

**THE TWENTY-FIRST
REPORT OF THE
COMMISSION FOR
STANDARDS IN PUBLIC
LIFE**



FOR THE PERIOD OF

1 FEBRUARY 2021 - 31 JULY 2021

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Section One

INTRODUCTION

1. The Commission for Standards in Public Life (the “Commission”) was established as an institution supporting democracy under the Cayman Islands Constitution Order 2009 (the “Constitution”). Its introduction reinforced the need to have regard to ethics and transparency as important elements of a democratic society and the necessary protection of the rights and freedoms of the people in the Cayman Islands.
 2. With its mandate as set out in section 117(9) Cayman Islands Constitution Order 2009, the first Commission was appointed in January 2010. The first Commission was very ably chaired by Mrs. Karin Thompson, MBE, whose accomplishments, among other things, included the introduction of The Standards in Public Life Act, 2014 (the “SPL Act”).
 3. The first Commission’s 4-year term ended in January 2014. The outgoing Commission, however, kindly agreed to remain in the post until February 2014.
 4. The Commission is mandated under section 117(9)(g) of the Constitution to report to Parliament at regular intervals and at least every six months.
 5. The Reports of the first Commission, i.e. report numbers 1 through 8, detail the various tasks undertaken by the first Commission and its accomplishments in each respect. The Reports are available on the Commission’s website.
 6. Previous Chairman Rosie Whittaker-Myles and Former Member Sheenah Hislop were appointed to the Commission on 1 February 2015 for a period of four years. At the request of His Excellency the Governor both agreed repeatedly to extend their tenures until 28 February 2021. Member Isatou Smith was appointed, following the resignation of Pastor Shian O’Connor (to pursue educational advancements) on 1 November 2018 for a period of four years.
 7. On 1 May 2021, four new Commission Members were appointed to join previously appointed Member Isatou Smith. The new appointees were Chairman Dr. Sonia Bush and Members J.Rosalie Twohey, Richard Addlestone and Keith Blake.
 8. The Reports of the Commission headed by the previous Chairman, i.e. report numbers 9 through 20, detail the various tasks undertaken by this Commission and its accomplishments in each respect. These Reports are also available on the Commission's website.
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9. In this Report, the Commission will outline the progress made and the key issues arising from the work completed by the Commission over the period 1 February 2021 - 31 July 2021.

10. During the current reporting period the Members have:

- a. finalised the Commission's Twentieth Report which is now available on the Commission's website;
- b. assisted with the development of the SPL (Amendment) Bill and Regulations;
- c. spent time considering and handling matters related to the submissions of declarations by persons in public life;
- d. created public notices to candidates in the 2021 General Election to advise them of their requirement to submit declarations before submitting their nomination papers;
- e. assisted with the development of the new online portal to submit declarations;
- f. assisted with the drafting of Declaration Forms Guidance notes;
- g. spent time considering the Domestic Observers' Report based on the Cayman Islands General Election 2021;
- h. presented on various matters to Caucus;
- i. discussed comments on the latest draft of the Ministerial Code of Conduct;
- j. responded to several queries from members of the media.

Section Two

MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION

11. The reporting period for this Report commenced on 1 February 2021. During this period, the Commission held general meetings on 16 February 2021, 17 June 2021, 1 July 2021, 15 July 2021, and 23 July 2021.

12. The Minutes of the Meetings of the Commission reflect the matters discussed and undertaken by the Commission. Once approved, copies of the Commission Meeting Minutes are available on the Commission's website.

13. The Commission's Twentieth Report was laid in Parliament on 15 July 2021 and is available on the website.

Section Three

STANDARDS IN PUBLIC LIFE LEGISLATION (SPL)

14. Meeting with Legal Drafting Re: Amendments to SPL Act

Members spoke with Legislative Counsel via telephone on 16 September 2020 to clarify the Commission's response on one requested amendment. Once research has been conducted into the matter the Legislative Counsel will communicate again with the Commission.

15. Amendments to the SPL Act and SPL Regs

The Commission discussed the comments submitted by Members on 10 June 2021 to the proposed amendments to the Standards in Public Life ("the SPL") Act, and SPL Regulations. Members agreed on some amendments but were not able to finalise all changes within the time allotted. Members agreed to complete their discussion of all remaining comments at the next meeting.

Section Four

PROCUREMENT

16. The Commission did not consider any matters concerning procurement during this reporting session.

Section Five

REGISTER OF INTERESTS

17. Submissions of Declarations

Prior to the Commission's meeting of 16 February 2021, notes from Members' reviews of the Register were followed up on and as such, Members were updated on the responses and relevant decisions made. During the meeting Members reviewed several additional declarations and requested that correspondence be sent to one declarant to clarify a detail included in the declaration.

Public notices to candidates in the 2021 General Election reminding them to submit their declarations before submitting their nomination papers were placed on media websites and recorded as a PSA on Radio Cayman. Public notices to other persons who are required to submit annual declarations under the Act will be placed following the expiration of the timeframe in which candidates in the General Election are required to file to avoid confusion.

The Chairman approved the correspondence to the Attorney General's Office on the advice that was to be provided in relation to ascertaining enforcement measures for non-compliance, as well as additional clarification that was determined to be needed after discussing submissions of declarations.

18. Members' Declarations of Interest

Members discussed the Register of Interests ("RoI") and noted their legal obligations to file declarations to the RoI. Members were advised that they can submit their declarations to the Secretariat via email.

19. Legal Opinions

The Manager referred to legal opinions received by the previous Commission, regarding the RoI, and briefed Members on some of the public's feedback with filing declarations. The Commission noted the feedback and had no queries or comments.

20. Register of Interests E-Platform Demo

During a Commission meeting on 20 May 2021, Mr. Kapil Singh, Analyst/Programmer of the Computer Services Department, joined (via Zoom) to provide a demonstration to Members on the Commission's new online portal to submit declarations to the RoI, which is currently in progress. Members were able to ask questions during and after the demonstration. Overall, Members' feedback on the proposed online portal was positive. The portal is expected to launch prior to the next annual declaration period deadline in July 2021.

21. Review of Declaration of Interests Guidance Notes

Members discussed the correspondence of 19 February 2021 to the Attorney General's

("the AG's") Chambers following up on the advice that was to be provided in relation to ascertaining enforcement measures for non-compliance, as well as additional clarification that was determined to be needed after discussing submissions of declarations. Members agreed to continue following up with the AG's Chambers.

Members discussed their comments and concerns on the Declaration of Interests Guidance Notes/Instructions ("the Guidance Notes") based on recent updates and approved the suggested changes. The Secretariat revised the Guidance Notes/Instructions based on the Commission's feedback on 17 June 2021.

a. Members were informed that the online portal for submitting Declarations of Interests will be open on 21 June 2021. The Commission will be asked to participate in a small pilot project to ensure that the portal is working.

The Research Analyst added that the Secretariat had sought legal advice from the AG's Chambers, at the recommendation of Government's Chief Information Security Officer, to determine the viability of including a feature on the portal for ID verification. The

Secretariat received a detailed response from the AG's Chambers on 12 July 2021. Whilst the current timeline would not allow for the inclusion of the feature at this time it would still be considered for future inclusion.

b. Register of Interests 2021

The Commission was informed that Declarations of Interests forms are currently incoming.

The Secretariat is unaware of the number of forms received at present. To date, there have been no major issues with the online portal and all reports received from online portal users have been positive.

Section Six

CODE OF CONDUCT AND RELATED MATTERS

22. Ministerial Code of Conduct

The Commission agreed to approve further correspondence to the Cabinet Secretary seeking clarity regarding unaddressed comments, from the Commission, to the Ministerial Code of Conduct (the "Code"). It was also agreed to request the most recent version of the Code.

It was noted that the Commission had not yet received a response to its letter dated 15 December 2020 to the Premier in relation to the Commission's concerns by the delay in addressing and informing the public of any decision taken in relation to the Honourable Speaker's entering of guilty pleas on two counts of assault and on one count of disorderly conduct in his criminal trial. Notwithstanding the Proclamation by His Excellency the Governor to dissolve Parliament, given the gravity of the matter, the Commission agreed to follow up with a subsequent letter to the Premier expressing its dissatisfaction with the lack of response to its communication on the matter.

Additionally, the Chairman advised Members that correspondence was issued to the Hon. Premier on 16 June 2021 to enquire about the

status of the draft Code, its anticipated implementation and also extended an invitation to meet with the Commission to discuss its role in general and previous feedback on the Code. The Commission received from the Hon. Premier on 13 July 2021 with an invitation to the Commission to make a presentation in a Caucus meeting on 26 July 2021. Members agreed to accept the Hon. Premier's invitation and to prepare for the Caucus presentation.

23. CSPL Code of Conduct

Members were informed that the Commission's Code of Conduct (the "CoC") was developed shortly after the Commission was established in 2010. The Manager queried whether Members would like to revise the existing CoC. The Commission agreed to consider the CoC and revert with their feedback for the next meeting. To assist in the review the Secretariat will circulate a copy of the Council of Europe's Model Code of Conduct for Public Officials document as well as a copy of the CSPL's CoC for Persons in Public Life document in Word format.

Members discussed the CoC and agreed on various amendments. Members considered the addition of a remedial section to where contraventions of the CoC occur.

The Secretariat was requested to conduct research on the CoCs of other countries, such as the UK, to ascertain how this feature

functions elsewhere. The Secretariat will circulate its research to Members who will provide feedback via email.

Members reviewed the proposed amendments to the the CoC discussed at the last meeting and agreed to accept all changes. The Secretariat will revise the CoC accordingly and recirculate to Members via email.

Section Seven

CONFLICTS OF INTEREST

24. Correspondence related to Public Accounts Committee (the “PAC”) hearings

The Commission received correspondence from the Auditor General on 27 April 2021 regarding an active complaint received from the former Chairman of the Public Accounts Committee (“the PAC”) on 12 February 2021. The Commission issued correspondence to the relevant party involved on 2 July 2021 and awaits a response.

Section Eight

EDUCATION AND PUBLIC RELATIONS

25. CSPL Work Plan

Members were briefed on the concept of the Commission's Work Plan for 2021-2022 which will identify the main initiatives that the Commission wishes to focus on. In this regard, the Manager brought Members' attention to the Commission's Policies and Procedures Manual, which is currently in draft form and will need to be revised at some point in the future. Members agreed to consider the Commission's priorities for 2021-2022 and revert with their feedback at the next meeting.

26. Education for Justice

The Chairman of the Commission highlighted the United Nations Office on Drugs and Crime's ("UNODC") Education for Justice ("E4J") educational programme, as well as the work done in primary, secondary and tertiary schools in raising awareness of E4J by the previous Commission. Therefore, the Chairman proposed that the Commission's Work Plan emphasizes community and school outreach utilising the E4J materials.

Members were informed that work on the United Nations Office on Drugs and Crime's ("UNODC") Education For Justice ("E4J") educational programme will continue in January 2022 when

the Public Relations and Education Coordinator returns from maternity leave. Members were asked to think about additional subject areas that they would like the Commission to address in its Work Plan for further discussion.

Section Nine

COMPLAINTS

27. During this reporting period one complaints was submitted to the Commission which was detailed in Section Seven - Conflicts of Interest.

Section Ten

MOVING FORWARD

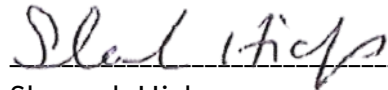
28. Over the next reporting period the Commission will continue to:
- a. finalise the draft SPL (Amendment) Bill, and Regulations;
 - b. facilitate any requests for viewing the Register of Interests;
 - c. monitor and handle matters related to the submission of declarations by persons in public life;
 - d. consider feedback on the new RoI online portal;
 - e. address any complaints received;
 - f. support the finalization of the Ministerial Code of Conduct and the development of a Parliamentary Code of Conduct; and
 - g. participate in any educational or public relations opportunities, as well as in local and regional cooperation efforts where possible.

For more information on the Commission for Standards in Public Life please visit www.standardsinpubliclifecommission.ky, e-mail info@standardsinpubliclifecommission.ky, connect with us <https://www.linkedin.com/company/commission-for-standards-in-public-life> or call 244-3685.

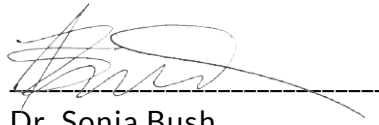
Dated this 13 day of September 2022.



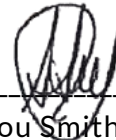
Rosie Whittaker-Myles
(Immediate Past Chairman)



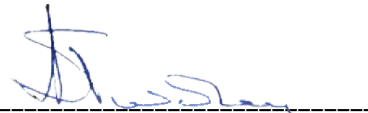
Sheenah Hislop
(Immediate Past Member)



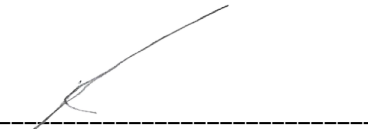
Dr. Sonia Bush



Isatou Smith



J. Rosalie Twohey



Richard Addlestone



Keith Blake

Section Eleven

APPENDIX

MEMBER BIOGRAPHIES



Mrs. Rosie Whittaker-Myles (Immediate Past Chairman)

is an attorney-at-law in private practice. She is a former partner in a medium-sized law firm as a member of the litigation team and has over 25 years' experience in civil and commercial litigation. Her wide range of expertise includes personal injury, employment, immigration, compulsory acquisition of land, trusts, wills, probate, (both contentious and non-contentious) and family law matters. She is a past Council Member for the Caymanian Bar Association. Mrs. Whittaker-Myles served as Chairperson of the Adoption Board and provided pro bono services for adoptions in the Cayman Islands for more than 13 years. She served on the Policy Legal Committee and the Implementation Planning Task Force for the Cayman Islands Older Persons Policy and is a member of the Disability Council for the Cayman Islands. She is a Legal Befriender, providing pro bono legal advice on all areas of Cayman Islands law. Mrs. Whittaker-Myles was appointed as Chairman effective 1 February 2015 for a four year term after which her appointment was renewed until 28 February 2021.



Ms. Sheenah Hislop (Immediate Past Member)

attended University in the United States and obtained her Bachelors of Science in Accounting in 1992. She returned to the Island to join the firm KPMG (formerly Peat, Marwick Mitchell). She pursued, and was successful, at obtaining the Certified Public Accountant designation. Continuing on in her career with KPMG, she is currently a Partner in their Alternative Investments Practice. Ms. Hislop is a member of the American Institute of Certified Public Accountants, the Illinois CPA Society & Foundation, the Arizona State Board of Accountancy and serves as Chairman of the Cayman Islands Institute of Professional Accountants (CIIPA) Education Committee and Member of CIIPA's Investigations Committee. Ms. Hislop was appointed as Treasurer and Member to the R3 Cayman Foundation in May 2020 and is also an active member of the St. Ignatius Parish. Ms. Hislop was appointed effective 1 February 2015 for a four year term after which her appointment was renewed until 28 February 2021.



Dr. Sonia Bush (Chairman)

Dr. Sonia Bush is an Attorney at Law in the Cayman Islands as the owner and sole practitioner of Sonia Bush and Associates Law. Sonia obtained a LLB (Hons) degree from the University of Liverpool, and she was trained by one of Cayman's top law firms. Additionally, Dr. Bush obtained a Bachelor's of Science Degree in International Finance, (BSc.), a Master of Business Administration Degree (MBA), a Master of Science Degree (MSc.), and a PhD in Management with a minor in Leadership. She also is a registered member of the Society of Trust and Estate Practitioners, and a designated Trust and Estate Practitioner ("TEP") since 2001.

Sonia was called to the Cayman Islands Bar in July 2009, and broadened her exposure to offshore trusts, while working as an attorney at law in Jersey, Channel Islands. Her areas of practice include Trust and Estate Planning, Business Formation, Company Incorporation, Intellectual Property including registration of Trademarks, Work Permits, Family Law, Residency, Guardianship, Wills, Probate and Administration and Real Estate. Sonia is also a Notary Public and provides this service from the Firm's office. In addition to practicing law, Sonia has worked over ten years in the financial industry in the Cayman Islands, in particular at offshore trust and banks as a Trust Account Manager.

Dr. Bush was appointed as Chairman effective 1 May 2021 for a four year term.



Ms. Isatou Smith (Member)

As Managing Director, Isatou oversees the operations of EisnerAmper Governance Services Ltd. Additionally, Isatou acts as director for investment funds including several sponsored by large global asset managers and performs certain compliance functions for investment entities. She has been active in the investment funds industry for over nineteen years and has significant regulatory and corporate governance experience with investment funds and their operations.

Prior to joining EisnerAmper Governance Services Ltd., Isatou acted as an independent director through Lainston International Management (Cayman) Ltd. (“Lainston”). At Lainston Isatou was responsible for business development, thought leadership publications and management of a portfolio of director and compliance clients. She was previously a Director at Intertrust Fund Services (Cayman) Limited (formerly Walkers Fund Services (Cayman) Limited (“Intertrust”)) where she also provided director services to a wide range of investment fund structures with varying investment strategies across multiple jurisdictions.

Prior to joining Intertrust, Isatou was employed by CIMA as a Senior Analyst with focus in the Investments and Securities Division. At CIMA she was instrumental in key regulatory developments and led a large team of Investments and Securities Analysts that were responsible for the on-going monitoring and regulation of investment funds, mutual fund administrators and securities investment business licensees.

Isatou holds a Bachelor of Law equivalent and Professional Practice Certificate with distinction from the Cayman Islands Law School and a Graduate Diploma in Law from BPP University in London, England. She also has a Master of Business Administration degree with a specialization in Finance from Northeastern University in Boston, Massachusetts. Isatou also received a Bachelor of Business Administration degree in International Business from James Madison University in Harrisonburg, Virginia. Isatou is a professionally accredited director with the Institute of Chartered Secretaries Canada (ICSA) and is also a member of the Association of Certified Anti- Money Laundering Specialists (ACAMS) and of the Cayman Islands Directors Association (CIDA).

Ms. Smith was appointed effective 1 November 2018 for a four year term.



Mrs. J. Rosalie Twohey (Member)

J. Rosalie Twohey recently took a hiatus from her post as Deputy Managing Director of Cainvest Bank and Trust Ltd in order to pursue a LLM from the University of Liverpool. Rosalie has also served as Head of Institutional and Accounting – Trust with the Bank of Butterfield, Financial Controller of Walkers Global Holdings Ltd and previously with Bank Austria Cayman Islands Ltd. In addition to her LLM, Rosalie possesses an MBA from the University of Liverpool and a BSc (Cum Laude) in Accounting from Howard University. Rosalie became a CPA in 1986.

Mrs. Twohey was appointed as a Member effective 1 May 2021 for a four year term.



Mr. Richard Addlestone (Member)

Richard Addlestone is Senior Counsel at Dart. He has almost thirty years of professional experience, the last eighteen of those being in Cayman working as a partner with Walkers, Appleby, and Bedell (formerly Solomon Harris). Whilst in private practice Mr. Addlestone focused primarily on private equity, investment funds, and transactional work with a secondary focus on banking and finance, as well as captive insurance and reinsurance. Prior to relocating to Cayman Mr. Addlestone practiced as an English solicitor at Paisner & Co (now Bryan Cave Leighton Paisner), LeBoeuf Lamb Greene & MacRae (subsequently, Dewey & LeBoeuf) and Denton Wilde Sapte (now Dentons).

Mr. Addlestone is a member of the Law Society of England and Wales, a past member of the executive of the Cayman branch of the Alternative Investment Management Association and a former member of the Financial Services Legislative Committee's Sub-Committee for the Companies Law. He was recently appointed to the Cayman Islands Attorneys Regulation Authority. During his professional career Mr. Addlestone was heavily involved in training Caymanian attorneys and educating Cayman school children about the legal world as part of a programme sponsored by the law firm he was working with, and with university students visiting from Elon University about how the Cayman Islands operates as an Offshore Financial Centre.

Throughout his time in the Cayman Islands he has participated in community charitable, cultural, and civic affairs ranging from financially supporting various bodies such as Red Cross, CCMI, the National Trust, the Queen Elizabeth II Botanic Park, the Cayman Islands Arts Festival, and others. He has played the violin with the Cayman Islands National Orchestra and other musical ensembles for charitable fundraising events, delivered meals for Meals on Wheels, and volunteered in lionfish culls in Little Cayman, and for the Sister Islands Rock Iguana Preservation Programme.

Mr. Addlestone was appointed as a Member effective 1 May 2021 for a four year term.



Mr. Keith Blake (Member)

Keith Blake is a Senior Director with Alvarez & Marsal, based in the Cayman Islands. He has more than 30 years of insolvency and restructuring experience, including the last 21 years working in the Cayman Islands. After leaving school, Mr. Blake spent 10 years at NatWest Bank in the U.K., with the last 18 months of that time working in the bank's Insolvency and Debt Recovery department in London. In 1990 Mr. Blake joined KPMG in London, spending nine years working on the liquidations of a number of banks, including several that had previously traded in the secondary market of Latin American sovereign-backed debt.

Drawing upon this experience, Mr. Blake moved to KPMG in the Cayman Islands in January 2000 to assist in liquidating the Cayman and British Virgin Islands (BVI) subsidiaries of one of the (at the time) largest Brazilian international banks. Staying in the Cayman Islands, Mr. Blake continued to work at KPMG taking many appointments as Joint Voluntary Liquidator of Cayman hedge funds and other entities. In addition, Mr. Blake played a significant role as one of the Joint Receivers of the underlying companies of a major Seven Mile Beach hotel and resort that went through a financial restructuring in 2012. More recently, Mr. Blake has been appointed by the Grand Court of the Cayman Islands as an Interim Administrator over a deceased person's estate. He has also acted as a Controller appointed by Cayman Islands Monetary Authority (CIMA) under the Cayman Islands Mutual Funds Law. Mr. Blake is a Notary Public.

Mr. Blake was appointed as a Member effective 1 May 2021 for a four year term.



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