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**Investigation Report into concerns that the Honourable Mrs. Marisa Dalrymple-Philibert, Member of Parliament and Speaker of the House of Representatives, made false statements in the Statutory Declarations filed by her for the years 2015 to 2021**

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**INTEGRITY COMMISSION  
JULY 2023**



Section 55 and 56 of the Integrity Commission Act states:

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

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

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

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

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

(a) other than a person to whom he is authorized under this Act to communicate it; or

(b) otherwise than for the purpose of this Act,

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

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## Chapter 1 – Summary of Investigation and Findings

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- 1.1 This report of investigation by the Director of Investigation (hereinafter the DI) relates to the concern that the **Honourable Mrs. Marisa Dalrymple-Philibert**, Member of Parliament and Speaker of the House of Representatives (hereinafter Mrs. Dalrymple-Philibert), may have made false statements in the Statutory Declarations she filed with the former and current Integrity Commissions (hereinafter the Commission), for the periods ending December 31, 2015, February 25, 2016, December 31, 2016, December 31, 2017, December 31, 2018, December 31, 2019, September 3, 2020, December 31, 2020 and December 31, 2021.
- 1.2 The investigation found that Mrs. Marisa Dalrymple-Philibert was required to file Statutory Declarations with the Commission at the material time, and having filed same, she failed to include in them, a certain asset she held. The foregoing omissions constitute offences under **Section 43(2)(a) of the Integrity Commission Act (hereinafter ICA) and Section 15(1)(b) of the Parliament (Integrity of Members) Act (hereinafter PIMA)**. Breaches of the Terms and Conditions of a 20% Duty Concession granted to her, and by extension the **Customs Act**, were also identified.



## Chapter 2 – Background

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### 2.1 Why was this investigation conducted?

- 2.1.0 This investigation was commenced based on a referral by the Director of Information and Complaints on behalf of the Commissioners, Integrity Commission. The referral raised concerns that Mrs. Dalrymple-Philibert may be in breach of the **ICA and the PIMA** by virtue of her having omitted to disclose in her Statutory Declarations filed with the Commission, a Mercedes Benz GLA250 motor vehicle of which she was the legal owner.
- 2.1.1 Having reviewed the matter, the DI expanded the scope of the investigation, to include the circumstances surrounding the use of a 20% Duty Concession granted to Mrs. Dalrymple-Philibert by the Ministry of Finance and the Public Service, to acquire the referenced vehicle; to be used by her in connection with her public duties.

### 2.2 Jurisdiction and decision to investigate

- 2.2.0 Section 33 of the ICA empowers the DI to investigate alleged non-compliance with the Act and acts of corruption by public officials. Consistent with the foregoing provision, and having regard to the circumstances of the instant case, the DI found that this investigation was warranted.



## 2.3 The Investigation

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

- a) obtained information and witness statements from the responsible officers at:
  - (i) Information and Complaints Division of the Integrity Commission;
  - (ii) Houses of Parliament;
  - (iii) Ministry of Finance;
  - (iv) Tax Administration Jamaica;
  - (v) **REDACTED**;
  - (vi) Jamaica Customs Agency; and
  - (vii) The Bank used in the transaction.
- b) reviewed the information and statements collected and prepared the case file and report.

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

2.4.0 The Honourable Mrs. Marisa Dalrymple-Philibert, Speaker of the House of Representatives and Member of Parliament for Trelawny Southern, is the concerned public official.



## Chapter 3 – Terms of Reference

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- 3.1 The DI sought to establish whether, for the period 2015 to 2021, Mrs. Dalrymple-Philibert:
- a) Had a legal obligation to file Statutory Declarations with the Commission and, if so, whether this obligation was discharged;
  - b) Made false statements in the Statutory Declarations she submitted to the Commission and, if so, whether offenses had been committed under the **ICA, PIMA** and/or any other legislation; and
  - c) Obtained a 20% Duty Concession from the Ministry of Finance and the Public Service and, if so, whether she utilised same in compliance with the Terms and Conditions of the grant thereof and by extension the Customs Act.
- 3.2 The DI also considered whether, in light of the foregoing, recommendations ought to be made.



## Chapter 4 – The Law, Evidence and Discussion of Findings

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### 4.1 Obligation to file Statutory Declarations

4.1.0 Under the **PIMA and the ICA**, the latter having come into effect in February 2018, parliamentarians are required to file Statutory Declarations with the Commission. Both pieces of legislation describe a parliamentarian as a member of the House of Representatives or the Senate. See **Sections 2 of the PIMA and the ICA** at Appendix 1.

4.1.1 The referenced obligation can be established by proving that Mrs. Dalrymple-Philibert was a parliamentarian at the material time.

4.1.2 A witness statement obtained from the duly authorized officer at the Houses of Parliament indicates that Mrs. Dalrymple-Philibert is, and was, a Member of Parliament at the material time, representing the constituency of Trelawny Southern.

### 4.2 Discharge of obligation

4.2.0 Having established Mrs. Dalrymple-Philibert's obligation to file Statutory Declarations with the Commission, it is further necessary to determine whether said obligation was discharged. The evidence provided by the Reporting and Compliance Officer at the Information and Complaints Division, Integrity Commission, disclosed that Mrs. Dalrymple-Philibert filed





the required Statutory Declarations with the Commission for the periods in question.

### **4.3 False Statements Statutory Declarations**

4.3.0 Under the **PIMA and ICA**, it is an offence to knowingly make a false statement in a Statutory Declaration. See **Section 15(1)(b) of the PIMA** and **Section 43(2)(a) of the ICA** at appendix 1.

4.3.1 It is a requirement under the **PIMA and ICA**, that declarants disclose to the Commission, particulars of all assets, liabilities, gifts and income in respect of themselves, their spouses and children. More particularly, declarants are required to disclose motor vehicles owned/acquired and divested over the reporting period in the terms set out above.

4.3.2 Mrs. Dalrymple-Philibert submitted her Statutory Declaration for the period ending December 31, 2020. The Director of Information and Complaints, by way of letter dated February 14, 2022, requested further particulars in respect of a Mercedes Benz GLA 250 motor vehicle that it appeared she owned. Of import is the following extract from this letter:

**"If you believe that you have omitted any other information with respect to your income, assets and/or liabilities whether they exist locally or abroad, kindly also provide full particulars of same. For the avoidance of doubt, for each asset indicated,**



**please state the source of funds including all supporting documents.**

**Please be advised that this request is being made in keeping with Sections 42(2) and 43 of the Integrity Commission Act.”**

4.3.3 The DI is in possession of a letter of response dated March 29, 2022, under the hand of Mrs. Dalrymple-Philibert. In the referenced letter, Mrs. Dalrymple-Philibert indicated to the Director of Information and Complaints, that she does not own a 2015 Mercedes Benz GLA 250. The relevant portion of the letters is as follows:

**Letter dated March 29, 2022**

**“8) Particulars of ownership motor vehicles are as follows: -**

**a. ...**

**b. 2015 Mercedes Benz LA250 – I do not own said motor vehicle and hereby request that the Commission corrects this error”**

4.3.4 The evidence obtained from Tax Administration Jamaica, Ministry of Finance, **[REDACTED]**, Jamaica Customs, Sagicor Jamaica Limited, **[REDACTED]** confirmed that the said motor vehicle was acquired and registered in Mrs. Marisa Dalrymple-Philibert's name from 2015 until its divestment in May 2022.



4.3.5 Having regard to the inconsistencies outlined above with respect to the ownership of the motor vehicle in issue, an interview pursuant to Judges' Rules 2 was conducted with Mrs. Dalrymple-Philibert on February 27, 2023. The DI highlights hereunder, the relevant questions asked and answers given by the DI and Mrs. Dalrymple-Philibert, respectively:

**Question 31: Does the information contained in the declaration provide an accurate and complete representation of the asset owned (inclusive of acquisitions and disposals), the liabilities held and income earned by you, your spouse and children at February 25, 2016?**

**Answer: You know I am going to look at a document here to verify. So, I am going to tell you now that I got a letter from the Integrity Commission about a vehicle which I owned a Benz. And always said I never drove a Benz and so I wondered what they were talking about. When I got the letter to come to the Integrity Commission I said I would go because I have nothing to hide. Last week when I sat in the Supreme Court, I remembered that I got a concession for a vehicle which my sister drove until she sold it. I never drove it and I never had possession. I also requested from parliament a list of my concessions for which they replied with a document showing that I received concessions for three vehicles. The documents detailed the Benz vehicle and so I must declare it.**



...

**Question 74: Mrs. Dalrymple-Philibert were you the owner of a Black 2015 Mercedes Benz GLA250 motor car with licence plate number 6449GZ?**

**Answer: I must admit now that I was the owner although I did not remember at the time.**

**Question 75: Mrs. Dalrymple-Philibert I now present you with a copy of the certificate of title in relation to the Black 2015 Mercedes Benz GLA250; A copy of invoice and receipt from [REDACTED] in relation to the Black 2015 Mercedes Benz GLA250 and a copy of the import entry C87, in relation to the Black 2015 Mercedes Benz GLA250. A signature appears under the section marker signature of registered owner. Is that ... your signature?**

**A: Yes.**

**Question 76: Can you recall signing this document?**

**Answer: Yes, I can.**

#### **4.4 Provisions governing the use of 20% Duty Concession**

4.4.0 The referenced inconsistencies outlined above and the DI's information that a 20% Duty Concession was accessed by Mrs. Dalrymple-Philibert towards the



purchase of the said motor vehicle necessitated further enquiries into the circumstances surrounding the grant and subsequent use of same. It is, however, first necessary to establish the relevant provisions governing the grant and use of the 20% Duty Concession.

4.4.1 The evidence provided by the duly authorised officer at the Ministry of Finance and the Public Service indicate the following:

- a) That a 20% Duty Concession is a benefit provided to parliamentarians, certain categories of government employees and/or public officials/servants; and
- b) To obtain a 20% Duty Concession an application must be made to the Ministry of Finance and the Public Service (MOFP). Applications are processed and approved by the Tax Relief Unit within the MOFP.

4.4.2 The use of this 20% Duty Concession is governed by Terms and Conditions attached. The following is an extract from these:

**“The breach of the following conditions shall constitute a breach of the special conditions attached to the grant of the relevant duty concessions and exemptions. The applicant will be required on such a breach, to pay full amount remitted and a further monetary penalty. The relevant motorcar will become liable to forfeiture under**



**section 32 of the Customs Act in the event of failure to pay the full duties.**

- 1) **“The car shall, within three (3) years of date of entry, be used primarily by the traveling officer to whom the concession and exemptions have been granted.**
- 2) **The vehicle shall not be let or hired or utilized for commercial use within the aforementioned three (3) year period.**
- 3) **The officer to whom the concession is granted shall exercise continuous control over the car for the aforementioned three (3) year period.**
- 4) **Control over the vehicle shall not, within the aforementioned three (3) year period, be vested in a person other than the travelling officer by a Power of Attorney or any other method.**
- 5) **Should the applicant be separated from the public service (whether voluntarily or involuntarily) within three (3) years of the date of importation/purchase of the vehicle in respect of which a concession was granted, the full duties remitted will become payable.**



- 6) **In cases where an officer is transferred to another Ministry/Department the matter should be referred to the Taxation Division of the Ministry of Finance for approval.**

4.4.3 Section 32(1) of the aforementioned Customs Act states as follows:

**“If any goods which are ordinarily liable to duty at a given rate are allowed by law to be, and are in fact, entered at a lower rate of duty, ... on any special conditions, or for use for some special purpose, or because they are the property of or intended for use by some particular person or functionary, and if such conditions are not observed, or the goods are at any time within three years of the date of importation thereof used for any other than the specified purpose, ... such goods, unless the full duties thereon shall have been paid, shall be forfeited, and the importer and any person who shall be knowingly concerned in the use of such goods contrary to such conditions, or for some purpose other than that specified, or in any way contrary to this section...”** See appendix 1 for the provisions outlined above.

#### **4.5 Grant of 20% Duty Concession**

4.5.0 The evidence obtained from the Houses of Parliament, the Ministry of Finance and Jamaica Customs, confirm that Mrs Dalrymple-Philibert,



applied for and obtained a 20% Duty Concession to acquire the 2015 Mercedes Benz GLA250 in issue in the year 2015. She was entitled to this by virtue of her role as a parliamentarian and this was granted on September 18, 2015.

4.5.1 Having regard to Mrs. Dalrymple-Philibert's response to the Director of Information and Complaints, that the vehicle in question was not owned by her, further questions were put to her in the Judges' Rules 2 interview of February 27, 2023. The relevant extract of this Interview is as follows:

**“Question 77: Mrs. Dalrymple-Philibert, I am going to show you a copy of 20% duty concession in relation to the acquisition of the Black 2015 Mercedes Benz GLA250. I bring your attention to the section that says applicants' signature. Is this a copy of your signature?”**

**Answer: Yes, it's my signature.**

**Question 78: Can you recall signing this document?**

**Answer: I know I signed it but I cannot recall when I did.**





## 4.6 Circumstances of vehicle acquisition

4.6.0 The DI will now outline the circumstances surrounding the acquisition of the motor vehicle in question. The following extract from the aforementioned February 27, 2023 interview focuses on this:

**“Question 79: Mrs. Dalrymple-Philibert, how was this vehicle purchased, the Black 2015 Mercedes Benz GLA250?”**

**Answer: Most things were done through my husband. There was a small loan for which my sister received assistance. All the vehicles I have can be traced back to funds in my husband’s accounts.**

**Question 80: Mrs. Dalrymple-Philibert did you hold or guarantee a motor vehicle loan with Sagicor Bank in relation to the Black 2015 Mercedes Benz GLA250 between December 2015 and December 2021?**

**Answer: No, not to the best of my knowledge. There was loan with Sagicor but I don’t quite remember what for.**

**Question 81: Mrs. Dalrymple-Philibert I now present you with a copy of a document from Sagicor dated December 4, 2015. Were you a guarantor on the loan from the 2015 Mercedes Benz?**



**Answer: What do you mean guarantor. I don't remember, the person who you see here on this document [Mr. Eatmon], is the father of my sister's only child which is also my only nephew. And I could just add that the name that appears on this document is a person, who I may have guaranteed for as I have had confidence in his integrity for 43 years.**

**[Commission's response]: Mrs. Dalrymple-Philibert I am going to present to you the loan application, in particular page, 5 which deals with guarantee.**

**Answer: It says I guaranteed it so it means I guaranteed it. But again, this is a person that I may have guaranteed for as I have absolute confidence in for 43 years.**

**Question 82: Mrs. Dalrymple-Philibert, how was the vehicle purchased, that's the Black 2015 Mercedes Benz GLA250?**

**Answer: Through the loan then from Sagicor.**

**Question 83: Was the purchase funded by you?**

**Answer: The loan was guaranteed by me and I am pretty sure that my husband would have made payments and Mr. Eatmon would have made payments. And now that you say it we**



**would have looked at Nova Scotia in Falmouth and at the time interest rates were very expensive.”**

- 4.6.1 The DI's enquiries reveal that the initial deposit of Two Hundred Thousand Dollars (\$200,000) was made by Mr. Lincoln Eatmon to **[REDACTED]** on June 30, 2015. Further, a bank loan of Five Million Eight Hundred Thousand Dollars (\$5,800,000) was obtained by the said Mr. Eatmon, the proceeds of which was paid over to **[REDACTED]** on February 1, 2016. Both payments were made towards the acquisition of the vehicle in question.
- 4.6.2 The DI's enquiries further revealed that full Duty list price for the referenced vehicle was \$ 8,100,000, the 20% Concession Duty list price was \$6,580,000 and the 20% Concession Duty special price was \$6,000,000. More particularly, the vehicle was acquired at a cost of \$6,000,000. Mrs. Dalrymple-Philibert would therefore have benefited from Duty exemption of at least \$ 1,520,000.
- 4.6.3 Note, the bank loan mentioned above, which was accessed by Mr. Lincoln Eatmon, was guaranteed by Mrs. Dalrymple-Philibert. A lien in favour of the financial institution which provided the loan of \$5,800,000 was registered against the Mercedes Benz GLA 250.



4.6.4 Mr. Lincoln Eatmon, by way of his witness statement dated March 13, 2023, outlined his role in the acquisition of the 2015 Mercedes Benz GLA250. The relevant portion of the referenced statement is as follows:

**“...I am a member of the Dalrymple family because of my relationship with her sister, Agneta Veira who is the mother of my son and Mrs. Dalrymple’s nephew. The vehicle was kept in Kingston and used by Mrs. Dalrymple and other family members. It was driven by Agneta and used by Mrs. Dalrymple whenever she was in Kingston. Other family members including myself and my son used it from time to time.**

**The 2015 Mercedes Benz was owned by Mrs. Dalrymple-Philibert and in late 2015, early 2016 I discussed the purchase and made arrangement with Sagicor for a loan of \$5 million plus for the purchase. I applied for the loan and it was guaranteed by Mrs. Dalrymple-Philibert and she put up the car as security. I got some money from Sherold Philibert and paid the deposit. I cannot recall how much was the deposit.**

**The loan was repaid by me and Mr. Sherold Philibert. It has now been paid in full.**

**I cannot remember who collected the vehicle whether I, my partner or who collected the vehicle.**



**I made arrangements to pay the insurance and Mrs. Dalrymple-Philibert help paid the insurance.**

**The vehicle was sold last year, I know it was sold to a guy in the west. Someone identified that he needed a car. I did not benefit from the proceeds.**

**I was aware that the vehicle was purchase with a duty concession.**

4.6.5 The DI is in possession of evidence which shows that Mrs. Dalrymple-Philibert initially applied for insurance coverage for the 2015 Mercedes Benz GLA 250 from **[REDACTED]** on December 10, 2015, which was later voided. She subsequently acquired coverage for the 2015 Mercedes Benz GLA250 from **[REDACTED]** as evidenced by her signature on the Individual Motor Vehicle Proposal Form dated April 14, 2016. The evidence further shows that Mrs. Dalrymple-Philibert completed and signed another Customer Information Form dated April 14, 2020. From the foregoing, it may reasonably be inferred, that throughout the period under consideration, Mrs. Dalrymple-Philibert was not only aware that she was the owner of 2015 Mercedes Benz GLA250 but played an active role in securing insurance cover for the said motor vehicle.



## Use of vehicle

4.6.6 Having regard to the foregoing, the DI finds it necessary to highlight here, the representations made by Mrs. Dalrymple-Philibert in relation to the following questions posed in the interview of February 27, 2023:

**“Question 31: Does the information contained in the declaration provide an accurate and complete representation of the asset owned (inclusive of acquisitions and disposals), the liabilities held and income earned by you, your spouse and children at February 25, 2016?”**

**Answer: ... I remembered that I got a concession for a vehicle which my sister drove until she sold it. I never drove it and I never had possession. I also requested from parliament a list of my concessions for which they replied with a document showing that I received concessions for three vehicles. The documents detailed the Benz vehicle and so I must declare it...”**

**Question 85: Do you acknowledge making [an application for] the motor vehicle concession for the Black 2015 Mercedes Benz GLA250?**

**Answer: Yes.**



**Question 86: Have you ever taken possession or driven this vehicle?**

**Answer: Yes, I have taken possession, I applied for it and I got.**

**Question 87: When you say possession what do you mean?**

**Answer: Up to recently when you wrote me, I vehemently took the position that I didn't have the Black 2015 Mercedes Benz. I really did not remember how long; if it was for a minute or a day or for two days or for two months because my sister had the vehicle for so long in Kingston. Also, it was not listed in my personal records and documents in the Discovery Bay office. It was genuinely not included because I was not driving it. It was not a deliberate attempt to knowingly not disclose any information or the vehicle. I have no reason not to declare anything.**

**Question 88: Did you receive any funds from the Black 2015 Mercedes Benz GLA250?**

**Answer: No, No, No, I received no funds from the sale of this vehicle."**



4.6.7 The DI notes the inconsistency between the answer given to question 31 and that given to question 87 by Mrs. Dalrymple-Philibert during the February 27, 2023 interview with her, in relation to whether she had possession of the motor vehicle.

4.6.8 Contrary to Mrs. Dalrymple-Philibert's account (by way of her answers given to questions 31 and 87 above), her sister, Agneta Veira indicated in her statement dated March 20, 2023, that the Benz motor vehicle in question was in the control and possession of her sister, Marisa Dalrymple-Philibert and that she (Agneta Veira) used it when she needed a motor vehicle or was doing business on behalf her sister and her husband's business, Mrs. Dalrymple-Philibert and Mr Sherold Philibert. The relevant portion of Ms. Veira's statement is as follows:

**[REDACTED]**





#### **4.7 Disposal of vehicle**

4.7.0 The DI is in possession of evidence which indicates that ownership of the vehicle in question was transferred to **[REDACTED]** on May 16, 2022, approximately two (2) months after Mrs. Dalrymple-Philibert told the Commission that she was not the owner of the said motor vehicle.

4.7.1 Further and as it relates to the foregoing, the DI is in possession of evidence which indicates that the Application for Transfer of the referenced 2015 Mercedes Benz motor vehicle was signed by Mrs. Dalrymple-Philibert on May 11, 2022. The investigation also revealed that the signed application was presented to the purchasers by Mrs. Dalrymple-Philibert's representative/secretary on May 16, 2022. The document was handed over at Mrs. Dalrymple-Philibert's office in Falmouth, Trelawny.

#### **4.8 Relevant provisions governing Motor Vehicle Travel Allowances and the payment of these**

4.8.0 It is also necessary to look at whether Motor Vehicle Travel Allowances were claimed for the impugned vehicle or any other by Mrs. Dalrymple-Philibert. This is because of the following Terms and Conditions attached to the 20% Duty concession:

**“7. It is a requirement that where a concession is utilized, claims for upkeep allowance and travelling can only be made in respect of the most recent concession vehicle; Claims for upkeep and travelling allowance in respect of any other vehicle will not be honoured.”**



4.8.1 Circular 13 of 2013: Revised Instructions - Motor Vehicle Travel Allowance (hereinafter Circular 13), highlights this condition and sets out the rules and procedure to be followed by Ministries, Departments and Agencies in the approval and payment of Motor Vehicle Upkeep and Travelling Allowances. The referenced Circular imposes a duty on the Human Resource Division (HRD) of Ministries, Departments and Agencies to ensure that the rules are followed. The DI highlights here, the relevant provisions of Circular 13:

**“(1.1) Travelling allowances shall not be paid unless the motor vehicle for which the allowance is being claimed is registered by the relevant Ministry/Department or Agency for payment of such an allowance. To register the vehicle travelling officers must submit to the Human Resources Division (HRD) of their Ministry/ Department or Agency (MDA) copy of the following valid documents: -**

- **Motor vehicle Registration Certificate;**
- **Motor Vehicle Insurance Certificate or proof of insurance;**
- **Motor Vehicle Certificate of Fitness;**
- **Travelling Officer's Driver's Licence or that of his/her designated chauffeur;**
- **Declaration for assignment of use of the motor vehicle as shown at Annexes A and B.**



**( 1.2) The HRD shall examine the documents at (1.1), and if they are valid, should advise the Finance and Accounts Division of the relevant travelling allowance to be paid to the officer.**

...

**(2.1) Where a travelling officer received duty concession and owns another motor vehicle, he/she must register and use the motor vehicle for which the duty concession was granted to perform his/her official duties.**

4.8.2 Evidence provided by the Director of Human Resource and Administration at the Houses of Parliament indicates that from 2016, to the time of Mrs. Dalrymple-Philibert appointment as Speaker of the House of Representatives in 2020, motor vehicle allowances were paid to her. However, the referenced allowances were not paid in accordance with relevant law/guidance and/or procedures.

4.8.3 Further, the duly authorised officer at the Houses of Parliament provided evidence to the DI, which, *inter alia*, indicate the following:

- a) *“Upon her election to the post of Speaker of the House of Representatives in September 2020, Hon. Dalrymple-Philibert would be eligible to be assigned a fully maintained government-owned motor vehicle*
- b) *Our records revealed that at the genesis of the Hon. Dalrymple-Philibert's appointment to her post as Speaker, for a two-month period, September 2020- October 2020, she was not assigned a vehicle. During the period she used a personal vehicle to execute*



her duties. This vehicle was owned by Agneta Cecile Veira and was a 2004 Toyota Rav4, registration number...

- c) Our records reveal that due to her use of a personal vehicle in the execution of her duties, she became eligible for and received a Motor Vehicle (Fixed) Allowance at the rate of \$1,697,148.00 per annum.
- d) Our records revealed that in November 2020 the Hon. Dalrymple-Philibert was assigned a 2014 Mitsubishi Pajero, registered to the Houses of Parliament...
- e) On November 3, 2020 Mrs. Dalrymple-Philibert "wrote to the then Clerk to the Houses, indicating that she was applying for a 20% Duty Concession on a 2021 Toyota Hilux from Toyota Jamaica Limited".

#### **4.9 Discussion of Findings**

4.9.0 During the course of the investigation into the referral germane to Mrs. Dalrymple-Philibert's Statutory Declarations, the DI followed all reasonable lines of enquiry, gathered evidential material and collected/recorded the statements of witnesses deemed necessary.

4.9.1 The following facts have been established and are therefore not in issue:

- a) That Mrs. Dalrymple-Philibert was required to file Statutory Declarations with the Commission for the period identified. It is also not being contested that the requisite Statutory Declarations were



filed by Mrs. Dalrymple-Philibert;

- b) That Mrs. Dalrymple-Philibert obtained a 20% Duty Concession in her capacity of Member of Parliament for the purpose of purchasing a motor vehicle to be used in connection with her public duties, consistent with the Terms and Conditions of the grant;
- c) That the benefit, that is, the 20% Duty Concession only accrued to Mrs. Dalrymple-Philibert in her capacity of Member of Parliament and no one else;
- d) That Motor Vehicle Allowances could only have been properly claimed in respect of, and paid on, the vehicle acquired with the most recently obtained Duty Concession, that is, the Mercedes Benz GLA250 in question;
- e) That the grantee, Mrs. Dalrymple-Philibert, of the 20% Duty Concession is required, under the Customs Act, to retain ownership and possession of the vehicle acquired therewith for at least three years from the date of the grant; and
- f) That the motor vehicle acquired by Mrs. Dalrymple-Philibert formed part of her assets and should have been disclosed in her Statutory Declarations submitted to the Commission for the period in question.

4.9.2 That aside, the issues which now detain the DI may be articulated as follows:

- a) Whether the omission of the motor vehicle in question, from the



Statutory Declarations submitted to the Commission by Mrs. Dalrymple-Philibert for the period 2015-2021, amounts to her knowingly making a false statement in the referenced Statutory Declarations (Issue 1); and

- b) Whether the use of the 20% Duty Concession granted to Mrs. Dalrymple-Philibert was consistent with the Terms and Conditions attached thereto and in any event, whether the Customs Act or any other provision of law was breached (Issue 2).

#### 4.9.3 In resolving Issue 1, the DI considered:

- a) The proximity of the acquisition of the impugned motor vehicle to the close of the filing period ending December 31, 2015. The date on the certificate of title for the referenced vehicle is October 29, 2015, it therefore stands to reason that this information would have been fresh in the mind of Mrs. Dalrymple-Philibert, at least in early 2016, when the Statutory Declaration for 2015, became due. The fact of the vehicle being in Mrs. Dalrymple's sole name would also require her to be directly involved in the process of insuring the vehicle annually;
- b) Mrs. Dalrymple-Philibert featured prominently in the process of obtaining the Duty Concession, as well as, obtaining financing through the Bank in respect of the motor vehicle;
- c) The Terms and Conditions associated with the Duty Concession are clear and were provided to Mrs. Dalrymple-Philibert on at least three



occasions, that is, when she made the application for the Concession, when she received the Concession and at the point when she signed the Jamaica Customs' Declaration Form;

- d) The funds to acquire the vehicle were provided by Mr. Lincoln Eatmon by way of loan and cash deposit; and
- e) Mrs. Dalrymple-Philibert's representations that the vehicle was neither owned nor operated by her, albeit having been acquired in her name and with the aid of a 20% Duty Concession obtained by her.

4.9.4 Notwithstanding the representations at paragraph 4.9.3 (e), Mrs. Dalrymple-Philibert being the legal owner of the motor vehicle in question, she is obliged to disclose same in her Statutory Declarations for the relevant period. Section 6 of the Third Schedule, The Integrity Commission Act requires that declarants state the following with respect to motor vehicles in their Statutory Declarations:

**“ Particulars of motor vehicles owned by, or on hire for any period to, or on loan for a period in excess of two months to the declarant, spouse or children ”**

4.9.5 As it relates to whether the omission amounts to the making of a false statement in the Statutory Declarations submitted to the Commission, the



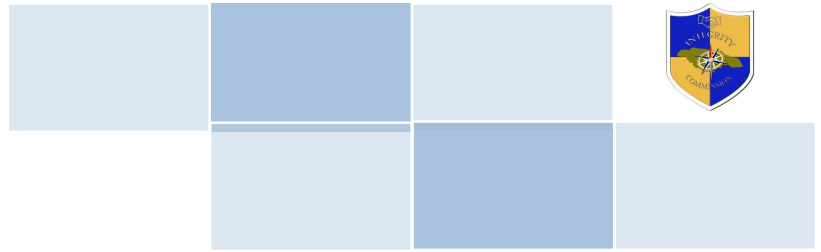
DI finds that it could reasonably be inferred that a false statement was made in this regard, particularly for the 2015, filing period, when the fact of the purchase would have been fresh in the mind of Mrs. Dalrymple-Philibert.

4.9.6 In determining issue 2, the DI considered the following:

- a) The Terms and Conditions attached to the grant of a 20% Duty Concession and Section 36 of the Customs Act;
- b) The representations made by Mrs. Dalrymple-Philibert in respect of who had custody and control of the vehicle, that is, the vehicle was driven exclusively or almost exclusively by another person;
- c) The vehicle was not used in connection with her duties as Member of Parliament;
- d) Motor vehicle allowances were not claimed on the vehicle in question; and
- e) The representations which were made by Mrs. Dalrymple-Philibert, through the Clerk to Houses of Parliament, to the Ministry of Finance, for a 20% Duty Concession to be granted.

4.9.7 In all of the foregoing circumstances, the DI finds sufficient basis to infer that Section 36 of the Customs Act, together with the other Terms and





Conditions of the Duty Concession granted to Mrs. Dalrymple-Philibert were breached.

4.9.8 Notwithstanding the foregoing, it is curious that the Accounting and/or Accountable Officers at the Houses of Parliament did not discover that claims for Motor Vehicle Allowances by Mrs. Dalrymple-Philibert were being made in breach of the relevant legislation and Circular. Note, the application for 20% Duty Concession by Mrs. Dalrymple-Philibert was made through the Houses of Parliament. They therefore had actual or constructive knowledge of same, as well as, the Terms and Conditions attached thereto.



## Chapter 5 – Conclusion and Recommendations

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

### 5.2 **Conclusion**

5.2.0 The DI concludes that Mrs. Marisa Dalrymple-Philibert was, by virtue of being a Member of Parliament, legally obligated to file Statutory Declarations with the Commission for the period 2015 - 2021.

The DI further concludes that save for the omission identified herein, Mrs. Dalrymple-Philibert discharged her obligation under the law to file Statutory Declarations for the period 2015-2021.

5.2.1 In relation to Mrs. Dalrymple-Philibert's omission in respect of the referenced Mercedes Benz motor vehicle from her 2015-2021, the DI concludes that Mrs. Dalrymple-Philibert was the legal owner thereof and having omitted to include same in her Statutory Declarations, her Declarations were inaccurate and incomplete. The DI further concludes that there is sufficient basis to infer that the omission amounts to the offense of knowingly making a false statement to the Commission.

5.2.2 Having regard to the circumstances surrounding the application for and subsequent receipt and use of the 20% Duty Concession by Mrs. Dalrymple-



Philibert, the DI concludes that both the Terms and Conditions to include Section 36 of the Customs Act were breached. Further, the DI finds that **[REDACTED]** and any other person who assisted Mrs. Dalrymple-Philibert in the foregoing are equally liable.

Based on the foregoing, the DI further concludes that consideration should be given as to whether the referenced Concession was fraudulently obtained.

5.2.3 The DI concludes that Motor Vehicle Allowances paid in spite of the breaches identified herein were irregular.

5.2.4 The DI concludes that in failing to identify the clear breaches identified above, the Accountable Officer and/or Accounting Officer at the Houses of Parliament were negligent in their processing of the payments made to Mrs. Dalrymple-Philibert. The DI further concludes that the failure on the part the Accountable Officer in the foregoing regard constitutes a breach of Circular 13 and their duty under the Financial Audit and Administration Act.

### 5.3 **Recommendations**

#### **The Director of Corruption Prosecution**

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



### **The Commissioner of Customs**

5.3.2 The DI recommends that this report be referred to the Commissioner of Customs to recover the duties and to apply such penalties as the Commissioner may deem to be appropriate in the circumstances. The DI's recommendation is premised on the finding that the vehicle acquired by Mrs. Dalrymple-Philibert was used contrary to section 32(1) of the Customs Act.

### **The Clerk to the Houses of Parliament**

5.3.3 The DI recommends that the Clerk to the Houses of Parliament undertakes a review of the approval process for the payment of Motor Vehicle Allowances at the Houses of Parliament with a view to ensuring that it is both fit for purpose and fraud proof. The DI's recommendation is premised on the payments made to Mrs. Dalrymple-Philibert up to 2020, in breach of the Motor Vehicle Policy, the Terms and Conditions of the 20% Concession granted to her and by extension the Customs Act.

### **Financial Secretary**

5.3.4 The DI recommends that this report be referred to the Financial Secretary to take such action as may be necessary to recover the Allowances paid in breach of Circular 13 and the Terms and Conditions of the 20% Duty Concession in question.



### **The Most Honourable Prime Minister**

5.3.5 The DI recommends that this report be referred to the Prime Minister for him to take such disciplinary and/or administrative actions which both recognizes the seriousness of Mrs. Dalrymple-Philibert's conduct and to deter reoccurrence. The DI further recommends that a national training program be developed for Members of Parliament in the area of ethics and the applicable government policies, regulations and legislation.

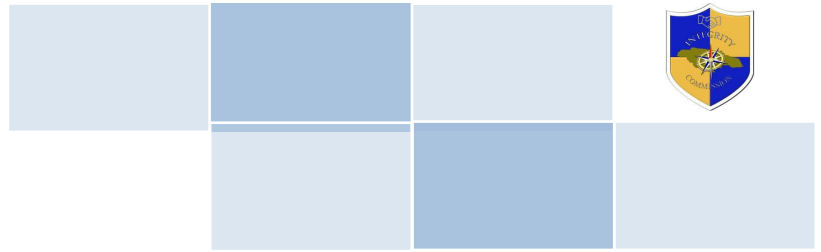
### **The Director of Information and Complaints**

5.3.6 The DI recommends that the Director of Information and Complaints requests that Mrs. Dalrymple-Philibert resubmit a complete and accurate Statutory Declaration as required by the ICA.

The DI's recommendation is premised on the omission observed with respect to Mrs. Dalrymple-Philibert's Statutory Declarations and the impact this has on the Commission's ability to conduct a thorough analysis with a view to certifying same as complete.

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

July 28, 2023  
Date



# APPENDICES



## Appendix 1: Sections 2 & 15(1)(b) of the Parliament (Integrity of Member) Act, Sections 2 & 43(2) of the Integrity Commission Act and Section 32(1) of the Customs Act

### **Section 2 of the PIMA:**

*"parliamentarian" means Members of the House of Representatives and Senators-*

### **Section 15(1) of the PIMA:**

*(1) Any person who-*

- (a) fails, without reasonable cause, to furnish to the Commission a statutory declaration which he is required to furnish in accordance with the provisions of this Act;*
- (b) knowingly makes any false statement in any such statutory declaration;*
- (c) fails, without reasonable cause, to give such information as the Commission may require under section 7;*
- (d) fails, without reasonable cause, to attend an enquiry being conducted by the Commission under section 7 or knowingly gives false information at such enquiry,*

*shall be guilty of an offence, and shall, on summary conviction thereof in a Resident Magistrate's Court, be liable to a fine not exceeding two hundred thousand dollars, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.*



## **Section 2 of the ICA :**

*““public official” means-*

- (a) any person holding an executive, an administrative or a judicial office, or a parliamentarian, whether appointed or elected, whether permanent or temporary, or whether paid or unpaid;*
- (b) any other person who is employed to a public body; and*
- (c) any member of the Security Forces;”*

## **Section 43(2) of the ICA :**

*“43-(2) A person who-*

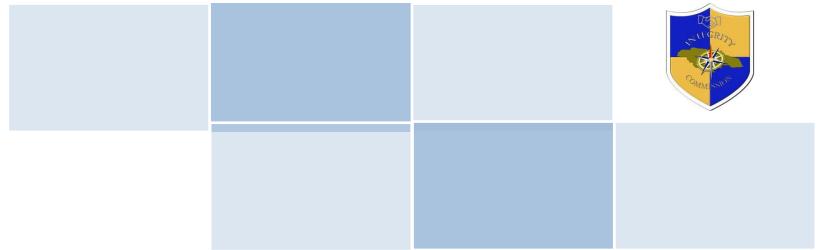
- (a) knowingly makes a false statement in a statutory declaration;*
- (b) knowingly gives false information at an inquiry being conducted by the Director of investigation in accordance with the provisions of this Part,*

*commits an offence, and is liable on summary conviction in a Parish Court to a fine not exceeding two million dollars, or to a term of imprisonment not exceeding two years and the Court may make such order as it thinks fit.”*

## **Section 32 (1) of the Customs Act**

*“If any goods which are ordinarily liable to duty at a given rate are allowed by law to be, and are in fact, entered at a lower rate of duty, or free of duty, on any special conditions, or for use for some special purpose, or because they are the property of or intended for use by some particular*





*person or functionary, and if such conditions are not observed, or the goods are at any time within three years of the date of importation thereof used for any other than the specified purpose, or, being goods entered as aforesaid because they are the property of or intended for use by some particular person or functionary, are sold or transferred to any other person, such goods, unless the full duties thereon shall have been paid, shall be forfeited, and the importer and any person who shall be knowingly concerned in the use of such goods contrary to such conditions, or for some purpose other than that specified, or in any way contrary to this section shall each incur a penalty of not less than treble the import duties payable on the goods nor more than treble the value of the goods.”*