



Any reply or subsequent reference to this communication should be addressed to the **Contractor-General** and the following reference quoted:-

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February 16, 2009

Mr. Garfield Grandison
Editor-in-Chief
The Gleaner Company Limited
7 North Street
Kingston

Dear Mr. Grandison:

Re: Gleaner Column – ‘Horse Sense - *Much ado about Nothing*’ – Published Friday, February 13, 2009

If it was intended to be a grand exhibition of a privileged writer’s intellectual dishonesty towards the People and Taxpayers of Jamaica, then Mr. Howard Hamilton’s most recent column, entitled ‘Horse Sense - *Much ado about Nothing*’, was a rare success.

In his column, he begins his circuitous route around the facts by first lamenting that he has just returned from an apparent junket, “*travelling along the coast of Chile and around Cape Horn up to Uruguay and Argentina*”, only to discover that, while he was away, the Office of the Contractor General (OCG) had disturbed the peace of his supposed fiefdom and, as a result, “*the pleasure of those last three weeks has been dampened*”.

According to Mr. Hamilton, the source of his disquiet was the recent issuance of the OCG’s *Special Report of Investigation Conducted into the Allegations of Irregularity Surrounding an Alleged Proposal by SportsMax Limited to Supply Satellite Services for Simulcast Racing from South Africa and the United Kingdom to Caymanas Track Limited (CTL)*, a Public Body.

The OCG’s Special Report of Investigation has revealed, among other things, evidence that the public’s money was to be spent to finance a Government contract that was inuring to the benefit of a private company, International Media Content Limited (IMC), without the relevant and lawfully required disclosures being made by its Chairman, the Hon. Patrick Rousseau who was, at one and the same time, the sitting Chairman of all three entities, CTL, IMC and SportsMax.

While it may have been lost on Mr. Hamilton that the OCG is not the least concerned as to whether or not the pleasure of his sojourn may have been dampened by its Special Report, we would, however, venture to assume that, at least, he still possesses a measure of self-awareness to recognize that Public Bodies, such as CTL, and matters having to do with the Taxpayers’ money, are the *fiefdoms* of the People of Jamaica and not that of his or anyone else’s private domain.



Indeed, it is precisely because these are serious matters which involve Taxpayers' money and the Laws of Jamaica, that all Jamaicans and, in particular, the readers of Mr. Hamilton's column, deserve an intellectually honest discourse about the OCG's CTL Special Report of Investigation and not the lame concoction of obfuscatory representations and unsubstantiated imputations that Mr. Hamilton has served up in his vacuous and inane '*Horse Sense*' article.

Sadly, Mr. Hamilton's column, which begins with the title '*Much ado about Nothing*', appears to betray a fundamental attitude which has become so pervasive in Jamaica today and which would seem to suggest that there are certain laws that are applicable to some but not to others.

The OCG, Mr. Hamilton should be reminded, is merely dispassionately discharging its lawful obligations pursuant to a Statutory Law which it did not write. If this, in Mr. Hamilton's apparent horse-blinkered view, causes "*mischief*" when certain persons are implicated or are referred for prosecution, then so be it.

It is against the backdrop of this debilitating cultural attitude that Mr. Hamilton's fundamental misrepresentations are thrown into sharp relief. For example, he seems to have taken offence at what he has termed the OCG's "*questioning the honesty and integrity of the (CTL) board of directors and management*". He was also quick to infer frivolous or unwarranted action on the part of the OCG when he stated that "*as is his custom, the contractor general has sent copies of his report to the DPP*". Mr. Hamilton has also accused the OCG of having "*a basic misunderstanding*" of the various CTL "*rights*" which were the subject of its Investigation.

However, for reasons that are best known to Mr. Hamilton, he has not only disingenuously avoided the substance and central issues of the referenced OCG Special Report of Investigation, but he has failed to credibly articulate and substantiate his imputations and charges.

First, nowhere in his column has Mr. Hamilton examined or challenged the credibility of the reasons why the OCG's referrals to the Attorney General and the Auditor General were made in respect of the CTL Board of Directors and its Accounting and/or Accountable Officers.

Second, and even more conspicuous, is the fact that nowhere in his article, in any manner, shape or form, has Mr. Hamilton referenced, or even attempted to challenge, the sworn evidence upon which the Hon. Patrick Rousseau, the Chairman of CTL, SportsMax and IMC, was referred by the OCG to the Director of Public Prosecutions (DPP). Indeed, he has skillfully avoided even naming Mr. Rousseau, SportsMax or IMC in his column.

Third, although Mr. Hamilton is well aware that the issue of a *conflict of interest* is what stands at the core of the Findings, Referrals and Recommendations that are outlined in the OCG's Report, he has curiously stayed away, altogether, from making any reference whatsoever to it in his article.

Fourth, and as if the foregoing was not enough, Mr. Hamilton has revealed his apparent skills in the art of mischief-making and grand obfuscation by foisting the truly indecorous and reckless accusation that he is "*satisfied, after reading the (OCG's) report, that the behaviour of the OCG could have been a major contributor*" to the death of his friend, Mr. Donald Tankoy, a former CTL executive. He then proceeds to use this highly emotive charge as a '*red herring*' to disguise what appears to be his unwillingness or inability to intelligently, fairly and honestly address the real substance of the OC-G's central Findings and Referrals.



Finally, Mr. Hamilton accomplishes the very torturous task of ascribing “*ignorance*” and “*arrogance*” to the actions of the OCG – the very same qualities which he so eloquently evinces in his column.

The OCG readily acknowledges the right of Mr. Hamilton and anyone else to publicly express their constructive views or criticisms of the OCG. What we would outrightly reject, however, is Mr. Hamilton’s distortion of the facts as the basis for an unsubstantiated and, therefore, suspicious attack upon the OCG and its Special Report of Investigation into the procurement practices of CTL.

If, therefore, he is so minded, we would welcome Mr. Hamilton’s credible challenge and rebuttal of the Findings and Referrals that are contained in the OCG’s Report of Investigation, as well as the sworn evidence upon which they are based. If he is unable to do so, then he should fully disclose what his true interests and positions are. He should also rationally explain the underlying theme of his article – ‘*Much ado about Nothing*’.

If he is saying that he disagrees with the Government’s Procurement Procedures or any of the five (5) Statutes, viz. the Contractor General Act, the Public Bodies Management and Accountability Act, the Financial Administration Act, the Companies Act and the Corruption Prevention Act – which the evidence that the OCG’s Investigation has unearthed suggests have been breached at CTL – he must, with respect, take his complaint and grouse not to the OCG but to another place.

If, on the other hand, he is saying that these are all Laws and Rules which should apply to some Jamaicans but not to others, or that the Rule of Law should give way whenever it collides with certain practices which *he* regards to be *de minimis* or ‘*Nothing*’, then he must be courageous enough and forthrightly say so.

In the interim and beyond, as Contractor General, I wish to publicly state that, despite the attacks on my Office and the veiled threats to my person that are seemingly becoming more relentless in their frequency and heightened in their tenor, neither my Officers nor I will be intimidated or moved.

Indeed, columns such as Mr. Hamilton’s will serve only to strengthen the resolve of the OCG to fairly, but fearlessly and forthrightly, discharge, within the bounds of the law, the solemn oath that its staff and I have taken to serve only the interest of the People of Jamaica and none other.

Respectfully,

Greg Christie (Signed)

Greg Christie
Contractor General