



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

No. :

TELEPHONE No. : 876-929-8560/6466

FAX No. : 876-929-7335

E-mail:

OFFICE OF THE CONTRACTOR-GENERAL
17 KNUTSFORD BOULEVARD
P.O. Box 540
KINGSTON 5
JAMAICA, W.I.

February 25, 2008

The Hon. Delroy Chuck, MP
Speaker of the House of Representatives
Houses of Parliament
81 Duke Street
Kingston

Dear Mr. Speaker:

Re: Investigations Conducted by the Office of the Speaker of the House and by the Office of the Contractor General (OCG) into an Allegation which was made by the Former Speaker of the House, the Hon. Michael Peart - OCG's 4M Energy Saving and Light Bulb Distribution Report of Investigation

I have the good honour and privilege to write to you in the captioned regard and with reference to the Investigations which have so far been conducted by the Office of the Speaker of the House, and by the Office of the Contractor General (OCG), into the allegation which was made by the former Speaker of the House of Representatives, Mr. Michael Peart, MP, on the floor of the House on February 12, 2008.

Mr. Peart was quoted then as saying that "... based upon my investigations, it (the OCG's Report of Investigation into the 4M Energy Saving and Light Bulb Distribution Project) was emailed from the Contractor General's Office".

The Office of the Speaker of the House and the OCG have exchanged several communications on the matter. We have also convened a meeting to afford each other with the opportunity to view the physical evidence which each party has in its possession. In this regard, I would like to refer to the OCG's Official Statement in the matter, which is dated February 13, 2008, your letter of February 13, 2008 to me, my letter in response thereto of February 15, 2008, my email to you of February 21, 2008, my meeting with you at the Office of the Prime Minister on February 22, 2008, and my email to you of the same date in confirmation of the substance of the said meeting.

The following will summarize the OCG's understanding of its own findings and/or determinations in this matter, as well as those of the Office of the Speaker, as at even date:

1. The allegation which was made by Mr. Peart has not in any way been substantiated.
2. Mr. Peart has adduced no evidence to you, the Honorable Speaker of the House, to credibly substantiate his allegation.



(2)

3. The OCG has been shown no evidence nor has it uncovered any evidence during the conduct of its own internal investigations which would cause it to believe that the allegations of the former Speaker are either factual or truthful.
4. Mr. Peart has produced to you, the Honourable Speaker, an email which was sent to him at "mpeartmp@yahoo.com" from "kimberlymichelle@gmail.com". The email was entitled "contract general's report - 4.2.28". The email was time-stamped at "Tue, 5 Feb 2008 07:23:30". Attached to the email, was a *PDF* replica of the *hard copy version* of the OCG's 4M Investigation Report. The PDF file was 7.9 MB in size and 236 pages in length. The email was signed: "Kimberly Blair, Producer, TODAY with Beverly Anderson Manley, HOT 102 FM, CVM Communications Group, 69 Constant Spring Road, Kingston 10, 1.876.313.1821., 1.876-356-8937".
5. Contrary to what Mr. Peart has inferred in his allegation of February 12, 2008, the referenced email is expressed to have originated from HOT 102 FM and not from the OCG.
6. I have produced to you an internal OCG electronic communication which was sent to the members of the OCG's 4M Light Bulb Project Investigation Team by me on the afternoon of Monday, February 4, 2008. The email, which was time-stamped 1.44PM on February 4, 2008 and which was entitled: "4M Light Bulb Investigation - Copies of Final Documents", was written and sent after I had despatched 11 hard copies of the OCG's 4M Report of Investigation to certain specified State Authorities, in keeping with the obligations which are imposed upon me by Sections 20 (1), 21 and 28 (2) of the Contractor General Act. The email was also written after I had issued a formal OCG Media Release, in which the local Media was advised of the submission of the Report and the names of the State Authorities to whom a hard copy of the Report had been delivered.
7. The 11 copies of the OCG Report were formally submitted by me to the Speaker of the House, the President of the Senate, the Clerk of the Houses of Parliament, the Minister of Energy, the Permanent Secretary in the Ministry of Energy, the Group Managing Director of the Petroleum Corporation of Jamaica, the Commissioner of Police, the Director of Public Prosecutions, the Commission for the Prevention of Corruption, the Auditor General and the Attorney General.
8. Attached to the referenced OCG email, were the electronic copies of the Microsoft Word letters, under cover of which the 11 hard copies of the Report were submitted to the said State Authorities. Of greater significance, however, is that attached to the OCG email was a document which is entitled "00-CG-LightBulbFinal.doc (551KB)". The document is the official, formal and final electronic copy of the OCG's Report of Investigation into the 4M Light Bulb Project. At our meeting at the OPM on February 22, 2008, we have demonstrated to you that the document is a *Microsoft Word document*, that it is password protected and that it is *551KB* in size. We have also unequivocally demonstrated to you that the referenced OCG electronic document in no way bears any resemblance whatsoever to the document which was emailed to Mr. Peart, whether in size, content or media format.



(3)

9. What this obviously means is that the OCG's hard copy Report of Investigation, which is 124 pages in length, *plus* the hard copy of the appendix to the document which is 111 pages in length and which is comprised of several hard copies of signed letters of Requisitions, *plus* the cover page, were scanned by someone, outside of the OCG, into a single PDF electronic file and circulated on the internet. This is the PDF document which was emailed to Mr. Peart by HOT 102 FM.
10. The 236 page, 7.9 MB, PDF document, which Mr. Peart has adduced to you, the Honourable Speaker of the House, was not, *repeat not*, made or produced at the OCG. The OCG does not own an operational Scanner. In point of fact, the OCG, on January 16, 2008, invited tenders from 5 suppliers for a Flat-bed Scanner. The contract to supply the Scanner was awarded to Fujitsu Transactions Solutions Ja. Ltd., in the amount of JA\$103,536. As at the date of this letter, the OCG has not received delivery of the subject Scanner.
11. The 236 page, 7.9 MB, PDF document which Mr. Peart has in his possession did not exist at the OCG on February 4, 2008 nor has it ever existed at the OCG. If it did, then the document which I had entered, on February 4, 2008, upon the OCG's formal electronic records as the OCG's "*Final*" electronic Report in the matter, would be a document which is an exact replica of Mr. Peart's document. It would not have been a document which is a Microsoft Word Document. And it would not have been a document which is only 124 pages in length and only 551 KB in size.
12. The OCG and the Office of the Speaker have concluded that one or more of the 11 hard copies of its Report, which was sent to the specified State Authorities, was initially distributed to the Media on the afternoon of February 4, 2008, by one or more of the referenced State Authorities. The Report was either distributed in hard copy format and/or in a scanned and electronic PDF format, comprising all 236 pages of the *hard copy* version of OCG's Report.
13. The OCG is otherwise fortified in its view that the so called "leak" of its Report of Investigation did not occur or emanate from the OCG or from someone who is associated with the OCG. In this regard, it is important that the following facts are placed upon the record:
 - (a) The OCG would have no motive in prematurely "leaking" its own Report to the Media. It is the OCG, and the OCG alone, which determines when its Investigations are completed and, consequently, when its Reports of Investigation are submitted to the required State Authorities. Immediately upon its completion of an Investigation, the relevant Report is submitted to the required State Authorities.
 - (b) In the weeks which led to up to the completion and formal submission of the 4M Project Investigation Report, sight of the electronic drafts of the Report was restricted to no more than seven members of the OCG's 45 person staff complement. All Microsoft Word electronic copies of the final drafts of the Report, and the Report itself, have been password protected and, to date, can only be assessed by only seven members of the staff of the OCG.



(4)

- (c) During the days which preceded the submission of its Report, several physical security measures were implemented at the OCG to secure the protection, integrity and confidentiality of the Report, as well as the safety of the members of staff of the OCG.
- (d) The preparation, copying, collating, packaging and dispatch of the 11 hard copies of the OCG's Report were personally supervised by me.
- (e) The hard copies of the Report were hand-delivered to the specified State Authorities in sealed envelopes which were stapled and copiously stamped "URGENT" and "CONFIDENTIAL". The Reports were hand-delivered to the 11 State Authorities under armed Police escort.
- (f) In the OCG's Official Statement on the matter, which was issued to the Media on February 13, 2008, and copied to a number of State Authorities, inclusive of yourself, a formal appeal was made to all members of the local Media fraternity, or to any other person or entity who may have received a copy of the OCG's Report of Investigation, from the OCG or from a member of its staff, to come forward and to publicly state what it, she or he knows. To date, to the best of the OCG's knowledge, no one has come forward to make any claim which even remotely corroborates the allegation which was made by Mr. Peart.
- (g) Nation Wide News Network (NNN), which first broke the story of its possession of a "confidential and exclusive copy" of the OCG's Report on its 5:00 PM radio newscast on February 4, 2008, has, on February 13, 2008, publicly confirmed that the Report was not "leaked" or sent to it by the OCG.
- (h) Mr. Edmund Campbell and Mr. Tyrone Reid, the reporters who wrote the Gleaner's front page story on the matter in the Gleaner's February 5, 2008 edition, have confirmed directly with me that they did not receive their copy of the Report from the OCG.
- (i) Ms. Alicia Dunkley of the Observer Newspaper, which also carried a front page story on the matter in its February 5, 2008 edition, has also confirmed with me, on February 5, 2008, that she was assured that the Observer did not receive its copy of the Report from the OCG.

In the circumstances, it is now clear, if it was not clear before, that the former Speaker, Mr. Peart, has made a very serious and damaging allegation which he has not only failed to substantiate but which is incapable of any credible substantiation.

Indeed, the fact of the matter is that Mr. Peart, by implication, has accused a member or members of the staff of the OCG of conduct which amounts to the commission of a criminal offence under Sections 24 and 29 of the Contractor General Act. This is a very grave matter which will no doubt raise certain legal questions.

With respect, I must therefore prevail upon you, Honorable Speaker, and the Honourable House, to formally call upon Mr. Peart to retract his statement and to issue an unconditional public apology for the irresponsible, reckless and defamatory allegation which he has made within and without the Honourable House. Mr. Peart has recklessly compounded his irresponsible actions by repeating his allegation over public radio, even after he was cautioned that the veracity of his assertions was suspect.



(5)

Mr. Peart's allegation has cast a dark blot on the good name, integrity and character of an Independent Commission of Parliament and its staff. It is therefore my fervent hope that he will, in the interest of justice and fair play, forthwith make the requisite amends for his unfortunate and ill-considered actions.

I avail myself of this opportunity to renew to you the assurance of my highest considerations.

Very respectfully yours,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: The Hon. Derrick Smith, M.P., Leader of Government Business in the House of Representatives
Dr. Peter Phillips, M.P., Leader of Opposition Business in the House of Representatives
Mrs. Heather E. Cooke, Clerk to the Houses of Parliament