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Parliament of the Cayman Islands

11th February 2021

Mrs. Rosie Myles-Whittaker
Chairperson
Standards in Public Life Commission
and

Mrs. Sophia Harris
Chairperson
Anti-Corruption Commission
C/O Commissions Secretariat
2nd Floor Artemis House,
67 Fort Street, George Town
Cayman Islands

Dear Mesdames,

Mr. Timothy Adam, Chief Executive Officer,
Cayman Turtle Conservation and Education Centre (CTCEC)

The Standing Public Accounts Committee (PAC) held witness sessions on the Cayman Turtle Conservation & Education Centre's (CTCEC) 2016-17, 2018 and 2019 annual reports and financial statements on 18th and 19th November and 1st December 2020.

As a consequence of evidence received from those hearings, I write on behalf of the Committee to refer for your consideration the actions of the CEO, Mr. Tim Adam, for you to consider whether any additional action is necessary by your offices. Were it not for the dissolution of Parliament, the PAC would be recommending that the CTCEC board consider disciplinary action against Mr. Adam.

Mr. Adam personally benefitted from two pay changes that were not approved in accordance with legal requirements.

Firstly, 24 CTCEC employees including Mr. Adam were erroneously paid incremental pay increases. While this was brought to the Board's attention by Mr. Adam, it was he who devised the four options for dealing with the overpayments and advised the Board on those without recusing himself from the Board consideration as required by the Public Authorities Act and the Public Servants Code of Conduct (g). The option recommended by Mr. Adam and accepted by the Board was the one that was most generous to employees whereby they continued receiving the erroneous higher level of pay despite not being entitled to it.

The second pay issue relates to the changing of the existing CTCEC incentive pay scheme whereby a change to the scheme was made by Mr. Adam for just the senior executive team and where their ability to earn bonus pay increased from a maximum of 15% to a maximum of 17%. All other staff remained on the "old" scheme with a maximum payment of 15% possible. The Public Authorities Law requires this to be agreed by the Board and it is legally arguably that s48(4) of that Law requires Cabinet approval too.

I refer this matter to both your agencies as I believe is required and in the hope that you may be able to take action. The most relevant sections of your laws appear to be:

The Standards in Public Life Law 2014 as amended states:

S29 (3) Where conflict of interest arises in a matter where the person in public life has power to take a decision on his own, he shall recuse himself at the earliest opportunity and shall not express any opinion on the matter.

The Anti-Corruption Law (2018 revision) states:

S19 (3) A public officer or member of the Legislative Assembly who fails to disclose an interest in accordance with subsection (1) or (2) and who votes or otherwise takes part in proceedings or decisions of the government entity relating to such interest commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

The PAC is fully prepared to offer any assistance you deem necessary to facilitate your investigation including providing copies of the verbatim transcripts of the public hearings.

Yours faithfully,

Mr. D. Ezzard Miller
Chairman, Public Accounts Committee

CC: Mrs. Deborah Bodden, Commissions Secretariat
Deborah.bodden@gov.ky