

# E. Robelto Hector

Parliamentary Representative  
St. Paul's Nevis -1

June 07, 2017

Hon. Vance Amory  
Premier of Nevis  
Nevis Island Administration  
Charlestown  
Nevis

Dear Mr. Amory,

**Re: Claim No. NEVHCV/2016/0014 -Ann Hendricks Bass – Applicant and (1) Director of Physical Planning (2) Development Advisory Committee – Respondents and Caribbean Development Consultants Ltd. – Intervening Party**

I write to bring to your attention the recent ruling in the matter at caption that was delivered on May 15<sup>th</sup> 2017 by Justice Ramdhani.

It is obvious from the evidence adduced in this case that Minister Mark Brantley has compromised his position as a public official when he failed to separate his duties as a Minister from his own private interest.

Justice Ramdhani's ruling is punctuated with several actions of Minister Brantley that constitute clear conflicts between his public life, his private business interests and his fiduciary duty owed to the Nevisian Public as a member of the Nevis Island Assembly and the Nevis Island Administration (NIA) and who receives a salary from the treasury of Nevis.

In Paragraph one hundred and eleven (111) of the judgment, the learned Judge observes that the Applicant presents cogent and uncontroverted evidence that she took a deliberate decision to stay the court proceedings and engage the developers **through the agency of the Deputy Premier and his wife, the real estate broker**. This is instructive. Truth is grounded in facts.

In delivering judgment, Justice Ramdhani wrote at Paragraph one hundred and fifteen (115): **“There is evidence that the unusual happened. The Deputy Premier and his wife began to speak for the developers who had submitted an application for planning permission. Here there is evidence that when a complaint was made to the government about a flawed development, the official’s response was to inform the complainant that the developers were considering selling the property.”**

Mr. Premier, it is pellucid from the facts as contained in the affidavit of Anne Bass the **Prudent Person Standard of Care** was not observed by the Deputy Premier of Nevis. This standard required Mr. Brantley to act firstly and foremostly in the interest of the people of Nevis. It is my considered opinion that Mr. Brantley can be prosecuted for the common law offences of **Malfeasance in Public Office, Abuse of his Ministerial Power and Abuse of the Public’s Trust** in that he willfully misconducted himself by participating in the negotiation of a private real estate transaction for profit, in flagrant breach of his Oath of Office and a breach of the public’s Trust.

In abusing his Ministerial powers, the evidence is clear as outlined in the judgment, that in order to benefit from the private transaction, Minister Brantley willfully and recklessly used a government issued email address together with publicly issued stationary in the form of email correspondence upon which his portfolios both as a Nevis Island Administration Minister and a Federal Government Minister prominently appears.

The evidence as outlined by the High Court Judge, Justice Ramdhani, concludes that the delay caused in the Applicant, Ann Bass’ filing of her case

was as a result of Minister Brantley's intervention, while attempting to broker the sale of the Candy Resort lands to Mrs. Ann Bass, thereby causing the Respondent, Nevis Island Administration's Physical Planning Department to be unsuccessful in court on the issue of delay. Mr. Brantley has thereby caused undue loss to all of the taxpayers of the island of Nevis including my constituents.

Further and based on the evidence, I conclude that Mr. Brantley failed to exercise the duty of care, the duty to act in good faith and the duty to serve the Nevisian public without ill will or favour.

To be clear, Mr. Brantley grossly abused his authority and influence as a Minister when according to the evidence he contracted to sell private lands to a citizen of the Federation of St. Kitts and Nevis and a resident of the Island of Nevis for private gain. The evidence is overwhelmingly clear that Mr. Brantley caused his wife, a realtor, to facilitate the transaction and his legal firm, Daniel Brantley, to execute the necessary documents.

The public expects a Minister of Government to demonstrate the highest level of integrity in the exercise of his duties. It is clear that Mr. Brantley's actions are a departure from the proper standards expected of a Public Official and as such an affront to the public.

**In as much as the evidence against Mr. Brantley is overwhelming it is my humble recommendation that he should be immediately dismissed from his public office for bringing the Nevis Island Administration into disrepute.**

Mr. Brantley's actions find him in breach of Section 12 of the **Integrity in Public Life Act of 2013** which posits that a conflict of interest arises from a situation in which a public official has a private interest which is such as to influence or appear to influence the impartial and objective performance of his duties. It is pellucid that this was not an arm's length transaction.

In addressing the issue of conduct, the **Integrity in Public Life Act 2013** states in Section 7 that a public official shall not allow his private interest to conflict with his public position. It shall be the responsibility of the public official to avoid such conflicts of interest. It continues to assert in Section 8 that a public official shall not take advantage of his position for his private gain- It is clear, that this is in fact the case with Mr. Brantley.

Further, in Section 28 of the **Integrity in Public Life Act** provides: A public official who misconducts himself or neglects to perform his duties to such a degree as to amount to an abuse of public trust in the office holder, commits an offence and shall be liable on conviction to a fine not exceeding \$20,000.00 or to imprisonment for a term not exceeding two years.

I am aware that the **Integrity in Public Life Act** is still not activated by the Federal Government of which both you and Mr. Brantley hold the balance of power nor is the **Integrity in Public Life Ordinance** activated by your own controlled Nevis Island Administration.

However, the dictates of the common law make it clear that justice can be served and Mr. Brantley's conduct is inescapable from punishment. Indeed, a common law conviction of **Malfeasance in Public Office** carries a maximum sentence of life imprisonment. Let us spare Nevis and Nevisians the public specter of a civil-criminal trial of Minister Brantley.

Moreover, failure to relieve Mr. Brantley of his Ministerial duties forthwith will further lower public confidence in elected officials. It will continue to feed and drive an incorrect belief that Ministers of Government are above the law. Your dismissal of Minister Brantley must be done to send a message that your government does not condone wrongdoing.

**In the premises therefore, I am demanding that:**

- i) Minister Brantley be dismissed with immediate effect from his Ministerial duties within the Nevis Island Administration.

- ii) Within fourteen (14) days an independent commission be empaneled to launch an investigation into all of the actions of Minister Brantley in relation to this matter.
- iii) Within fourteen (14) days that the Nevis Island Assembly be convened to enact the **Integrity in Public Life Ordinance**.

Failure to accede to these demands within the fourteen (14) day time period will leave me with no alternative but to pursue other recourses to have these issues resolved.

Yours sincerely,

A handwritten signature in black ink, appearing to read "E. Robelto Hector", is written over a light grey grid background.

**E. Robelto Hector**  
**Parliamentary Representative**  
**St. Pauls- Nevis1**