

The Virgin Islands Consortium

DeGazon Is Qualified To Run For Senate, Attorney General Concludes

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ST. CROIX -- Attorney General Claude Walker, in a response to an August 16 correspondence from Supervisor of Elections Caroline Fawkes, who furnished relevant documents to Mr. Walker's office and sought an opinion on whether candidate for Senate Allison DeGazon had met the qualifications necessary to run for a seat in the 33rd Legislature of the Virgin Islands, said based on the documents provided to his office, Ms. DeGazon is indeed qualified to run for Senate.

An attorney general's opinion is often sought where such matters are concerned, and the office's conclusion carries weight. It is to be noted, however, that such opinions have been challenged in the past.

"Yes, based on the contents of the August 16, 2018 letter addressed to your attention, along with the supporting documents provided, candidate DeGazon is a bona fide resident of the Virgin Islands and qualified to run in the 2018 general election," Mr. Walker wrote.

Mrs. Fawkes's office on or about August 2 received a letter that questioned the eligibility of Ms. DeGazon to run for office in the territory, while listed as a registered agent for a business called Business Strategies VI, LLC, registered in Georgia.

Citing the Revised Organic Act (ROA), Mr. Walker quoted Section 6 (b), which reads: *"No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-one years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights."*

Mr. Walker said the territory's Supreme Court has made it "abundantly clear that the test for bona fide residency in the Virgin Islands, for purposes of section 6 of the ROA, is domicile."

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He referred to *Fawkes v. Sarauw*, 66 V.L 237, 249 (V.I. 2017), which states, "The appropriate test to determine whether one is a bona fide resident for purposes of section 6(b) of the Revised Organic Act is the same as the test to determine whether one is domiciled in the Virgin Islands."

The attorney general added that in order for Ms. DeGazon to be considered domiciled in the USVI, she must have both a physical presence within the territory along with an intent to remain. To prove this, such factors that may be considered include: social, family, and professional relationships, as well as the individual's own representations, Mr. Walker said.

"According to the letter provided by Candidate DeGazon, as well as other documentation that she provided, she registered to vote in the Virgin Islands on November 16, 2010, and obtained a V.I. Driver's License on January 27, 2011. She received a MBA from the University of the Virgin Islands in 2014 and is presently pursuing a doctorate from UVI's Creative Leadership and Change PhD program. Between 2012 through 2017, Candidate DeGazon was employed by the Virgin Islands Department of Labor and the Virgin Islands Territorial Management Agency. Candidate DeGazon further submitted redacted tax return transcripts for 2013 through 2016 tax years and a June 27, 2018 Request for an Extension of Time to file her 2017 tax return," Mr. Walker wrote.

He added, "Candidate DeGazon represented that she founded Cruzan Organix Farm, Inc., and Business Strategies, Inc., in 2014, and she provided evidence of the 2017 business license for each business issued by the Virgin Islands Department of Licensing and Consumer Affairs. The mailing address for Cruzan Organix matches that for Business Strategies for which Candidate DeGazon serves as the resident agent. Given

the totality of the information provided, her personal history, work background and business ventures, Candidate DeGazon satisfies the bona fide resident standard set forth under the ROA. Candidate DeGazon has provided sufficient evidence to conclude that she meets the candidacy requirements to participate in the 2018 Virgin Islands General Election."

Mr. Walker concluded by stating in the opinion that Ms. DeGazon "has demonstrated the requisite requirements, as presented in her August 16, 2018, letter, as well as, through other documentation that she addressed to Supervisor Fawkes of the Virgin Islands Election System, to be considered a bona fide resident of the Virgin Islands for purposes of qualifying as a senatorial candidate for the 2018 Virgin Islands General Election."

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