

The Virgin Islands Consortium

Deal Reached, Order Signed By Judge, But Department Of Justice Dragging Out Process

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ST. THOMAS -- A deal that saw [all charges of embezzlement being dropped](#) against former Governor John P. de Jongh in regards to public monies expended to facilitate repairs as his personal residence while governor, was reached recently, after Mr. de Jongh agreed to a lump-sum payment higher than his original offer of just over \$200,000.

But the Department of Justice is dragging its feet on the matter, forcing Mr. de Jongh to file an emergency motion to enforce the settlement agreement.

The charges were dropped with prejudice; which means they were dismissed permanently, and Governor de Jongh issued a statement following the agreement,

thanking residents who elected him twice to the highest office of the land.

"I would like to thank our community for the heartfelt support that has been expressed to me and my family during this period, as it has shown the best of what we have to offer to each other," said the former governor.

Mr. de Jongh signed the agreement on January 14, and Assistant Attorney General Quincy McRae, chief of the Criminal Division, signed on behalf of the Department of Justice. But the following day Mr. de Jongh received an email from Mr. McRae stating that the charges would be dropped as soon as the check had cleared, which it did -- yet DOJ had not acted in accordance with the agreement already established.

But even if DOJ continues to stall the process, the judge's order to enforce settlement must be adhered to according to law, and the department will eventually have to comply.

The settlement came at a high cost for Mr. de Jongh, as he had to pay the Government of the Virgin Islands some \$380,000 to settle the dispute, which is over \$170,000 more than he initially agreed to reimburse. After the Mapp administration [rejected the first offer](#), Mr. de Jongh, along with Julito Francis, former director of the Virgin Islands Public Finance Authority, were arrested.

"With the inclusion of the added amount for the unwanted guardhouse, the payment of \$380,000 was agreed to in order to facilitate the final resolution of this matter without further legal proceedings," reads the statement Mr. de Jongh issued on Friday afternoon.

The former chief executive took office in 2007, but instead of living at the governor's mansion in Estate Catherineberg, he chose to reside at his private residence — where Public Works spent over \$490,000 erecting a fence, building a guard house and installing a camera system. The project was given the green light after Public Works sought and received an opinion from the V.I. Attorney General's office, stating it was permissible to move ahead with the work once public interest was served and was the main reason for the expense.

But in 2010, the U.S. Interior Department inspector general's office concluded in a report that the renovations of Mr. de Jongh's private home with public funds, "usurped the Legislature's authority to determine how to spend public funds," and should be returned.

In his public statement issued in August, 2015, however, the governor recalled his version of the events that lead to him moving into his private home while serving as governor of the Virgin Islands.

"I was advised that to renovate Estate Catharineberg for a family would require well over a year of construction at an estimated cost in excess of \$1.5 million... I also was informed that the estimated annual housing expenses to be incurred at Catharineberg would be \$80,000 per year, which over the course of my eight year tenure as your governor would have cost upwards of \$640,000.

"Simply put, the costs associated with moving my family into Catharineberg would have meant an expenditure in excess of \$2.1 million of taxpayer money. I did not consider the cost for such major renovations to the property, or the additional annual costs associated to be appropriate. And so I decided to remain at my personal residence," said the former

governor.

He added: "As I approached the end of my second term as governor, the Department of Property and Procurement completed the established process for obtaining appraisals or valuations for public purposes. The amount reimbursed was based on the averaging of the appraised values presented by three independent, licensed appraisers commissioned by the Department of Property and Procurement. The value of the security measures was determined to be \$222,631.60, and I accepted the valuation."

Mr. De jongh also noted the dilemma faced by every governor as it relates to housing, and said if the issue was not addressed through the political process, the reoccurring problem will perpetuate.

"This will also confront future governors unless a solution is attained through the political process, how and where the community decides it wishes to house and protect our Governor is a matter of public policy," Mr. de Jongh said. "Whether to house the Governor at a government-owned residence or have the decision made on a case-by-case basis following each election, the decision should not be a matter of partisan politics for anyone elected to serve as governor. I trust that the community will soon determine a housing policy for the future."

Indeed, Governor Kenneth Mapp has faced his own housing difficulties, and was [forced to vacate](#) the Estate Nazareth mansion that he resided in for several months, costing the GVI over \$100,000. And Mr. Mapp has been criticized for [living in expensive hotels](#) after declaring the territory to be [on the brink of financial collapse](#) in early 2015, while delivering his first State of the Territory Address.

Even so, the territory's leader told The Consortium recently that [those were trivial matters](#) , and recounted the gains the territory has seen under his reign. Mr. Mapp said big announcements were to come at his second State of the Territory Address, set for Monday, January 25.