



Legislature of the Virgin Islands

COMMITTEE on ETHICAL CONDUCT

Capitol Building, Charlotte Amalie, VI 00804 • 3022 Golden Rock, Christiansted, VI 00820

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Milton E. Potter
Chairperson

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Dwayne M. DeGraff
Member

October 07, 2021

The Honorable Marvin A. Blyden
Majority Leader
Legislature of the Virgin Islands
Capitol Building
P.O. Box 1690
Charlotte Amalie, U.S.V.I. 00804

STATEMENT OF ALLEGED VIOLATIONS:

Dear Senator Blyden:

You are hereby formally advised that pursuant to Rule 810(j) of the Rules of the 34TH Legislature, the Committee on Ethical Conduct of the 34TH Legislature met for a preliminary inquiry hearing in which after reviewing the evidence before it and your written statement, dated September 30, 2021, in response to the complaint and found that there is probable cause that you violated the standards of conduct as set forth in the charges and specifications below:

CHARGE I: RULE 801. CODE OF ETHICAL CONDUCT – A Senator or employee of the Legislature shall conduct him/herself at all times in a manner that reflects respectfully on the Legislature of the Virgin Islands.

Specification I: That on or about Tuesday, September 14, 2021, while at the Capitol Building on St. Thomas, VI you were required to take a COVID-19 rapid test issued by the Legislature prior to participating in Committee of the Whole on that day. After testing yourself at the Legislature on September 14, 2021, you told Assistant Director Marisel Castor that your test results were positive. Therefore, by your own admission, you tested “positive” for COVID-19. Further, as a result of your “positive” test results, you participated in Committee of the Whole remotely.

As per your written statement in response to the allegations against you, you admitted that this was true.

Statement of Alleged Violations

Re: Senator Marvin A. Blyden

Page 2 of 6

Specification II: That on or about Tuesday, September 14, 2021, after receiving a “positive” rapid COVID-19 test result at the Capitol Building on St. Thomas, VI you proceeded to the Department of Health to take another COVID-19 test which also produced a “positive” result: this information you voluntarily shared on or about Friday, September 17, 2021.

In your written statement, dated September 30, 2021, in response to the complaint filed against you, dated September 21, 2021, you admitted that you tested positive twice for COVID-19.

Notation –

Violation of Centers for Disease Control (CDC), Department of Health & Legislature Protocols:

Based on your “positive” COVID-19 test results, CDC, Department of Health and the Legislature’s COVID-19 protocols required you to quarantine for 10 days. However, on or about Saturday, September 18, 2021 you were present at a public event (at Tillett Gardens) and it was later determined that you were out in public without clearance from the Department of Health, where there were approximately 70 persons in attendance.

By your own admission, you were in attendance on Saturday, September 18, 2021, and attended based on your own determination that you tested “negative” using a home self-test kit – yet you were not cleared as per CDC and Department of Health protocols.

CHARGE II: RULE 811(a). DECORUM – Each senator shall conduct himself or herself at all times, including during sessions of the Legislature and meetings of its committees, in a manner complimentary to the Senate and with dignity and respect for the high office which the Senator holds.

Specification I: Your violation of the CDC, Department of Health, and the Legislature’s COVID-19 protocols by failing to self-quarantine for 10 days and appearing in public at Tillett Gardens on September 18, 2021, showed disrespect for the high offices of Senator and Majority Leader; was uncomplimentary to the Legislature and were not in the spirit and letter of the Rules of the Legislature and constituted conduct that brings disgrace upon the good name of the Legislature.

Specification II: That by your attendance at Tillett Gardens on or about Saturday, September 18, 2021, knowingly violating CDC and Department of Health protocols, caused the Commissioner of Health to issue a written home isolation (quarantine) order, dated September 20, 2021.

Specification III: That by your attendance at Tillett Gardens on or about Saturday, September 18, 2021, knowingly violating CDC and Department of Health protocols, your judgment was poor which caused you to issue a public apology through a press release, dated September 20, 2021.

CHARGE III: VIOLETION OF OATH OF OFFICE – RULE 102(a) of the Rules of the 34TH Legislature requires each senator to take an oath of office. Under RULE 102(c) the oath of office is as follows: “I do solemnly swear (or affirm) that I will support, obey and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully and impartially discharge the duties of senator with fidelity.” RULE 102(d) requires each member taking an Oath of Office to sign a copy of the Oath after having taken it.

Specification I: The Legislature’s records evince that you signed the Oath of Office on January 11, 2021. Under the Oath of Office, you took and signed, you swore to obey the Constitution, the laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands.

Specification II: Title 19, sections 1 and 2 of the Virgin Islands Code authorizes the Commissioner of the Department of Health to prescribe the procedure to be followed by any person suffering from a communicable disease, including providing for quarantine or isolation of the patient, of any persons who have been exposed to the patient, and therefore, liable to have contracted the disease, and to provide for any other matter or procedure in the protection of the public.

Pursuant to her authority under Title 19, sections 1 and 2 of the V.I. Code, attendant regulations, and executive orders issued by the Governor of the Virgin Islands pursuant to 23 V.I.C. § 1005 to stop the spread of the COVID-19 pandemic, the Commissioner of Health issued procedures and mandates for the control of the COVID-19, including requirements for quarantine of those infected with the virus. Moreover, the Legislature of the Virgin Islands enacted legislation, 14 V.I.C. § 886, to prohibit and make it unlawful for any person to willfully expose himself or another afflicted with any contagious or infectious disease in any public place.

Specification III: By willfully appearing at a public gathering after having received a positive COVID-19 test and not having been released by the Department of Health, you unreasonably exposed the citizens you are supposed to serve with fidelity to unreasonable risks of contracting COVID-19 in violation of applicable law, thereby violating your oath to obey the law, and therefore you violated the standards of ethical conduct.

Specification IV: That based on your "positive" COVID-19 status, you should have been quarantined for at-least 10 days as per CDC and Department of Health protocols; however, on or about Saturday, September 18, 2021 you were present at a public event (at Tillett Gardens) where there were approximately 70 persons in attendance.

By admission of your actions surrounding this matter, you clearly understand that your actions did in fact invoke emotions of fear in the community. As a senator, you are expected to preserve and protect the integrity of the Institution so that it remains a strong, and co-equal branch of government. To work well, government requires a bond of *trust* between the citizens we serve and ourselves as their representatives; additionally, your conduct is considered prejudicial to the good order and efficiency of the Institution.

Again, your Oath of Office to "...support, obey, and defend the constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands..." has been brought into question. Further, you swore to an oath to "faithfully and impartially discharge the duties of senator of the 34th Legislature of the Virgin Islands with *fidelity*..."

Pursuant to Rule 810(l) of the Rules of the 34TH Legislature, you may file an answer to this Statement of Alleged Violations not later than 20 days after you receive this notice. During this time, you may inspect, copy, or photograph books, papers, documents, photographs or other tangible objects that relate to the allegations in the complaint, pursuant to RULE 810(k).

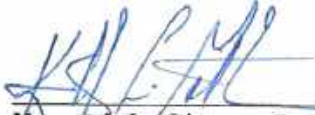
Upon receipt of your answer, if any, or upon the expiration of the 20-day period, the Committee will schedule a disciplinary hearing to adjudicate whether you have violated the standards of conduct. In the notice of that hearing, the procedures to be followed will be explained to you.

Sincerely,



Milton E. Potter, Senator
Chairman, Committee on Ethical Conduct

ATTEST BY:

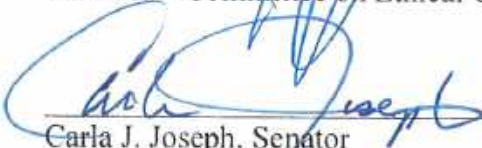


Kenneth L. Gittens, Senator
Vice Chairman – Committee on Ethical Conduct

ACKNOWLEDGED BY:



Dwayne M. DeGraff, Senator
Member – Committee on Ethical Conduct



Carla J. Joseph, Senator
Member – Committee on Ethical Conduct



Kurt A. Violet, Senator
Member – Committee on Ethical Conduct

RESPONDENT:

Received by: [Signature] Date: 10/08/21 Time: 3:09 PM
Served by: [Signature] Date: 10/8/21 Time: 3:10 PM
Witnessed by: [Signature] Date: 10-8-21 Time: 3:10 PM

pc: The Honorable Donna M. Frett-Gregory, Senate President
The Honorable Novelle E. Francis, Jr., Senate Vice President
The Honorable Genevieve R. Whitaker, Senate Secretary
Ms. Kurell Hodge, JD., Executive Director
Attorney Yvonne Tharpes, Acting Chief Legal Counsel
Mr. Norman Edwards, Human Resources Director
