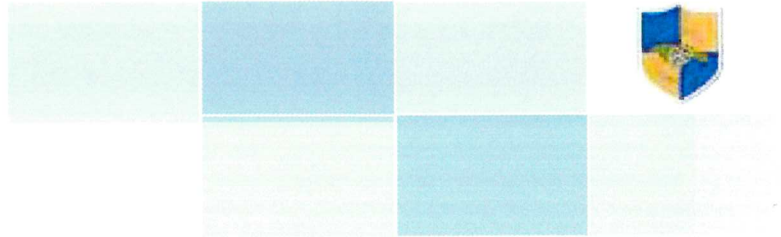




Investigation Report into concerns that, Mr. Sydney Rose, a Councilor employed to the St. Catherine Municipal Corporation, failed to file his Statutory Declarations with the Commission for the years 2019, 2020, 2021 and 2022, contrary to law.

INTEGRITY COMMISSION
July 2025



This Publication until tabled in Parliament shall be confidential.

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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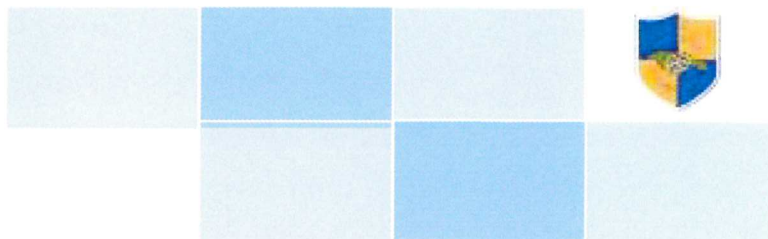
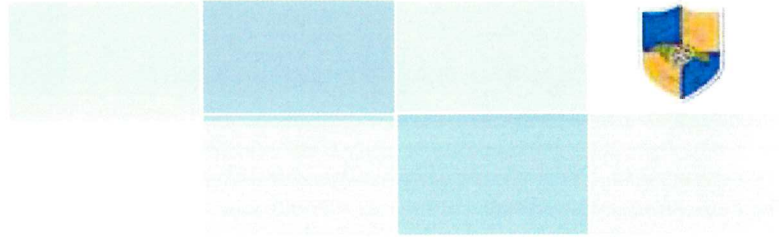


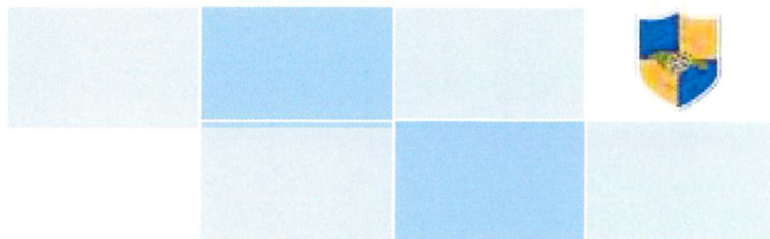
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Chapter 1 – Summary of Investigation and Findings

- 1.1 This investigation report by the Director of Investigation (DI) relates to concerns that Mr. Sydney Rose, Councillor employed to the St. Catherine Municipal Corporation, failed without reasonable cause, to file statutory declarations with the Integrity Commission (hereinafter the Commission), for the years 2019, 2020, 2021 and 2022.
- 1.2 It was found that Mr. Rose, was required to file the referenced statutory declarations with the Commission at the material time, and having failed to do so, committed an offence under **section 43(1)(a)** of the ***Integrity Commission Act*** (hereinafter ***ICA***).



Chapter 2 – Background

2.1 Why was this investigation conducted?

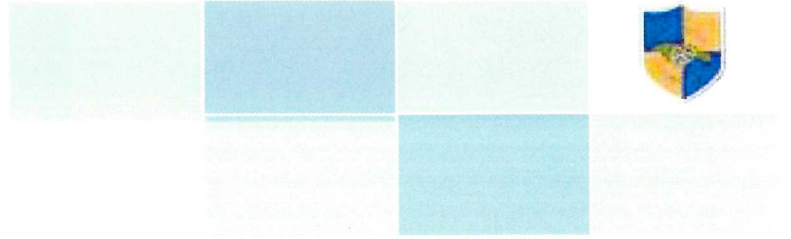
- 2.1.1 This investigation was commenced based on a referral by the Director of Information and Complaints of the Integrity Commission. The referral raised concerns that Mr. Rose, may be in breach of the **ICA** by virtue of his failure to file his statutory declarations with the Commission for the years 2019, 2020, 2021 and 2022.

2.2 Jurisdiction and decision to investigate

- 2.2.1 Section 33 of the Integrity Commission Act empowers the DI to investigate non-compliance with the Act by public officials. Consistent with the foregoing provision, the DI determined that an investigation was warranted, based on the nature of the alleged conduct.

2.3 The Investigation

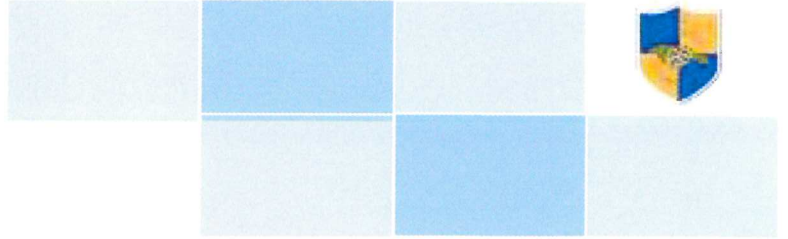
- 2.3.1 During the investigation, officers of the Investigation Division pursued the following lines of enquiry/actions:
- a) obtained information and witness statements from the responsible officers at:
 - (i) St. Catherine Municipal Corporation;
 - (ii) Tax Administration Jamaica; and
 - (iii) Information and Complaints Division of the Integrity Commission.



b) reviewed the information and statements collected and prepared the case file and report.

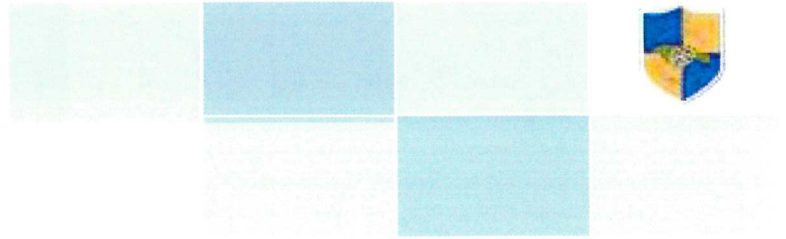
2.4 Who is the concerned public official pertinent to this Investigation?

2.4.1 Mr. Sydney Rose, employed to the St. Catherine Municipal Corporation and Councillor for the Treadways Division within the constituency of St. Catherine North West, is the concerned public official.



Chapter 3 – Terms of Reference

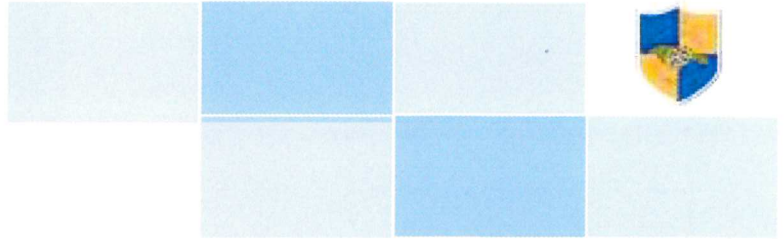
- 3.1 The DI sought to establish the following in respect of the declarant, whether:
- (a) he had a legal obligation to file statutory declarations with the Commission for the years 2019, 2020, 2021 and 2022 and, if so, whether that obligation was discharged;
 - (b) his non-compliance constitutes an offence under the **ICA**; and
 - (c) recommendations ought to be made to the Director of Corruption Prosecution.



Chapter 4 – The Law, Evidence and Discussion of Findings

4.1 The Obligation to File

- 4.1.1 **Section 2** of the *ICA* defines a public official, as, inter alia, a person employed to a Public body. A Public body, amongst other things, refers to a Municipality or Municipal Corporation. The St. Catherine Municipal Corporation is therefore, a public body.
- 4.1.2 Under **section 39** of the *ICA*, a public official has a legal obligation to file a statutory declaration.
- 4.1.3 The referenced obligation can be established by proving that, at the material time, Mr. Rose: (1) was a public official; and (2) was in receipt of the qualifying emoluments or occupied a post published in the Gazette by the Commission requiring the occupant(s) thereof to file statutory declarations.
- 4.1.4 A witness statement obtained from the duly authorized officer at the St. Catherine Municipal Corporation indicates that, at the material time, Mr. Rose was the Councillor of the Treadways Division in the constituency of St. Catherine Eastern, and employed to the St. Catherine Municipal Corporation.



4.1.5 A Municipal Corporation is a public body under the ICA. The germane Gazettes published by the Commission requires Local Government Councillors to file statutory declarations with the Commission.

4.2 Discharge of obligation

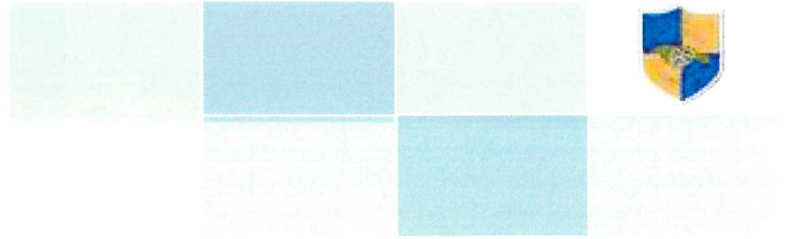
4.2.1 Having established Mr. Rose's obligation to file statutory declarations with the Commission, it is necessary further to determine whether said obligation was discharged.

4.2.2 The evidence provided by Declarations Manager, at the Information and Complaints Division of the Integrity Commission revealed that Mr. Rose failed to file the required statutory declarations with the Commission for the years in question.

4.3 Discharge of Liability

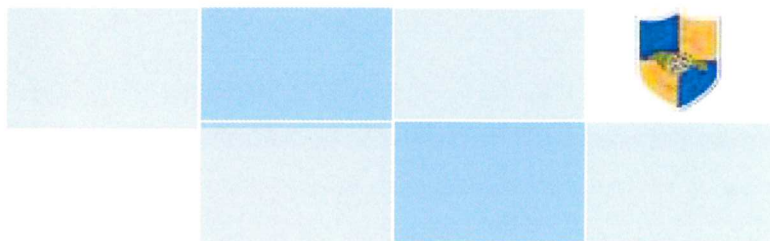
4.3.1 **Section 43(3)** of the *ICA* provides as follows:

“(3) The Director of Information and Complaints may, with the approval of the Director of Corruption Prosecution, serve upon to a person referred to in subsection (1)(a) (failure without reasonable cause to submit a statutory declaration) or subsection (1) (b), (failure without reasonable cause to provide information) who appears to the Director of Corruption Prosecution to have committed an offence under that subsection, a notice in writing in the prescribed form offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty in the amount of two hundred and fifty thousand dollars and by submitting



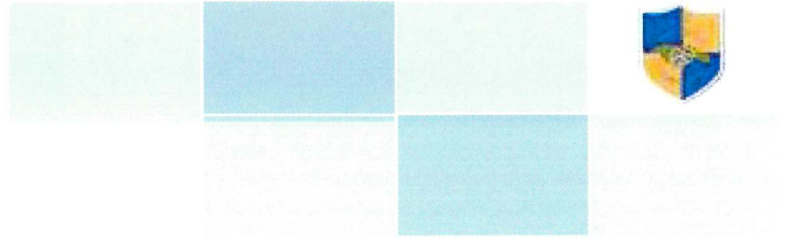
the statutory declaration or required information to the Director of Information and Complaints.”

- 4.3.1 Consistent with the foregoing provision, the Director of Information and Complaints sought the approval of the Director of Corruption Prosecution for Mr. Rose to be given the opportunity to discharge his liability pursuant to **Section 43(3)** of the **ICA**. Approval was granted by the Director of Corruption Prosecution on July 26, 2023.
- 4.3.2 A Notice to discharge liability was served on Mr. Rose on September 14, 2023, wherein he was given twenty-one (21) days to pay the fixed penalty of two hundred and fifty thousand dollars (\$250,000), to the Tax Administration of Jamaica and submit the outstanding statutory declarations to the Commission.
- 4.3.3 Checks made with the information and Complaints Division revealed that on April 30, 2024, after the expiration of the Notice to Discharge Liability, Mr. Rose provided the outstanding declarations.
- 4.3.4 Notwithstanding the above, upon the expiration of the Notice to Discharge Liability period, Mr. Rose did not pay the fixed penalty. This was confirmed by a Certificate of Non-Payment of Fixed Penalty, received from Tax Administration Jamaica, which was submitted to the Commission on November 30, 2023.



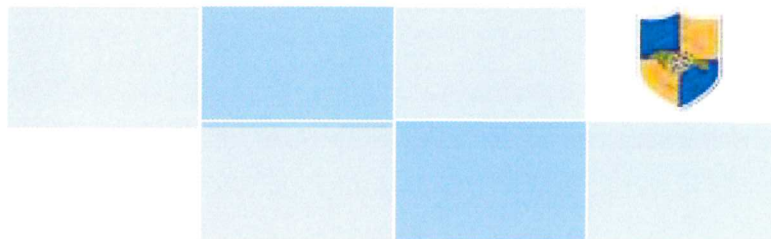
4.4 Discussion of Findings

- 4.4.1 During the course of the investigation into the allegations against Mr. Rose, all reasonable lines of enquiry were explored, evidential material was gathered and the statements of witnesses deemed necessary were collected/recorded.
- 4.4.2 The overarching objective of the Commission's investigation was to determine whether there is merit in the allegation that Mr. Rose failed to file the referenced statutory declarations as required under the **ICA**.
- 4.4.3 For an offence to be committed under section **43(1)(a) ICA**, it must be proved that: (1) the officer concerned is required to file a statutory declaration under the **ICA**; (2) the obligation to file was not discharged; and (3) no reasonable cause was advanced, justifying the concerned officer's failure to comply with the requirement to file.
- 4.4.4 In arriving at a position in the instant matter, the DI directed his mind to the following findings of fact:
- (a) Mr. Rose by virtue of being a public official, was required, at the material time, to file statutory declarations with the Commission, which he failed to do;
 - (b) having failed to file the statutory declarations with the Commission for the years 2019, 2020, 2021 and 2022, Mr. Rose was given an



opportunity to discharge his liability by paying a fixed penalty and submit the required statutory declarations to the Commission. Notwithstanding, Mr. Rose's compliance was partial, particularly, he submitted the required statutory declarations after the due date given, but failed to pay the fixed penalty. Liability cannot therefore, on this basis, be said to have been discharged.

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



Chapter 5 – Conclusions and Recommendations

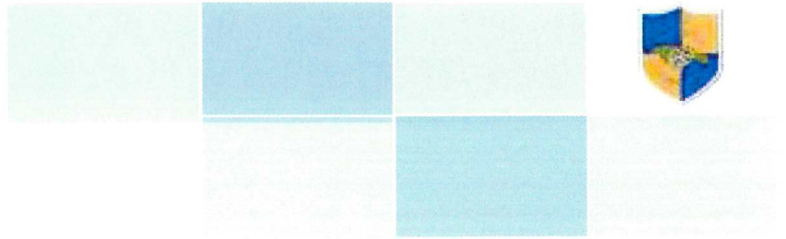
5.1 This chapter sets out the conclusions and the recommendations of the DI.

5.2 Conclusions

5.2.1 The DI concludes that Mr. Rose, was by virtue of being a public official, legally obligated to file statutory declarations with the Commission for the years 2019, 2020, 2021 and 2022.

5.2.2 The DI concludes that Mr. Rose failed to submit the requisite statutory declarations to the Commission, by the due date, and that he provided no reasonable cause for his failure to do so.

5.2.2 The DI concludes that Mr. Rose was given an opportunity to discharge liability by paying the fixed penalty and submit the required statutory declarations. The DI further concludes that Mr. Rose only complied with the latter, therefore, he failed to discharge his liability consistent with **Section 43(3)** of the *ICA*.



5.3 Recommendations

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

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

July 9, 2025
Date