

The Virgin Islands Consortium

AG Moves To Complete De Jongh/DOJ Deal; Blames Delay On Absence Of Lead Prosecutor

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ST. THOMAS -- The Department of Justice [obeyed a court order](#) and filed a [motion](#) in the Superior Court of the Virgin Islands today seeking the dismissal with prejudice of all charges that had been brought against former Governor John P. de Jongh. Attorney General Claude Walker, in a press conference this morning here, said the delay in filing the motion -- even after Mr. de Jongh had paid the required \$380,000 that the deal called for -- was due to the DOJ's Lead Prosecutor, Attorney Quincy McRae, being off island.

At the press conference, Mr. Walker said the deal was negotiated in an effort to bring closure to the matter.

Mr. de Jongh and former Virgin Islands Director of Finance Julito Francis were charged with two counts of embezzlement of public monies, and neglecting to pay over public monies in violation of Virgin Islands criminal code [in September, 2015](#).

Along with the \$380,000, Mr. de Jongh returned to the Government of the Virgin Islands an electronic security system currently being used by Governor Kenneth Mapp's executive security, that was installed at Mr. de Jongh's residence, and is valued at \$75,000. When the cost of the security system is added to the \$380,000 sum, the amounts totals to \$455,000. Mr. Walker used the latest figure to bolster the DOJ's efforts as coming close to the \$490,000 that was expended on Mr. de Jongh's residence, but said the government forgave the remaining \$35,000, because "in the past, other governors have used public funds for security upgrades at their private residences."

Pressed on why other governor's hadn't received the same treatment that Mr. de Jongh had endured, Mr. Walker said charges were brought against a previous governor for using public funds without the authority of law, "and the funds had to be returned." He also noted the nature of Mr. de Jongh's situation as much different than former offenders.

He added: "This criminal case, however, should make clear to all governors and public officials in the Virgin Islands that if funds are taken out of the Virgin Islands treasury without the authority of all, or without appropriation from the Virgin Islands Legislature, that they should expect this type of action or a similar action to recover those funds. Because, after all, the funds in the treasury belong to the people of the Virgin Islands. It is the people's money."

Following the press conference, Gordon Rhea, Mr. de Jongh's attorney, issued a state. It reads:

"Former Governor John P. de Jongh, Jr. today confirmed that the Government has filed a motion in the Superior Court of the Virgin Islands seeking the dismissal with prejudice of all of the charges that had been brought against him. This action was taken pursuant to an agreement entered into with the Government dated January 15, 2016.

"The former Governor has paid to the Government, as he has always committed to do, the fair market value of the security improvements that were constructed on his property that will remain on the property. To reach this resolution, he agreed to keep a guard house that was to have been demolished and removed from his property.

"As this matter draws to a close, the former Governor wishes to again express his sincere gratitude to the Virgin Islands community which has twice elected him Governor for the heartfelt support that has been expressed to him and his family during this long and unfortunate period."

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.