

MINUTES
4th MEETING OF 2023
ANTI-CORRUPTION COMMISSION
19 MAY 2023
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Romeo Frederick	Member
Kendra Foster	Member
Laurence Aiolfi	Member

APOLOGIES:

Charles Jennings	Member
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SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Richard Oliver	Senior Investigator (“SIO”)
Sheila Watler (for part)	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 10:00am.

2. Conflicts of Interest

It was noted that there were no conflicts of interest to date (save as previously disclosed) and Members were reminded of their obligation to disclose and recuse themselves should any conflict of interest arise in relation to any new matters arising during the course of the meeting.

3. Confirmation of Minutes

The draft minutes of the meeting of 27 March 2023 were previously approved and posted on the ACC website.

4. Matters Arising from Previous Minutes

a. Policies and Procedures Update

The Chairman advised that numerous pages on the ACC website and related documents had been amended by him to update them and ensure they were mutually consistent, but without materially changing their content. The Chairman further advised that he had prepared an outline draft of a broad Policies and Procedures Manual. Member Charles Jennings would be working on this document and a draft would be presented to the Members for their review in due course. This document would go beyond the policies and procedures already established for reporting corruption and would additionally address internal facing issues such as HR matters.

Members were further informed that work was at an advanced stage on a form of letter agreement between the ACC and telecommunications service providers in light of the introduction of Section 25A of the Anti-Corruption Act. The proposed form of agreement had been reviewed by the office of the AG and the office of the DPP (“ODPP”) and would be finalised by the SIO.

Additionally, the obtaining of legal advice had been procured, as agreed at the last meeting, concerning policy issues raised by correspondence with the Governor. However, the advice had not yet been received.

b. Secretariat HR Update

Members were informed that the Chairman met with the newly appointed Governor, Her Excellency Mrs. Jane Owen, on 2 May 2023.

It was noted that the Portfolio of the Civil Service has now given permission to advertise for the positions of Public Relations & Education Coordinator and Deputy Manager. The Members agreed with the Manager that a meeting of the Chairpersons of all the Commissions supported by the Secretariat would be beneficial and the Manager would seek to arrange this.

From 17-21 April 2023, the SIO attended the conference of the International Anti-Corruption Coordination Centre (IACCC) in Miami and the Manager attended the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB) conference virtually.

c. Secure Data/Information Transfer Update

The Manager provided an update on the proposed ACC iPads and proposed email addresses which are currently being tested by the Computer Services Department (CSD). The Manager will continue to follow-up with CSD on this matter which the Members agreed had been unresolved for an unacceptable length of time.

5. New Business

a. Succession

The Chairman advised that his term as a Member and as Chairman is due to expire in August 2023 and that the term of Member Simon Whicker would expire at the same time. A discussion ensued about succession options and it was agreed that the Chairman would follow up with absent Member Charles Jennings to obtain his input before any decisions could be made.

6. C-FATF Related Updates

a. Members were advised that the Chairman continues to attend meetings of the Anti-Money Laundering Steering Group and members of the investigative team continue to participate in various C-FATF related meetings. In May 2023, the Investigator I attended the Financial Action Task Force (FATF) Joint Group Conference in Mexico and was praised by the DPP for his contribution. The Manager noted the SIO's and ACC Investigator Team's recent success with an investigation which was finalised via court sentencing and which positively impacted Cayman's standing in relation to the FATF.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2020/08

The SIO confirmed that there was no update yet on this matter and therefore a decision on this matter was deferred and it remains pending.

ii. ACC/COMP/2021/02

Member Aiolfi recused himself prior to discussion of this matter which was conducted in his absence. Members discussed this matter in light of the legal advice received from the ODPP. It was agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed. It was agreed that a closure letter will be sent to the complainant.

iii. ACC/COMP/2023/01

Members were updated that the ACC is currently awaiting preliminary legal advice from the ODPP and therefore a decision on this matter was deferred and it remains pending.

iv. ACC/COMP/2023/02

Members were updated that the ACC is currently awaiting preliminary legal advice from the ODPP and therefore a decision on this matter was deferred and it remains pending.

v. ACC/COMP/2023/03

Members were updated by the SIO that preliminary enquiries continue and therefore a decision on this matter was deferred and it remains pending.

b. New Corruption Reports/Complaints

Members were advised that no new reports or complaints have been received since the date of the last meeting.

c. SIO Report

The SIO provided an update on the ongoing investigations.

d. Existing Corruption Reports/Complaints Statistics

The ACC was informed that since inception (1st Jan. 2010) there have been 158 investigations registered by the ACC, of which:

- i. 3 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- ii. 135 have been concluded;
- iii. 10 have been transferred to other investigative units for action; and
- iv. 11 are now under current active investigation.

The internal spreadsheet which provides details of the investigations will continue to be updated on a monthly basis.

The Chairman made reference to s.4 2(f) of the Anti-Corruption Act which specifies that the ACC "*shall collect, compile and annually publish, in such manner as it shall determine, statistical information relating to —*

(i) disclosures made to it concerning proceeds or suspected proceeds of corruption offences;

(ii) any onward disclosures of such financial information by it".

It was noted that this differed from statistics related simply to the number of complaints/investigations. It was agreed that the Annual Report should ensure it records, to the extent it has not previously, the required statistics (if any).

8. Any Other Business

a. MOU with RCIPS

The SIO advised that the ACC's Memorandum of Understanding (MOU) with the RCIPS (Royal Cayman Islands Police Service), concerning the RCIPS's database, required renewal. The Chairman signed the renewed MOU and requested the Research Analyst to update the ACC MOU spreadsheet accordingly.

b. Letter from the CSPL

Members noted the CSPL's acknowledgement letter of 1 May 2023, to the ACC's letter of 2 February 2023 in relation to Operation San Juan, and noted that a more detailed response may be forthcoming.

9. Action Items

- a. Prepare draft Policies and Procedures Manual for review (Member Charles Jennings and Chairman) as detailed in item 4.a. above;
- b. Arrange a meeting of Chairpersons as detailed in item 4.b. above (Manager);
- c. Continue to follow-up with CSD for an update/response as detailed in item 4.c. above (Manager);
- d. Resolve succession issues as detailed in item 5.a. above (Chairman);
- e. Prepare and issue a closure letter in relation to ACC/COMP/2021/02 as detailed in item 7.a.ii. above (Chairman & Administrator/Analyst); and
- f. Update the ACC MOU spreadsheet as detailed in 8.a. above (Research Analyst).

10. Items to be Discussed at the Next Meeting

- a. Secure Data/Information Transfer Update
- b. ACC/COMP/2020/08
- c. ACC/COMP/2023/01
- d. ACC/COMP/2023/02
- e. ACC/COMP/2023/03

11. Date of the Next Meeting

Owing to the limited availability of the Commissions Secretariat to support a meeting of the ACC during June and July the date of the next in person meeting was agreed for Wednesday, 9th August, 2023 at 10:00am. However, the Chairman requested that the SIO

upload his usual status report and any other updates by 23rd June 2023, for Members' review. In the event a meeting is necessary to discuss any matters raised by those materials, Members agreed to hold an extraordinary meeting via Zoom on 27th June 2023 to discuss the same.

12. Adjournment

The meeting was adjourned at 1:05pm.

A handwritten signature in blue ink, appearing to read 'Adrian Pope', with a horizontal line underneath.

Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION