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GVI Sues Mon Ethos Over Alleged Breach of Contract and Data Mishandling Amid Federal Investigation

GVI seeks temporary restraining order and damages for alleged breach of contract and data mishandling as federal investigation into VIPD dealings with Mon Ethos unfolds; CEO cites lack of payment disrupting operations

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Mon Ethos Pro Support CEO David Whitaker. By. LINKEDIN

The Government of the Virgin Islands has taken legal action against Mon Ethos Pro Support (MEPSVI), seeking a temporary restraining order and other remedies. The lawsuit aims to address issues stemming from an alleged breach of contract and statutory violations by Mon Ethos in its services agreement with the V.I. Police Department.

Dealings with Mon Ethos and its CEO, David Whitaker, is what led to the resignations of [former Police Commissioner Ray Martinez](#), and [former Office of Management & Budget Director, Jenifer O'Neal](#). Both individuals had their devices seized by federal agents in connection with an investigation into government corruption. Investigators typically need a search warrant to seize a phone, which requires showing probable cause that the phone contains evidence of a crime. The warrant must also be approved by a judge.

Mr. Martinez said he was served a target letter, and federal investigators requested documents from Ms. O'Neal in connection with their investigation. Calvert White, Dept. of Sports, Parks and Recreation commissioner, [also had his cellphone seized](#) and was asked to provide documents.

Mon Ethos provided data extraction and forensic analysis services for the VIPD, playing a vital role in ongoing criminal investigations. Their work included handling sensitive evidence, extracting data from electronic devices such as cellphones, and ensuring the integrity of this data for use in court.

The GVI alleges that Mon Ethos has failed to meet its contractual obligations and has mishandled sensitive data. According to the complaint, Mon Ethos has not only failed to return VIPD property but also risks deleting or altering crucial data. The GVI's TRO compels Mon Ethos to return all VIPD property immediately. Additionally, the government is pursuing damages for breach of contract and violations of statutory duties, as well as legal fees and costs associated with the litigation.

The memorandum supporting the TRO underscores the urgency of the situation. The GVI states, "Immediate intervention by this Court is necessary to protect the integrity of VIPD's data and to ensure the return of its property." The government contends that Mon Ethos's actions have placed VIPD operations at risk, and therefore requires a swift judicial remedy.

However, documents and email exchanges between MEPSVI officials and Virgin Islands government representatives, obtained by the Consortium, tell a more complex story. The communications reveal that MEPSVI has made consistent efforts to resolve issues, including attempting to transfer data to VIPD and seeking overdue payments.

In addition to the communications, a letter from MEPSVI's attorney to VIPD's legal counsel, dated June 27, 2024, further clarifies the company's position. The letter details MEPSVI's compliance with contract terms and it requested an expedited resolution to the payment issues.

The VIPD, however, raised concerns about the validity of the invoices submitted by MEPSVI. In several correspondences, VIPD officials have requested proof of work completed, challenging the accuracy of the billing. In a message dated June 17, 2024, Acting Commissioner Brooks stated, "We need to see detailed documentation of the work claimed to have been completed under these invoices. Until such proof is provided, the payments cannot be processed."

MEPSVI responded by providing documentation and insisting that all work billed had been duly completed.

Meanwhile Mon Ethos, which hired high-profile individuals such as attorneys general and former Property & Procurement Commissioner, Anthony Thomas, has been under severe financial strain and has been unable to pay employees. Mr. Whitaker, who up until the weekend was not returning attempts made by the Consortium to reach him, confirmed that the company was under financial duress. "The government hasn't paid us and we haven't been able to pay them," said Mr. Whitaker in a rare response. Pressed on matters related to the federal investigations into Mr. Martinez, Ms.

O'Neal and Mr. White, he declined to comment.

Mr. Whitaker maintains that Mon Ethos — which also had a contract with the V.I. Department of Education — is a reputable company with dedicated employees who will eventually be paid.

The GVI's lawsuit, seen [here](#), seeks several remedies from the court, including a temporary restraining order and preliminary injunction to prevent Mon Ethos from deleting or altering any data related to the VIPD, an order compelling Mon Ethos to return all VIPD property immediately, damages for breach of contract and violations of statutory duties, and legal fees and costs associated with the litigation.

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