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Government Renews No-Bid \$70,000 Contract for Attorney General's Daughter to Attract Visitors to USVI

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Kmisha Victoria Counts By. INSTAGRAM

The government of the Virgin Islands has renewed for another year a \$70,000 no-bid contract for Kmisha Victoria Counts, the daughter of V.I. Attorney General Denise George, to "represent the USVI as a tourism destination and to increase tourism and travel to the territory from various target market regions in the Continental United States."

The original contract [invited controversy](#) for a number of reasons. For one, the contract was awarded when the world was at the height of the coronavirus pandemic and countries were dissuading travel, or restricting tourism in other ways in an effort to minimize spread of Covid-19.

The [contract](#) on P&P, which does not outline a clear directive aside from the short description of attracting visitors to the territory, also had to receive a number of signatures before being approved, including a signature from the Dept. of Justice, led by Ms. George, a situation that created an immediate appearance of impropriety even though someone else at D.O.J., Assistant Attorney General Carol McDonald, approved the deal by signing the contract. The contract was also signed by P&P Commissioner Anthony Thomas and Dept. of Tourism Commissioner Joseph Boschulte.

The [second-year renewal](#) only needed the signatures of Mr. Boschulte, Mr. Thomas, and Ms. Counts. Its start date was June 1, 2021, and it expires on June 1, 2022.

When the original contract was executed on June 1, 2020, it was not clear why the Government of the Virgin Islands approved a \$70,000 sales representative contract to attract visitors to the USVI at the height of a global pandemic. Further unclear at the time was what the sales rep was able to accomplish when much of America was shut down. In California, where Ms. Counts resides, [the state was on lockdown on June 1, 2020](#), the day Ms. Counts's contract with the Dept. of Tourism was executed. And California — which has had some of the most stringent Covid-19 restrictions — remained in various forms of lockdown for months.

The original contract came at a time when countries were curtailing travel to their destinations. [In March 2020](#), Mr. Bryan ordered occupancy businesses to stop accepting reservations. Bookings were eventually reopened, but were [shutdown again](#) in August following another of multiple outbreaks in 2020 in the territory.

In a statement Tuesday, Mr. Boschulte told the Consortium that the department looks forward to continuing its work with Ms. Counts. He also said young and gifted Virgin Islanders should be supported. "Counts, a California-based sales representative for the Department of Tourism, has been part of the USVI Tourism team that has successfully engaged with travel partners to drive business to our destination throughout the pandemic," the commissioner said. "Boosting sales and marketing efforts during the pandemic has proven to be a winning tactic for the Territory, which benefited from an unprecedented quantity of airlift, new routes, and strong visitor arrivals and expenditures since the start of the 2020/2021 winter season."

He added, "Ms. Counts, who has had a relationship with the Department of Tourism predating the current administration, has been busy over the past year helping to stimulate business for the destination, and we look forward to continuing working with her for another year as we strengthen our sales, marketing and film development strategy in an increasingly competitive environment. As a community, we should all seek to uplift and support our young and gifted Virgin Islands and Caribbean professionals as they contribute to the growth and development of our Territory whether they are at home or abroad."

The commissioner did not provide a metric relative to whether return on investment was achieved as part of the original contract to justify a renewal, or any other gauging data that encouraged the renewal for what now amounts to \$140,000 in two years.

In the Consortium's [original story](#) on the matter, Mr. Boschulte said Ms. Counts was given the no-bid contract because of her "great personality," and because she "is young and energetic." He added that such traits are what D.O.T. needs when attempting to attract people to the USVI. "Tourism is a people business; one of the most important traits is your personality and whether you like people and you could sell the territory to prospective visitors," Mr. Boschulte said in March. He said Ms. Counts went through an orientation process with the department.

The tourism commissioner said no request for proposal went out for the sales representative position. "It was a personnel move," he said, adding that D.O.T. had ended contracts with its sales representatives following the passage of Hurricanes Irma and Maria in 2017, and the department has since decided to hire new individuals.

Mr. Boschulte said D.O.T. was attempting to capitalize on a trend that sees young, mostly African American travelers visiting the USVI, between the ages of 27-33. In March, the commissioner said D.O.T. planned on hiring five new salespeople in total.

The contract on the P&P website did not include scope of work. Mr. Boschulte provided the Consortium with a [scope of work document](#) that he said Ms. Counts must follow. The document is a general guideline D.O.T. provides its sales reps and was not specific to Ms. Counts. In fact, the document does not include mid-west states as a target area, which Mr. Boschulte said is the region Ms. Counts will be covering.

Mr. Boschulte said Ms. Counts has been submitting monthly reports. Asked to see the reports in March, he said the department would not provide the reports as they may include trade secrets.

Asked whether he knew Ms. Counts was the daughter of the attorney general, Mr. Boschulte said he did. "I knew that the attorney general was her mother, but she didn't influence our decision," he said.

Mr. Thomas, the P&P commissioner, told the Consortium in March that once the contract is on the P&P website, it was thoroughly vetted by his office. "A contract becomes valid when I sign it; they call it an execute," Mr. Thomas said. He said his attorney and assistant commissioner of procurement are the ones who "validate the consistency of the contract as it relates to the policies or the laws of the Virgin Islands."

"That is further supported by the evaluation of the Office of the Attorney General," Mr. Thomas said. "So when a contract becomes valid in all its forms then it's consistent with Virgin Islands law."

He later added, "If the contract has on my signature then the contract is a public contract, it is one of the contracts we reviewed for acceptable content and for services to be rendered to the government through the Dept. of Tourism."

Mr. Thomas said he did not know Ms. Counts was the daughter of A.G. George at the time of the original contract's execution.

The Consortium asked Ms. George in March whether she saw any ethical issues, including conflict of interest arising from the contract as her daughter is the subject of the contract which had to be approved or denied by the Office of the Attorney General. Ms. George said she saw no conflict of interest as per VI law.

"No. If you examined V.I. conflict of interest laws, you would clearly see that this does not constitute a conflict of interest. This Division of Tourism contract, as other government contracts, was reviewed and approved for legal sufficiency by my office, which review is required by law for all executive branch agency contracts, without my involvement or input," she said. "As it pertains to contracts, V.I. conflict of interest law prohibits a public official or an employee from" being financially interested in any contract made or negotiated by him in his official capacity, or by any public agency of which he is a member." The contract does not violate VI law or any ethical issues as the contract is with Tourism and negotiated with Tourism and my adult daughter,

not the DOJ or AG. This contract, as all government contracts, are posted on the Property and Procurement website, transparent, and available for anyone to review."

Asked in March whether she had any conversations with anyone/staff at the Dept. of Tourism about the contract, Ms. George did not respond to the question, though she responded to another asked in the same email.

Ms. George further stated that her daughter has done business with the Dept. of Tourism in the past, including what she said was an agreement similar to Ms. Counts's current contract that did not come to fruition in 2017 because of the storms.

Governor Albert Bryan told the Consortium in March that he had no knowledge of the contract. He did, however, state that general contracts are reviewed by the solicitor general, not the attorney general. The solicitor general, however, serves at the pleasure of the attorney general.

DOJ Statute

3 V.I.C. § 112

The Department shall be administered under the supervision and direction of the Attorney General.

3 V.I.C. § 114

(4) to investigate violations of the laws of the Virgin Islands for which the executive branch of the Government of the United States Virgin Islands may invoke penalties, fines or forfeitures, or deny, suspend or revoke licenses, and to initiate and conduct appropriate proceedings in relation thereto;

(7) to furnish legal advice to the Governor and all executive departments, boards, commissions, agencies, instrumentalities and officers of the Government of the United States Virgin Islands, concerning any matter arising in connection with the exercise of their official powers and duties, and to supervise and direct the legal business of every executive department, board, commission, agency, instrumentality and officer of the said Government.

The attorney general, according to statute, must supervise and direct the legal business of every agency, department and other instrumentalities. All other agency lawyers in the government are under the attorney general.

Said the governor, "Our procurement system is a multi-layered, check and balance system that reduces malintent. Every contract is reviewed by at least three lawyers in three separate departments before getting to Gov't House, where it is reviewed again by my legal team." A contract that is less than \$1 million does not need the governor's signature, Mr. Thomas told the Consortium, which was corroborated by Mr. Bryan.

On her Facebook page, Ms. Counts identifies as a recording artist, songwriter and actress. At the time of our first story on the matter, the Consortium reached out to Ms. Counts for comment but did not hear back.

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