Chicken Neck - 192 Containers Imported Chicken Back – 599 Containers					
9.	Robert Montague	July 2011	Chicken Back Chicken Neck	99 40	Letter of request signed by the Hon. Robert Montague
		September 2011	Chicken Back Chicken Neck	174 45	Letter of request signed by the Hon. Robert Montague
		October 2011	Chicken Neck Chicken Back	45 177	Letter of request signed by the Hon. Robert Montague
		November 2011	Chicken Neck Chicken Back	45 177	Letter of request signed by the Hon. Robert Montague
		December 2011	Chicken Neck Chicken Back	45 176	Letter of request signed by the Hon. Robert Montague
Total quantity summary for 2011: Imported Chicken Neck - 220 Containers Imported Chicken Back – 803 Containers					
10	Sandor Pike	October 2013	Chicken Back	134	Letter of request signed by Sandor Pike, Director, Agricultural Services Unit
		November 2013	Chicken Neck Chicken Back	42 138	Letter of request signed by Sandor Pike, Director, Agricultural Services Unit
Total quantity summary for 2013: Imported Chicken Neck - 42 Containers Imported Chicken Back – 272 Containers					



The DI's calculations indicate that during the period 2006-2013, authorisation was granted by officials of the Ministry of Agriculture & Fisheries and/or Lands for 3,724 'full container loads' of chicken back to be imported. Over the same period, authorisation was given for 1,016 'full container loads' with an additional 25,000kg of chicken necks to be imported. Also, on December 22, 2006, authorization was granted for the importation of two (2) 'full container loads' of chicken leg quarters.



The following table, constructed by the DI, upon a review of the documentation provided by Mr. Sandor Pike, lists the importers and number of full container loads of certain chicken products imported by each for the years under review:

Table No. 3

No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
1	Spanish Grain Store	57	92	24	-	106	146	-	39	464
2	Transtrading Ltd	63	114	24	-	92	126	-	36	455
3	Master Mac Ltd	58	118	24	-	92	126	-	31	449
4	Bran Lue Import Ltd	-	40	12	-	38	59	-	30	179
5	Triple M Ltd	44	88	16	-	38	62	-	-	248
6	Coastline Chicken and Meats Ltd	-	-	-	-	55	77	-	2	134
7	Lane Distributors	-	-	-	-	32	51	-	-	83
8	Pure Meats	-	-	-	-	24	45	-	-	69
9	Carabana Enterprises	-	-	-	-	-	19	-	6	25
10	BHF Meats	-	-	-	-	-	20	-	-	20



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
11	Orchard Meat Distributors	-	-	-	-	-	16	-	-	16
12	Toutpret	-	-	-	-	35	39	-	-	74
13	Chris Ryon	26	37	8	-	39	49	-	3	162
14	Bay City Meats Ltd	-	-	-	-	22	24	-	6	52
15	Norton Imports	-	-	-	-	-	16	-	-	16
16	International Meat Traders	-	2	2	-	15	24	-	2	45
17	Rural Meats Distributors	-	-	2	-	31	37	-	-	70
18	Lyford Foods Distributors	-	-	-	-	-	11	-	-	11
19	Meat Mart	-	-	-	-	16	27	-	-	43
20	CKL Trading Co. Ltd	-	-	-	-	44	64	-	18	126
21	Coastal Choice Meats	-	-	-	-	-	25	-	-	25
22	Mystic Imports Ltd	-	-	-	-	27	29	-	4	60
23	Lillan Ltd	25	48	12	-	45	59	-	13	202



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
24	Rosla Enterprises Limited	-	-	-	-	-	12	-	-	12
25	King & Robinsons Associates Ltd	-	-	-	-	22	39	-	-	61
26	Sahai Distributors Ltd	-	-	-	-	-	20	-	-	20
27	Pinecrest	-	-	-	-	-	12	-	-	12
28	A & M Services Ltd	-	-	-	-	15	23	-	2	40
29	Princess Distributors Ltd	-	-	-	-	27	19	-	4	50
30	Damhead Wholesale	-	-	-	-	12	21	-	6	39
31	Forest Seafood Establishment	-	-	-	-	13	19	-	-	32
32	New City Fish and Meats	-	-	-	-	12	29	-	5	46
33	Mega Star Impex Distributors Ltd	-	-	-	-	8	19	-	-	27
34	Trading Specialist Ltd	-	-	-	-	6	19	-	-	25



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
35	Prime Meats Wholesale	-	-	-	-	-	19	-	-	19
36	The Butcher's Table Ltd	--	-	-	-	16	14	-	-	30
37	Wholesale Giant	-	-	-	-	-	8	-	2	10
38	Golden Sun Inc. Ltd	-	-	-	-	-	10	-	-	10
39	Riomar Ltd	5	7	4	-	15	21	-	3	55
40	Price Wise Central	-	-	-	-	-	3	-	13	16
41	Jamilowen	-	-	-	-	12	10	-	-	22
42	Incotek Company Ltd	-	-	-	-	16	10	-	-	26
43	Amwest Investment Ltd	-	-	-	-	16	10	-	-	26
44	Winston Mitchell	-	-	-	-	-	4	-	-	4
45	Danmore Enterprises Ltd	2	-	-	-	6	4	-	2	14
46	Grace Kennedy & Co. Ltd	5	9	2	-	23	25	-	3	67



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
47	ALSR Enterprise Incorporated Ltd	-	-	-	-	8	10	-	-	18
48	K & S Hireage Services Ltd	-	-	-	-	8	10	-	2	20
49	Bratton Ltd	20	39	10	-	18	20	-	5	112
50	Palm Rose Commodity Ltd	5	10	2	-	22	30	-	18	87
51	O.T. Trading Ltd	6	2	2	-	8	10	-	-	28
52	Delespu Ltd	2	3	-	-	15	20	-	3	43
53	Kestrel Industries Ltd	-	1	-	-	15	20	-	3	39
54	Arosa Ltd	-	-	-	-	15	20	-	3	38
55	Devon Scott	-	-	-	-	8	10	-	-	18
56	Pride Manchester Enterprises Jamaica Ltd	-	-	2	-	15	20	-	-	37
57	Seismic Distribution and Trading	-	-	-	-	6	10	-	2	18



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
58	Consi Industries Ltd	-	-	-	-	5	10	-	-	15
59	Ranwel Distributors	-	-	-	-	-	10	-	-	10
60	M&M Foods Ltd	-	-	-	-	-	9	-	-	9
61	Sue-Lynne Wong	-	-	-	-	4	8	-	-	12
62	Tartarus Enterprises Ltd	-	-	-	-	-	8	-	-	8
63	Marcoll Investments Ltd	-	-	-	-	-	8	-	-	8
64	Cost-U-Less Fish and Meats	-	-	-	-	8	8	-	5	21
65	Sun Systems Jamaica Ltd	-	-	-	-	-	8	-	-	8
66	Gadian Ltd	-	-	-	-	4	7	-	-	11
67	Nations Choice Ltd	-	-	-	-	-	18	-	2	20
68	Nakara Traders	-	-	-	-	-	4	-	-	4
69	Isiah James – C&S Import/Export	6	2	-	-	-	-	-	-	8



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
70	Nart Import/Export	12	12	-	-	-	-	-	-	24
71	Fishing Co Ltd	35	59	8	-	-	-	-	-	102
72	Washington Wong	12	17	4	-	-	-	-	-	33
73	Direct Sales Ltd	6	3	-	-	-	-	-	-	9
74	National Meats & Food Distributors Ltd	9	15	6	-	10	-	-	-	40
75	Dwight Lue	5	3	-	-	-	-	-	-	8
76	Hanlor Traders Ltd	5	7	1	-	-	-	-	-	13
77	Leading Edge Ltd	-	-	-	-	-	-	-	6	6
78	TG Import & Export Trading Co	-	10	-	-	-	-	-	6	16
79	Leefah Distributors Ltd	-	-	-	-	-	-	-	4	4
80	The Meat Country Co Ltd	-	-	-	-	-	-	-	4	4
81	Tastebuds Agro-Produce & Condiments Ltd	-	-	-	-	-	-	-	4	4



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
82	Chows Trading Co Ltd	-	-	-	-	-	-		4	4
83	Derrimon Trading Co Ltd	-	-	-	-	-	-		4	4
84	Exportation D. Desmar Inc/D.D t/as A.H. Commodities Ltd	-	-	-	-	-	-		2	2
85	Pong Traders	-	-	-	-	-	-		2	2
86	Green Valley Foods	-	-	-	-	-	-		2	2
87	Jampearl Ltd	1	1	-	-	-	-		-	2
88	Linstead Meat Mart	1	1	-	-	-	-		-	2
89	National Meats & Food Processors Ltd	25,000kg	-	-	-	-	-		-	
90	Meat Masters International Co Ltd	1	-	6	-	-	-		-	7
91	Atlantis Marine Supplies Ltd	1	3	-	-	-	-		-	4



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
92	Symcustom Brokers	-	2	-	-	-	-	-	-	2
93	Country Wide Food Distributors Co Ltd	-	6	1	-	-	-	-	-	7
94	Greater Lagoon Caribbean Trading Ltd	-	2	-	-	-	-	-	-	2
95	Super Plus Ltd	-	16	16	-	-	-	-	-	32
96	Swift Importers Company Ltd	-	3	-	-	-	-	-	-	3
97	Crabbit Foods Ltd	-	2	-	-	-	-	-	-	2
98	Jamareves Ltd	-	1	-	-	-	-	-	-	1
99	Han Lue Brothers Wholesale	-	1	-	-	-	-	-	-	1
100	WahJohn Traders Co. Ltd	-	1	-	-	-	-	-	-	1
101	Stone Plus Ltd	-	1	-	-	-	-	-	-	1
102	J &L Wholesale	-	1	-	-	-	-	-	-	1



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
103	Blaize Industries	-	-	2	--	-	-		-	2
104	Maradon Distribution (Ja.) Ltd	-	-	1	-	-	-		-	1
105	Glenister's Enterprises Ltd	-	-	2		-	-		-	2
106	Roma Imports & Dists Co. Ltd				-	4	-		-	4
107	Blue Rice Ltd.				-	16	-		-	16
108	Shoreline Industries Ltd				-	9	13		-	22
109	Sweet Food Import Export Distributors					8	-		-	8
110	Caribbean Meats & Spice				--	1	-		-	1
111	Goldstar Distribution				-	4	-		-	4
112	Plushmore Co. Ltd				-	6	-		-	6
113	Western Caribbean Meats & Spice				-	3	5		-	8



No.	NAME OF ENTITY	2006	2007	2008	2009*	2010	2011	2012*	2013	TOTAL
114	Suzette Ramsahai						2		-	2
115	Diadec Ltd								2	2
116	D&C Trading Ltd								1	1
		412	779	193	-	1190	1819	-	314	4707

*No data was provided for 2009 and 2012

Based on the above table, the DI has observed that the entities, Spanish Grain Store, Transtrading Ltd, Master Mac Ltd., Triple M Ltd., Lillan Ltd, Chris Ryon and Bran Lue Import Ltd. imported approximately 46% of the total container loads of the referenced chicken products which were imported during the period under review.



CONCLUSIONS

Based upon the analysis of the statements, documents and responses to various OCG Requisitions, the DI has arrived at the following considered Conclusions:

1. Based on the absence of a transparent and coherent process at the MoAF, for the issuance of permits for the importation of chicken products, the DI is unable to conclusively determine the process which was utilised by the MoAF, for the importation of the referenced products.
2. Notwithstanding the requirements for applicants to be in possession of a valid TRN and cold storage facilities, there is no established criteria utilised by the MoAF to determine the suitability of applicants prior to the issuance of permits for the importation of the chicken products. Therefore, the absence of such a criterion affects the credibility of the award process and increases its vulnerability to inequity and mal-administration.
3. The DI considers the revelation made by the MoAF that there is no formal policy which guides/governs the operations of the MoAF in relation to the receipt of applications, processing and issuance of permits for the importation of certain chicken products, to be of concern. This issue was of particular concern, given the content of certain documents, which indicated that recipients of permits were importing other animal products, which were not duty free. The implications arising from this finding are far reaching, as only 5% of the containers are examined by the Jamaica Customs Agency (JCA).
4. The DI is of the view that the discretionary power accorded to the Minister to provide instructions for the issuance of import permits, in the absence of adequate checks and balances, is a mechanism which has the potential to facilitate corruption.
5. With regard to the Animal (Diseases and Importation) Act, the DI is of the considered opinion that the Animal (Diseases and Importation) Act, and particularly, Section 25 of



the Act does not sufficiently address the role(s)/functions of the Minister in relation to the issuance of permits for the importation of poultry products.

6. The DI has seen no evidence to suggest that the process utilised by the MoAF was fair, impartial, on merit or on the basis of a competitive process. In point of fact, the preferential treatment granted in the award of permits to applicants on the basis of prior importation history compromises the integrity of the award process and hinders competition.



RECOMMENDATIONS

1. The DI recommends that the MoAF discontinue with immediate effect the current discriminatory process utilised to issue permits to applicants on the basis of prior importation history.
2. The DI strongly recommends that the MoAF develop a formal policy that will ensure transparency and accountability in the receipt and processing of applications, as well as, merit and integrity in the issuance of permits/licences for the importation of all animal products.
3. The DI recommends that the MoAF, and by extension, the Government of Jamaica develop the necessary administrative structures that will facilitate an equitable process for all applicants who apply for permits for the importation of chicken products.
4. The DI strongly recommends that the Animal (Diseases and Importation) Act be amended, in order to adequately outline specific role(s)/function(s) of the Minister in relation to the issuance of permits for the importation of chicken products.
5. The DI recommends that the MoAF implements a robust verification mechanism that will adequately assess the veracity of the information contained in the applications for permits for the importation of chicken products.
6. Whereas the DI is cognizant of the impracticability of a 100% inspection of containers by the Jamaica Customs Agency (JCA), the current 5% inspection is woefully inadequate. The DI, therefore, recommends that consultations between the JCA and the relevant Ministries commence in earnest to determine a reasonable and adequate quota of containers for inspection.



7. The DI in no way questions the Ministerial discretion, which is afforded to Ministers of Government. However, out of an abundance of caution and to guard against the perception of bias, abuse and arbitrary decision making, it is being posited that recommendations for the issuance of permits for the importation of chicken products be made in accordance with an established, transparent and meritorious process.

Director of Investigation